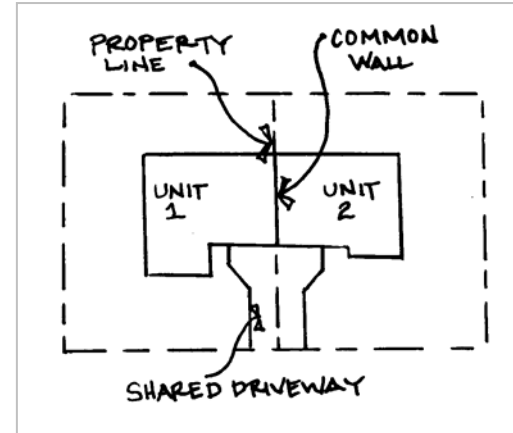


P. Residential Development

1. Townhome development is exempt from the minimum lot size and internal setback requirements, but must meet the density and external setback requirements stated in Chapter 18.64 Development and Parking Standards Matrix.
2. Multi-family, duplex units shall be connected by a minimum of 10 feet of building wall.
3. Units with a common wall are exempt from the internal side setback requirement, only with the provision that the structure does not cross an easement and access is provided by a common or shared driveway for at least every two units.



- Q. No land uses shall be unlawful, noxious or offensive due to the emission of dust, objectionable odor, light, smoke, gas, fumes, noise, or vibrations, or a hazard to the health and/or property of the surrounding area. All uses shall be conducted in enclosed buildings except where specifically allowed, and no building or land shall be used for anything other than the permitted use.
- R. All development within the Historic District shall abide by the requirements of the Design Guidelines, unless exempt from the provisions of the Historic Preservation regulation per **Section 17.04.120** of the Manitou Springs Municipal Code.
- S. Adequate floodplain avoidance and/or mitigation (sensitively designed) is required and shall be reviewed by the Regional Floodplain Engineer.
- T. Adequate facilities, such as IFC-compliant roads and CDOT-compliant access (as applicable); centralized public utilities, and emergency services shall be available to serve the development. Development should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

18.08 SPECIFIC ZONE DESIGNATIONS

Zoning allows for the orderly growth of communities through the designation of areas for each type of development such as residential and commercial. All types of activity are essential to the economy of an area, and yet it is not desirable for the enterprises which produce odors, noise, dust or smoke to be located in the midst of a heavily populated residential districts. Zoning allows adequate areas for all activities while maintaining property values through the designation of specific sections of the community for each general type of use. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of infrastructure or services, such as school bus, emergency services, road construction/maintenance, or public utilities.

For the purpose of this ordinance, all land within the present or future City limits of Manitou Springs is declared to be in one of the zone districts described below. These districts are as described in the City's Comprehensive Plan and are intended to regulate the type of development to occur within the City limits.

18.08.010 HIGH-DENSITY RESIDENTIAL

A. PURPOSE

To provide areas for a variety of attached single-family (townhomes) or multi-family (apartments, condominiums) housing types, designed in a manner to create livable space, protected from incompatible land uses and hazardous conditions, and buffered from industrial/negative uses or impacts. This zone district shall be encouraged for redevelopment opportunities at high traffic areas, particularly near Commercial uses along routes served by public transit.

B. PERMITTED USES IN THE HIGH-DENSITY RESIDENTIAL ZONE

- Attached single-family (townhomes) or multi-family (apartments, condominiums) housing types, including accessory structures.

C. APPROVAL STANDARDS IN THE HIGH-DENSITY RESIDENTIAL ZONE

- Refer to Chapter 18.64 Development and Parking Standards Matrix.

18.08.020 GENERAL RESIDENTIAL

A. PURPOSE

To provide areas for a variety of detached and attached single-family and/or multi-family housing types designed in a manner to create livable space in the more urban and historic setting, that is protected from incompatible land uses and hazardous conditions, and buffered from industrial/negative uses or impacts.

B. PERMITTED USES IN THE GENERAL RESIDENTIAL ZONE

1. Single family detached and attached, multi-family units, including accessory structures.
2. Private residential parking or garage serving an adjacent residential unit(s) under common ownership and with a deed restriction or easement linking the two properties.

