

Chapter 1. General Provisions

18.01.1. Title and Effective Date

18.01.1.1. Title

The provisions contained herein shall be known as the Land Use and Development Code of the City of Manitou Springs, Colorado, and may be referred to throughout this document as the “Land Use and Development Code” or as the “LUDC.”

These provisions were previously known as Title 16 Subdivisions and Title 18 Zoning of the Manitou Springs Municipal Code. They include additional provisions that were previously known as Chapter 15.16 Signs, which was a portion of Title 15 Buildings and Construction of the Manitou Springs Municipal Code.

18.01.1.2. Effective Date

All Chapters within Title 18, the Land Use and Development Code, and the *Zone District Map*, shall become effective on March 1, 2023 according to Ordinance 2322. The date of the City Council adoption was January 3, 2023.

18.01.2. Purpose and Organization

10.01.2.1 Purpose.

- A. The purpose of these regulations is to promote the health, safety, order, property aesthetics, quality of life, and economic, social, and environmental interests of the present and future inhabitants of Manitou Springs, Colorado, by:
 1. Encouraging the planning of all land tracts and parcels consistent with the goals, policies, and objectives of the currently adopted [Comprehensive Plan](#);
 2. Encouraging innovative approaches to community design and the application of proven design methods;
 3. Encouraging the construction of new *buildings* and new *development*, redevelopment, and remodeling to be, as much as possible, in keeping with the general existing characteristics of the area;
 4. Providing a flexible framework in which a variety of land uses coexist harmoniously;
 5. Ensuring that land is subdivided into lots that are of size and configuration for the purpose for which they are intended to be used;
 6. Ensuring that the connectivity of future public and private streets in relation to existing streets are created according to the vision of the adopted [Transportation and Mobility Master Plan](#), that said streets will be built to adequate construction standards, and that multiple forms of mobility are contemplated;

7. Producing healthy living environments with open spaces and recreation, reliable utilities, mobility options, public protection, and other facilities that enhance the community; and
 8. Protecting the natural resources of the community, such as light, air quality, water quality, dark skies, noise pollution, and wildlife corridors per the currently adopted [Comprehensive Plan and Hazard Mitigation Plan](#).
- B. The Manitou Springs City Council recognizes community *development* is a dynamic process. To meet changing conditions, this LUDC, which was originally adopted in 1975, has been amended on numerous occasions.

18.01.2.2 Organization

- A. This chapter is organized into the following sections:
- [18.01.1 – Title and Effective Date](#)
 - [18.01.2 – Purpose and Organization](#)
 - [18.01.3 – Authority and Applicability](#)
 - [18.01.4 – Relationship to Other Plans and Ordinances](#)
 - [18.01.5 – Interpretation and Conflicting Provisions](#)
 - [18.01.6 – Severability](#)
 - [18.01.7 – Nonconformities](#)
 - [18.01.8 – Review and Decision-Making Bodies](#)
- B. Terms that are defined in Chapter 7, Definitions, are indicated as *italicized* throughout the LUDC.

18.01.3. Authority and Applicability

18.01.3.1 Authority

- A. The City Council of Manitou Springs has the authority to adopt this LUDC pursuant to the Colorado Constitution; Title 31, Article 2 of the Colorado Revised Statutes, the Home Rule Charter of Manitou Springs, Colorado, and such other authorities and provisions as are established in the statutory and common law of the State of Colorado.

18.01.3.2 Applicability

- A. The provisions of this LUDC shall apply within the corporate limits of the City of Manitou Springs, Colorado, as defined in [Section 1.04.010.A](#), referred throughout the LUDC as the “City”.
- B. It is the intent of this LUDC that all new buildings, developments, redevelopments; alterations over fifty percent (50%) of the gross floor area; or similar changes in the use of land shall be subject to the provisions of this LUDC. The Planning Commission and City

Council shall consider each development from the point of view of the relationship and compatibility of the development to the existing surrounding land uses and the Comprehensive Plan.

18.01.4. Relationship to Other Plans and Ordinances

18.01.4.1. Relationship to Other Ordinances

- A. The standards of this LUDC are in addition to all other standards, guidelines, policies, and Municipal Code requirements otherwise applicable to land use and *development*. To the extent that there is a conflict between a requirement of this LUDC and another City standard, guideline, policy, or requirement, refer to [Section 18.01.5](#).

18.01.4.2. Relationship to Comprehensive Plan

- A. The adopted Manitou Springs Comprehensive Plan, referred to throughout this document as the “Comprehensive Plan”, is the official policy document of the City of Manitou Springs. This provides a consistent statement of the City’s plan and policies for future development to bring about the City’s vision for the future. This LUDC implements the policies established in the Comprehensive Plan.
- B. No *development* shall be approved unless it is found to be in general accordance with the goals, policies, and objectives as stated in the Comprehensive Plan, as amended.

18.01.5. Interpretation and Conflicting Provisions

- A. Whenever there is a discrepancy between minimum standards or dimensions noted within the LUDC, Pikes Peak Regional Building Code, International Fire Code, or other adopted rules, regulations, or ordinances, that which is most restrictive or requires the highest standards shall apply.
- B. Interpretations and applications of the provisions of this LUDC shall be held to the minimum requirements for the promotion of health, safety, order, property aesthetics, quality of life, and economic, social, and environmental interests.
- C. The LUDC is not intended to interfere with, abrogate, or annul any *easements, covenants*, or other agreements between parties, provided that where this imposes a greater restriction upon the use of the *building* or premises or upon height of *buildings* or requires larger open spaces than are imposed or required by other ordinances, rules, or regulations or by *easements, covenants*, or agreements, that the provisions of this LUDC shall govern.
- D. Should any article, section, clause, or provisions of this LUDC be declared by the court to be invalid, the same shall not affect the validity of the LUDC as a whole or any part thereof, other than the part so declared to be invalid.

