

ORDINANCE

AN ORDINANCE AMENDING SECTION 15.04.010 OF THE CITY OF MANITOU SPRINGS MUNICIPAL CODE REGARDING AMENDMENTS TO THE 2011 PIKES PEAK REGIONAL BUILDING CODE REGARDING HISTORIC STRUCTURE EXEMPTION

WHEREAS, the City desires to exclude locally designated historic structures from the definition of substantial improvements under Section RBC 313.6 of the Pikes Peak Regional Building Code (“Building Code”), adopted by the City in Section 15.04.010 of the Manitou Springs Municipal Code (“Code”); and

WHEREAS, the exclusion of locally designated historic structures from this definition will allow historic structures significantly damaged and requiring reconstruction from the applicability of the floodplain regulations contained in the Building Code and ensure that the structures’ historic characteristics may be maintained.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 15.04.010 “Adoption – Modifications” is amended as follows to add a new subsection B:

A. The 2011 Edition of the Pikes Peak Regional Building Code is adopted by reference pursuant to Section 5.11 of the City Charter and shall have the same force and effect as though it were set out in its entirety in this Chapter, with amendments subsequently adopted by the City.

B. The 2011 Edition of Pikes Peak Regional Building Code is amended as follows:

1. Section RBC 313.6, Definitions, is amended to add the following definition:

HISTORIC STRUCTURE means any structure that is:

- i. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior or
- b. Directly by the Secretary of the Interior in states without approved programs.

2. Section RBC 313.6, Definitions, **SUBSTANTIAL IMPROVEMENT** is amended to read as follows:

SUBSTANTIAL IMPROVEMENT Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, before the improvement is started. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or an alteration of a “historic structure”, provided that the alternation will not preclude the structures’ continued designation as a “historic structure”.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 21st day of March 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the April 4, 2017 City Council meeting. The meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: March 23, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by City Council this 4th day of April, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: April 6, 2017 (in full)
City's Official Website and City Hall