C. APPROVAL STANDARDS IN THE GENERAL RESIDENTIAL ZONE

- Refer to **Chapter 18.64** Development and Parking Standards Matrix.

18.08.030 LOW-DENSITY RESIDENTIAL

A. PURPOSE

The Low-Density Residential Zone is characterized by a variety of single-family, detached housing types that enhance the basic elements of a balanced residential area. Development in this zone district should be designed in a manner to create livable space in a suburban setting, that is protected from incompatible land uses and hazardous conditions, and buffered from commercial or industrial use, or other negative uses or impacts.

B. PERMITTED USES IN THE LOW-DENSITY RESIDENTIAL ZONE

- Detached single-family residences, including accessory structures.

C. APPROVAL STANDARDS IN THE LOW-DENSITY RESIDENTIAL ZONE

- Refer to **Chapter 18.64** Development and Parking Standards Matrix.

18.08.040 HILLSIDE LOW DENSITY RESIDENTIAL

A. PURPOSE

This zone is established to enable and encourage flexibility of single-family design and emphasizes cluster development of hillside land in a manner that promotes the most appropriate use of the land; protects ridgelines and steep slopes, wildlife habitat, and other environmental features; facilitates the adequate and economical provision of streets and utilities; facilitates the provision of emergency services and daily access and maintenance; and preserves the natural and scenic quality of Manitou Springs as supported by the Manitou Springs Open Space Master Plan. The protection of key attributes such as: topography, vegetation, wildlife corridors, previously undisturbed scenic areas, and ridgelines of a site is a primary goal in this district. Avoidance of areas of environmental, geological, historical, and/or visual value is required. The developed portions of a site should be contiguous with other, existing development within the City; access should be achieved from existing roads; utilities should be provided from existing easements.

B. PERMITTED USES IN THE HILLSIDE LOW-DENSITY RESIDENTIAL ZONE

- o Detached single-family residences, including accessory structures.

C. APPROVAL STANDARDS IN THE HILLSIDE LOW DENSITY RESIDENTIAL ZONE

Refer to **Chapter 18.64** Development and Parking Standards Matrix.

1. The highest, most visible portions of sites, along with the least accessible areas of sites, shall be preserved in a form acceptable to the City, i.e. no-build area, dedication to the City, or other means of preservation or conservation.
2. Hillside land with unstable slopes and other surface problems shall identified, and mitigation of these conditions reflected on the final site plan. Solutions to geologic/soils issues shall not involve significant cutting and filling, wall building, or other constructed solutions that negatively impact the natural appearance of the site. Grading and "cut and fill" operations shall be minimized.
3. The inaccessibility of the area shall be minimized in order to mitigate the danger to life and property from natural disasters, fires and other emergencies. The placement of driveways and utilities shall minimize cut and fill and scarring of the natural landscape. Driveway locations and utility locations shall be shown on all site plans. Grading plans shall also be provided for review and approval.
4. Ridgelines, prominent geologic features and significant areas of vegetation shall be identified and inventoried through best management practices prior to incorporating features into site planning. Include significant natural features that contribute to the attractiveness of the community such as ridgelines, bluffs, rock outcroppings, view corridors, foothills, mountain backdrop, urban forest, floodplains, natural water bodies, clean air, natural drainage ways, and wildlife habitats.
5. Siting of residences and accessory structures on flat land where ridgelines and hilltops are protected is encouraged.
6. Water runoff shall not exceed historical flow and soil erosion shall be mitigated for and minimized.

