

1. Body or mechanical repair, modification, or painting of motor vehicles and repair of internal combustion engines.
  2. Animal hospital or kennel.
  3. Medical/dental facilities other than office consultation services.
  4. Health care facility providing residential services.
- B. Limitations - There shall be no more than two home occupations operated in/on one (1) unit, lot, parcel or tract of land.

## **18.40 NONCONFORMING USES**

### **18.40.010 EXISTING NONCONFORMING USES**

Except as herein provided the lawful uses of land existing at the time of adoption or amendment of this ordinance may be continued even though said use does not conform to the provisions of this ordinance. Exemptions shall not extend to signs or billboards or abandoned structures.

### **18.40.020 ENLARGEMENT OR ALTERATIONS**

No enlargement or exterior alteration of a nonconforming use other than regular periodic maintenance, shall take place without planning permission. Once a use is made to conform to the provisions of this ordinance, it may not revert to nonconformance either in part or in whole.

### **18.40.030 DISCONTINUANCE**

If a nonconforming use should be discontinued or unused for a period of twelve months, it shall be deemed ended and may not be resumed.

## **18.42 NONCONFORMING STRUCTURES**

### **18.42.010 DAMAGED STRUCTURE**

If a nonconforming structure is damaged in excess of 50% of its true market value, as based upon its current assessed value, the following developmental standards shall apply:

- A. The damaged structure may be rebuilt to the previous dimensions, with no expansion;
- B. The damaged portion would be rebuilt according to the current specifications from the Regional Building Department;
- C. The use shall conform to the requirements of the zone within which the property is located, unless a variance is granted;
- D. Existing parking would have to be maintained, no elimination of existing spaces;
- E. Any structure of an historical nature will be rebuilt in a style as close to the original as possible as approved by the City Council.

**18.42.020 REDEVELOPMENT**

The replacement and redevelopment of nonconforming structures and uses is encouraged. The Planning Commission and City Council will review and consider progressive redevelopment proposals and will conditionally approve or deny the proposal based upon its merits, its compatibility with surrounding development, its conformance with the City's Rainbow Vision Plan, or lack thereof. Otherwise, replacement and redevelopment shall conform to the new development and construction standards of this ordinance.

**18.48 ENFORCEMENT AND VIOLATIONS**

The Planning Director or designees shall enforce this Ordinance.

**18.48.010 ENFORCEMENT**

The Code Enforcement Officer shall be charged with the responsibility of enforcing the provisions of this ordinance. He shall make a periodic inspection, review complaints, and perform such other tasks necessary to insure compliance with the provisions of this ordinance. In the event there is a violation of this ordinance, Code Enforcement Officer shall issue a written order in person or by registered mail to the violator or the property owner indicating the nature of the violation.

**18.48.020 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Code Enforcement Officer. He shall record properly such complaint, immediately investigate it, and take action thereon as provided by these regulations.

**18.48.030 PENALTIES**

**A. FINES AND IMPRISONMENT**

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of this ordinance or any amendment thereto.

Any person or entity that fails, violates or refuses to comply with any requirement of this Chapter shall be punishable as provided in Section 1.01.100 of the Manitou Springs Municipal Code, as amended.

**B. CONTINUING OFFENSES**

Each day during which illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

**C. TERMINATION OF USE**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used in violation of any provision of this ordinance, the City of Manitou Springs or any owner of real estate within Manitou Springs, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such offensive erection, construction, reconstruction, alteration, maintenance, or use.