

**ORDINANCE**

**AN ORDINANCE** amending the zoning code of the City of Manitou Springs, Colorado, to Rezone the property known at 110 El Paso Blvd. from the Commercial to the High Density Residential zoning district.

**WHEREAS**, the current property owner applied for rezoning of this property so that it can be utilized solely for residential occupation.

**WHEREAS**, the Manitou Springs City Council, after reviewing the recommendations and findings of the Planning Department and Planning Commission, has approved rezoning the property described in Section 1 below from Commercial to High Density Residential.

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

**SECTION 1:** The following described property shall be rezoned from Commercial to High Density Residential:

LOTS 9-10 AND SOUTH 80 FT OF LOT 11, BLOCK 2, GARDEN OF THE GODS VILLAGE SUBDIVISION, MANITOU SPRINGS, COLORADO

This rezoning shall be subject to the conditions set forth in attached **Exhibit A**.

**SECTION 2:** This rezoning shall be reflected within the Zoning Code of the City of Manitou Springs and the Zoning Map.

**SECTION 3:** 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 hereto irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**SECTION 4:** 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 5:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**SECTION 6:** This Ordinance shall be in full force and effect from and after five (5) days of its final passage and publication as provided by law.

Passed on first reading and ordered published this 2<sup>nd</sup> day of October, 2018.

/s/ Donna Kast  
City Clerk Donna Kast

A Public Hearing on this ordinance will be held at the October 16, 2018, 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: October 4, 2018 (in full)  
*City's Official Website and City Hall*

Passed on second reading and adopted by City Council this 16<sup>th</sup> day of October, 2018.

/s/ Ken Jaray  
Mayor Ken Jaray

Attest: /s/ Donna Kast  
City Clerk Donna Kast

Published: October 18, 2018 (in full)  
*City's Official Website and City Hall*

## EXHIBIT A

1. Upon final rezoning approval, the Business License for motel use of the property will be relinquished and no motel or residential occupation of the existing building will be allowed until such time as code compliance for long-term residential use is established.
2. If the existing structures are to remain and be repurposed, the following shall be required:
  - a) Before the existing building or site can be used for long-term residential habitation, the property owner shall provide to the Planning Department, Manitou Springs Fire Department, and the Regional Building Department all necessary code compliance information furnished by a qualified professional, and obtain permits for all existing property improvements to remain in place that were not previously permitted, or for new work required to meet building, fire, floodplain, and housing codes for residential occupancy. A Certificate of Occupancy shall be issued by the Pikes Peak Regional Building Department and obtained by the property owner prior to the occupancy of any of the units.
  - b) Residential units will need to comply with the applicable International Building Code (IBC) administered by the Pikes Peak Building Department, the International Fire Code (IFC) administered by the Manitou Springs Fire Department, and the 1997 Uniform Housing Code administered by the City of Manitou Springs. All required Floodplain Permits shall be obtained from the Regional Floodplain Administrator and the property shall conform to all adopted evaluation criteria regarding structures in the flood plain.
  - c) Confirmation that the existing utilities are adequate for the anticipated residential usage.
  - d) Prior to residential occupancy, the property owner will make the following site upgrades:
    - i. Installation of sidewalks on the El Paso Blvd. and Via San Miguel frontages of the property which comply with Manitou Springs standards and as approved by the Public Services Department.
    - ii. Installation and improvement of a single access drive at the size and location approved/required by the Public Services Department and the Fire Department and elimination of any other access drives not required by the Public Services Department and the Fire Department.
    - iii. Submittal of a paving, parking and striping plan showing the area for parking and drive aisles to be paved with either asphalt, concrete, or other approved paving (i.e., pavers, permeable pavers) and code compliant parking spaces in both number for the residential use and dimension/orientation within the paved parking areas. Installation of the parking improvements is required as part of the conversion of the property to residential usage.
    - iv. A Landscape and Irrigation Plan following the MDP landscape requirements in the Zoning Code shall be submitted for review and approval by the Planning Department. Installation of the landscaping improvements is required as part of the conversion of the property to residential use.
    - v. Provisions for storm water management (drainage) showing best management practices and in compliance with any Public Services Department requirements for on-site collection, detention, and release at historic rates and any necessary erosion controls will be included in the paving and landscape plans.
    - vi. All exterior lighting, including any security lighting, shall be downcast or have cut-off shields. If parking area lighting, other than low-voltage landscape lighting, is proposed, a lighting plan and photometric plan shall be provided per the MDP Lighting Plan requirements.
3. The above conditions apply to reuse of the existing building and site. The above conditions are not required if the site is proposed for redevelopment unless the owner wants the property to be inhabited pending development and platting approvals.