7. Development of the area to its fullest potential consistent with the Comprehensive Plan is allowed. However, to assure densities which are compatible with the natural systems and terrain of the hillside area the maximum density is not guaranteed and relies on the availability of services, topography and access, and surrounding neighborhood character for appropriate design and density.
8. The taxpayers of Manitou Springs shall not be burdened by extraordinary costs for services attributable solely to the development of hillside areas.
9. Frontage upon an existing accepted and maintained Public Street, or a new street that conforms to the City standards and is accepted and maintained by the City, is required.
10. Distance of less than 500 feet (measured by line length) from an operational fire hydrant that can provide minimum fire flows per the IFC, is required.
11. A land survey prepared by a registered land surveyor shall be recorded prior to issuance of a building permit.
12. Public water service at a pressure and quantity that complies with appropriate City Ordinances is required.
13. Public wastewater service shall comply with City Ordinances.

D. HILLSIDE LOW-DENSITY RESIDENTIAL DEVELOPMENT REQUIREMENTS

1. Clustered Development

The purpose of Clustered Development is to provide an alternative voluntary, method of land division that encourages the clustering of single-family residential dwellings. Clustered Development may include a density bonus with the maximum allowance to be established during the development review. Clustering strives to maintain and enhance the mountain character by protecting, preserving and conserving existing wildlife habitats, environmentally sensitive landscape, scenic corridors and viewsapes. This development process aims to reduce infrastructure costs and impacts emanating from traditional large-lot development by providing greater flexibility and efficiency in the siting and design of services and infrastructure. Opportunities to reduce the risk and threat of danger to life and property by avoiding development in natural hazard areas can be achieved while simultaneously preserving and conserving water resources. Minimized site disturbance aims to protect historic and cultural resources by preserving and conserving historical buildings and structures and historical or cultural sites and landscapes.

Until future development of specific provisions for Cluster Development are evaluated and adopted, clustering proposals will be reviewed and approved under a Major or Minor Development Plan.

2. Minimum Lot Size - Allowable lot size for traditional development (as opposed to Clustered Development), shall be based on the average percent of slope defined as follows:

Average Percent of Slope shall mean the percent of slope as computed by the following formula

$$S = \frac{100 IL}{A}$$

Where S = average percent of slope

I = contour interval in feet

L = summation of length of all contour lines in feet

A = area in square feet of parcel being considered

3. Refer to **Chapter 18.64** Development and Parking Standards Matrix for HLDR Lot Size Calculation Requirements.
4. Merger of contiguous undersized lots: Contiguous parcels under one ownership, not including parcels separated by existing improved streets, which do not conform to the minimum lot size requirement hereunder, shall merge to provide lots necessary to satisfy the minimum lot size provided herein. This provision also applies to contiguous parcels under one ownership where a lot is developed.

Merger shall occur whether such contiguous parcels were under one ownership at the date of adoption of the ordinance establishing the HLDR regulations, or come under one ownership any time thereafter.

E. HILLSIDE LOW-DENSITY RESIDENTIAL PROCEDURES

1. Lots Complying with Development Requirements (**Section 18.08.040.D**)
In the case of lots and proposed structures complying with the development requirements of the approved standards in **Chapter 18.64 and Chapter 18.76** shall be reviewed by the Planning Department for conformance with approved City plans, plats, policies, resolutions and ordinances. If the Development Plan is found by the Planning Department to be in conformance with the state requirements, it shall be approved. If the Development Plan is found by the Planning Department not to be in conformance with the stated requirements, it shall be denied and the applicant notified of the areas of inconsistency and changes required.
2. Lots Not Complying with Development Requirements (**Section 18.08.040.D**)
In the case of lots and proposed structures not in compliance with the development requirements herein, the HLDR Development Plan shall be submitted to the Planning Commission and City Council for review and final approval. All public notification requirements applicable to **Chapter 18.32 "Variance"** shall be followed in such cases.

18.08.050 DOWNTOWN

A. PURPOSE

The Downtown Zone is characterized by historic buildings and generally corresponds to the Manitou Springs National and local Historic Preservation Districts. The Local Historic District is

guided by the Design Guidelines in order to foster the preservation of valuable historic structures and character. Development in this zone is different from the Commercial zone through the adaptive reuse, preservation, and/or conservation of historic buildings; the strict use of historic architectural features and characteristics for infill development; zero lot line setbacks; and urban design features, such as period lighting and absence of the typical suburban-style landscaping. Commercial buildings situated in an appropriately designed, historic setting with landscaped and screened off-street parking areas characterize the Downtown district. Site improvements, including landscaping and lighting, shall be provided and designed to minimize the impact on adjacent residential uses and blend into the character of the Historic District.

