

ORDINANCE

AN ORDINANCE AMENDING SECTION 18.60.010 OF THE MUNICIPAL CODE OF THE CITY OF MANITOU SPRINGS, COLORADO, REGARDING THE DEFINITION OF ACCESSORY STRUCTURES IN RESIDENTIAL AND COMMERCIAL ZONES; AMENDING SECTION 18.08.010 REGARDING REGULATIONS FOR ACCESSORY STRUCTURES; AND AMENDING SECTION 12.34.010 REGARDING PLACEMENT OF STORAGE PODS ON PRIVATE PROPERTY

WHEREAS, the Manitou Springs Planning Department has recommended updates to the Zoning Code relating to the definition and regulations for accessory structures in all residential and commercial zoning districts along with updates to the Municipal Code relating to placement of storage pods on private property to prohibit the use of storage pods and shipping containers as accessory structures, with the exception of limited temporary use for active construction projects and moving; and

WHEREAS, the City Council, after reviewing the recommendations of the Planning Department and Planning Commission, has determined it is in the public interest to enact the proposed amendments.

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

Section 1: The definition of “accessory use or structure” in Section 18.60.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

"Accessory use or structure" means a use or structure subordinate to the principal use or structure and located on the same lot or parcel or an adjacent lot or parcel serving a purpose that is incidental to the principal use or structure. Accessory uses or structures may include, without limitation, storage sheds, garages and parking areas, children's play equipment, and antennas. Accessory uses or structures do not include intermodal shipping containers or portable-on-demand storage containers.

Section 2: Section 18.60.10 of the Manitou Springs Municipal Code is hereby amended by the addition of the following definitions:

"Intermodal shipping container" means a detachable, pre-fabricated, standardized, reusable, container designed and intended for and customarily associated with transporting cargo on ocean-going ships, trains or tractor trailers, also commonly called cargo containers, transport containers or marine cargo containers. This definition includes Conex and railroad cars.

"Portable-on-demand storage container" means a purpose-built, detachable, box-

like container manufactured out of corrugated or reusable steel or other material designed for and customarily associated with temporary storage of household goods and/or equipment or moving household or dry bulk goods from one place to another.

Section 3: Section 18.12.10 of the Manitou Springs Municipal Code is revised by the following amendments, to read as follows:

18.12.010 - Accessory Structures

A. Intermodal shipping containers and portable-on-demand storage containers are prohibited for use as accessory structures in all zoning districts, except under the following circumstances:

1. Containers may be temporarily placed on construction sites, for storage incidental to an active construction or remodeling project, provided that:
 - (a) a building permit has been issued for construction on the site and the permit has not expired; and
 - (b) the container is removed once construction is completed or ceased or once the building permit expires, whichever occurs first.
2. A single portable-on-demand storage container may be placed on a parcel of private property, for a period totaling no more than thirty (30) days, for the purpose of loading or unloading goods to permanently relocate the associated use, provided that:
 - (a) a permit has been issued for such placement by the Planning Department and/or Regional Building Department; and
 - (b) the name of the moving enterprise is displayed on the container and the enterprise holds a current city business license and a current household goods movers permit issued by the Public Utilities Commission under C.R.S. § 40-10.1-502, as amended.
3. Containers may be temporarily placed on public streets or on public sidewalks in accordance with Section 12.34.010 of this Code.

The restrictions set forth herein shall not apply to the use of intermodal shipping containers and portable-on-demand storage containers for dwelling units, provided that they comply with all other requirements of this Code, including without limitation, the building codes.

B. Accessory structures that are more than 12' in height, greater than 120 square feet on commercial properties or greater than 200 square feet on residential properties, or on a permanent foundation must obtain a building permit and administrative review approval from the City pursuant to Chapter 18.16. Other accessory structures may be erected without a building permit or administrative review approval; provided, however, these structures must be pre-fabricated or constructed using a rigid framework with wood, inflexible clear glass or plexiglass. No opaque or colored plastic panels, plastic sheeting, corrugated or reusable steel walls, fabric walls or tarps are permitted in connection with these structures.

C. Accessory structures shall meet the height requirement for the zone district they are located in.

D. Accessory uses or structures for rental or associated with unlicensed business activity are not permitted.

E. Accessory structures may not include any sanitary or kitchen facilities.

Section 4: Section 12.34.010(B), "Roll-off dumpsters, storage pods, or other large immovable objects," of the Manitou Springs Municipal Code shall be revised to read as follows:

B. Placement on Private Property. No permit is required for placement of a roll-off dumpster on private property in connection with an active construction or remodeling project, however any such roll-off dumpster must be screened from public view if it is in place for more than ninety (90) days during any consecutive twelve (12) months.

Section 5: 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 6: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7: 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 19th day of September, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the October 3, 2017 City Council meeting. The Council Meeting will be held at 6:00 p.m. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: September 21, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this 3rd day of October, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Ordinance Published: October 5, 2017 (in full)
City's Official Website and City Hall