This zone serves the residents of the City through the provision of shops, services, restaurants, and civic facilities. It additionally serves year-round tourists with entertainment facilities (family tourism based activities, such as galleries, health spas, shops, restaurants, and museums) and strengthens the economy of the City, by providing employment and economic opportunities. This zone achieves an overall design and aesthetic consistency, based on the Manitou Springs Historic District Guidelines and preservation of historic structures and land use patterns. Downtown development shall be located and designed so as to minimize conflicts with adjacent residential areas, floodplains, view corridors, and access to public parks.

B. PERMITTED USES IN THE DOWNTOWN ZONE

The following specific uses shall be allowed in the Downtown Zone without requiring review by the Planning Commission and approval of City Council:

1. Art Gallery or Studio
2. Antique Shop
3. Photographic Gallery or Studio
4. Bakery or Pastry Shop
5. Bank or other Financial Lending Institution (NOT including drive up facilities)
6. Barber or Beauty Shop
7. Book or Stationary Store
8. Camera Shop (service, supplies, equipment)
9. Candy or confectionery store
10. Clothing or ready to wear store
11. Copy Center
12. Dancing Academy
13. Delicatessen
14. Drugstore
15. Dry cleaning or laundry (collection office only)
16. Electronic and small appliance sales and repair
17. Employment Agency
18. Fitness Center (small, limited hours and facilities)
19. Florist Shop
20. Gift Shop
21. Grocery or specialty foods market
22. Hardware store
23. Hobby or toy store
24. Hotel
25. Jewelry store
26. Liquor store

27. Library or museum
28. Locksmith shop
29. Medical/Dental offices (including alternative health providers)
30. Music or Video store
31. Newsstand
32. Offices
33. Paint or wallpaper store
34. Restaurant or Café
35. Shoe sales and repair
36. Sporting goods store
37. Tobacco shops
38. Indoor Theater
39. Fabric/Upholstery sales
40. Residential above the first floor, or on the ground floor if the residential use is at the rear of the commercial space, not adjacent to any public access point, and above the 100-year flood elevation.

C. APPROVAL STANDARDS IN THE DOWNTOWN ZONE

- Refer to **Chapter 18.64** Development and Parking Standards Matrix.

18.08.060 COMMERCIAL

A. PURPOSE

Buildings situated in an appropriately designed setting with landscaped and screened off-street parking areas characterize the Commercial zone. This zone is meant to provide a full range of commercial, office and service uses in balance with other uses within the City. These uses are an integral part of the City's ability to provide essential and regionally oriented services, tourism-related businesses, and employment opportunities. The uses associated with the Commercial zone may be urban in character with groupings of retail, wholesale, and commercial establishments generally oriented towards Manitou Avenue. Commercial zoned uses may be located in modern buildings, adaptively reuse existing buildings, or redeveloped non-historic sites for a variety of uses and services with the maximum economic benefit to the City.

Commercial development shall be located and designed so as to minimize conflicts with adjacent residential and historic areas, floodplains, steep slopes, view corridors, wildlife habitats, and environmentally and visually sensitive areas. Minimal assembly or manufacturing activities shall be allowed; however, shall be contained inside or behind buildings so as not to be visible from adjacent public rights-of-way or adjacent residential uses.

B. PERMITTED USES IN THE COMMERCIAL ZONE

The following specific uses shall be allowed in the Commercial Zone without requiring review by the Planning Commission and approval of City Council:

1. All uses allowed as permitted uses in the Downtown Zone
2. Ambulance Service Business
3. Appliance Sales involving assembly of appliances from previously prepared parts
4. Bank or other Financial Lending Institutions including Drive-up Facilities
5. Carpentry or woodworking shop

6. Dry cleaning establishment using only nonflammable materials and not employing more than four (4) persons in addition to one owner/manager on the premises.
7. Funeral parlor
8. Home improvement center
9. Motel
10. Private school
11. Service station, alone or with car wash
12. Small animal hospital (soundproofed and no outside runs)
13. Laundrette (self service)
14. Health Club or Fitness Center (full-service and hours)
15. Medical/Dental Clinic (including alternative health providers)
16. Convenience Store
17. Child Care Center
18. Bar or Lounge
19. Religious use facilities (subject to provision of required off-street parking).

C. APPROVAL STANDARDS IN THE COMMERCIAL ZONE

- o Refer to Chapter 18.64 Development and Parking Standards Matrix.

18.08.070 OPEN SPACE

A. PURPOSE

The Open Space zone provides for areas intentionally left free from development for the preservation of natural resources, including forest lands, wildlife corridors/habitats, unique biological, physical, topographical, or botanical areas, scenic view sheds; cultural, historic, and archaeological resources. These areas shall provide buffers between the City and surrounding El Paso County in order to protect the City's mountain backdrop and unique character, and shall provide preservation of unique areas within existing neighborhoods.

These areas may represent diverse types of land and possess varied physical and geographical conditions and are important physical, environmental, social, aesthetic and economic resources, which should be protected. The preservation of open space will complement public parks provided by the City and also protect the surrounding mountain backdrop that gives the City its unique character. This character supports the conservation values and significant tourism industry that the City thrives on.

This district is established to encourage the preservation and restoration of open lands in Manitou Springs for the protection of the flora and fauna in their natural state, for the passive recreational use by citizens of the City, and to accomplish the following:

1. To enable applicable lands under City ownership acquired by donation or purchase to be rezoned Open Space.
2. To enable owners to petition to rezone land as Open Space.

B. PERMITTED USES IN THE OPEN SPACE ZONE

- o Allowed uses include undeveloped natural land, passive outdoor recreation (trails and trailheads, picnic area, scenic overlook, etc.) that do not require infrastructure such as roads

or utility services and other uses as approved in an Open Space Management Plan. This zone district is not the same as active parks, playgrounds, ball fields or other recreational facilities.

C. APPROVAL STANDARDS FOR THE OPEN SPACE ZONE

1. Refer to **Chapter 18.64** Development and Parking Standards Matrix.
2. Access to trailheads shall be constructed in accordance with IFC, as amended.
3. Buildings are limited to public facilities such as trailhead shelters and restrooms.
4. For public trails, limited (10 spaces maximum) parking for trailheads is allowed, with an approved Open Space Management Plan. All parking areas over 5,000 square feet shall be required to have on-site water quality and detention. These facilities shall be designed in a manner to minimize cut and fill and removal of vegetation and reduce impervious surfaces.
5. No lighting or signage is allowed, other than trail information and trail markers.
6. An entity responsible for maintenance of (trash removal, forestry management, parking lot maintenance, etc.), and all associated taxes for, the Open Space shall be identified in either the Open Space Management Plan or the Dedication Statement, which ever is applicable.

D. OPEN SPACE REZONING PROCEDURES

1. All rezoning shall be in accordance with City Ordinance and additionally shall consider the recommendations of the Open Space Advisory Committee.
2. Any request to rezone to Open Space shall be considered as a request initiated by the City Council or Planning Commission. The applicant shall have the assistance of the City to prepare the request and no fees shall be assessed.
3. Rezoning shall occur after approval by the City and agreement by the owner to retain the property as Open Space in perpetuity in exchange for receipt of a yearly incentive award from the city in the amount of the City's portion of the property taxes paid each year for said land.

The incentive award shall become effective upon recordation of a deed restriction restricting the owners, heirs and assigns to use the property only as permitted under the Open Space zone. Alternatively, the owner may record a perpetual conservation easement over the designated land in favor of the City upon approval by the City. All surface, mining and water rights shall be conveyed by deed restriction or easement unless mutually agreed to otherwise by both parties.

4. Criteria for rezoning shall be the approval of an Open Space Management Plan for such land by the City.

E. OPEN SPACE MANAGEMENT PLAN

1. An Open Space Management plan shall be submitted meeting the criteria established by the City Planning Department.

2. No lands shall be disturbed until the City approves the Open Space Management Plan. Appropriate performance bonds or letters of credit may be required.
3. The Open Space Management Plan shall include site-specific measures for restoration and revegetation of any affected areas.
4. No development, construction or any other improvements shall be permitted without Open Space Management Plan approval except the following:
 - a. All trails shall be in accordance with the City's Open Space Master Plan.
 - b. All construction and/or improvements in public utility easements shall require an approved Open Space Management Plan except for cases of City designated emergency.
 - c. All fire breaks or other wildfire suppression measures shall require an approved Open Space Management Plan except for cases of emergency.

18.08.080 PARK

A. PURPOSE

The Parks zone is intended for land set aside for use as public recreation. These parks may include playground equipment, athletic fields, tennis courts, swimming pools, and other facilities and programmed activities normally associated with public parks. Parks may also be reserved for natural or environmental reasons, such as preservation of wildlife, vegetation or significant natural or historic resources.

B. PERMITTED USES IN THE PARK ZONE

1. Permanent public land uses and uses of a similar nature are permitted in these areas on the approval of City Council, after hearing recommendations by the Planning Commission.
2. Public Parks and Recreation Facilities
3. Farmers Markets, Art Fairs and Special Events and other such temporary uses as approved by the City.

C. APPROVAL STANDARDS

1. Refer to **Chapter 18.64** Development and Parking Standards Matrix.
2. Approval of permanent public land uses require a determination that a public need exists and the use and location are compatible with adjacent land uses. When necessary to make this determination, conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access, and the placement and size of signs and amount of parking may be approved with the establishment of this zone. A development plan shall be approved before any building permits may be issued or before construction may begin.
3. Approval of temporary land uses require that the proposed activities meet any criteria and policies established by the City Council and all required permits are obtained and fees paid.

18.08.090 PUBLIC FACILITIES

A. PURPOSE

The public facilities zone district is provided for land which is used or being reserved for a governmental purpose by the City of Manitou Springs, El Paso County, the State of Colorado, the Federal government or a public utility. Generally, the existing or proposed use is a unique governmental or utility service or a governmental function. The term, public facility, may be used to describe the existing or future use or the character of the ownership of the land. For the purpose of this section utility transmission, distribution or collection line rights-of-way or easements and drainage rights-of-way or easements are not required to be designated as public facilities.

B. PERMITTED USES IN THE PUBLIC FACILITIES ZONE

1. Public Schools
2. Public Libraries
3. Municipal Government Offices
4. Police Facilities
5. Fire Facilities
6. Public Services Facilities
7. Post Offices
8. County, State and Federal Government Offices
9. Public University Campus
10. Municipal Cemeteries
11. Municipal Parking Facilities
12. Public Utility Facilities

C. APPROVAL STANDARDS IN THE PUBLIC FACILITIES ZONE

1. Refer to Chapter 18.64 Development and Parking Standards Matrix.
2. Approval of the request requires a determination that a public need exists and the use and location are compatible with adjacent land uses. When necessary to make this determination, conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access, and the placement and size of signs and amount of parking may be approved with the establishment of the zone district. A development plan shall be approved before any building permits may be issued or before construction of any public facility or utility may begin.

18.10 DEVELOPMENT STANDARDS

The Table 2 in Chapter 18.64 lists the development standards for the residential, commercial, downtown, and special purpose districts. These standards include the minimum and maximum lot area, minimum lot width, maximum building height, minimum building setbacks, and maximum lot coverage. Other site development standards relating to items such as landscaping, parking, signs, fences, lighting, and preservation areas and exceptions relating to building height, lot area, lot width, and setbacks apply to development in the zones contained herein.

18.12 DESIGN OF STRUCTURES

This section is reserved for future requirements for miscellaneous site items such as accessory structures, garages, sheds, fences, retaining walls, roofs, reflectivity, etc.