18.01.6. Severability

- A. The sections, subsections, sentences, and phrases of this LUDC are severable. If any section, subsection, sentence, or phrase is declared invalid or unenforceable by any court of competent jurisdiction, that invalidity or unenforceability does not affect any of the remaining sections, subsections, sentences, or phrases of this LUDC.

18.01.7. Nonconformities

18.01.7.1. General Standards.

- A. Existing Legal Nonconforming Uses, Structures, Lots, and other site features. Except as herein provided, the lawful uses of land and *structures existing* at the time of adoption or amendment of this LUDC may be continued even though said use does not conform to its provisions. Exemptions shall not extend to *signs*, billboards, or *abandoned structures*.
 - 1. Conditional Use. A *preexisting*, legal *nonconforming use* that would require the approval of a Conditional Use Permit to be allowed in its associated Zone District shall be accepted as having the required Conditional Use Permit. Modifications to the *structure* or site shall be processed in accord with [Section 18.03.01](#).
- B. Enlargement or Alterations. Any enlargement, expansion, or exterior alteration of a *nonconforming use or structure*, other than regular periodic maintenance, shall be brought into conformance with the provisions of this LUDC. Once a *building* or use is made to conform to the provisions of this LUDC, it shall not revert to nonconformance either in part or in whole. Regular maintenance shall mean:
 - 1. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness of a *building* without expanding the *building*; or
 - 2. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.
- C. If a *nonconforming use* should be discontinued or unused for a period of twelve months, it shall be deemed ended and shall not be resumed. Upon a twelve-month period of discontinuance, the Planning Director may extend the legal nonconforming status for good cause; such as the *structure* is undergoing an interior-only remodel, the property is under contract for sale to a new owner, or a similar circumstance as approved by the Planning Director.
- D. Damaged Structure. If any *nonconforming structure* is damaged in excess of fifty percent (50%) of the *gross floor area* of the *building*, the following development standards shall apply:
 - 1. The damaged *structure* may be rebuilt to the previous dimensions, *setbacks*, and height, with no expansion;
 - 2. The damaged portion shall be rebuilt according to the Pikes Peak Regional Building Code;

3. All necessary building permits shall be obtained within twelve-months of the date of damage, unless an extension has been approved by the Planning Director due to extraordinary circumstances;
 4. Existing parking shall be maintained, no elimination of *existing* spaces;
- E. Any *structure* determined to be a *contributing resource* within a Historic District per [Section 17.04.030\(F\)](#) shall be rebuilt consistent with the Historic District Design Guidelines and as approved by the Historic Preservation Commission.
 - F. Lots of Record. A *lot of record* may be developed with any permitted use allowed in the zone district in which it is located even if it does not meet the minimum *lot area* or *frontage* requirements. The *development* shall comply with all site development requirements set forth in this LUDC. No *Lot of Record* may be reduced in size so that the *lot's* area or *frontage* is less than required by this LUDC.
 - G. Nonconforming Lots by Public Acquisition. *Lots* rendered nonconforming by public acquisition of *right-of-way*, or for other similar public purposes, may be developed for any permitted use allowed in the zone district in which it is located. When the public acquisition results in the reduction of or elimination of existing parking spaces, the owner of the property shall not be required to replace the removed parking spaces.

18.01.7.2. Redevelopment of Nonconformities

- A. The replacement and redevelopment of *nonconforming uses and structures* is encouraged with the exception of *structures* determined to be a *contributing resource* within a Historic District per [Section 17.04.030\(F\)](#), and deemed to have architectural and historic significance.
- B. The Planning Commission and City Council will review and consider progressive redevelopment proposals that reduce a nonconformity without the requirement for *variance* and may conditionally approve or deny the proposal based upon its merits, its compatibility with surrounding *development*, and its conformance with the Comprehensive Plan. Otherwise, replacement and redevelopment shall conform to the new *development* and construction standards of this LUDC.

18.01.8. Review and Decision-Making Bodies

18.01.8.1. Planning Director.

- A. The Planning Director shall be appointed by the *City Administrator* per [Title 2](#) of the Manitou Springs Municipal Code. The Planning Director or their appointed designee shall act as the land use authority to uphold and enforce all administrative actions required by this LUDC.
- B. The administrative decisions of the Planning Director or their appointed designee shall be deemed final and shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.

Appeals of administrative decisions shall follow procedures in [Section 18.06.3.10](#) for applications for which the Planning Director makes the final decision.

- C. In the absence of a Planning Director, the City Administrator shall act as the Planning Director.

18.01.8.2. City Engineer

- A. The City Engineer shall be appointed by the *City Administrator* per [Title 2](#) of the Manitou Springs Municipal Code. The City Engineer or their appointed designee shall act as the review authority for provisions herein related to Public Works Standards and [Title 12](#) of the Municipal Code.

18.01.8.3. City Planning Commission.

- A. The City Planning Commission (Planning Commission) shall be appointed by the City Council per [Title 2](#) of the Manitou Springs Municipal Code.
- B. After reviewing the planning staff report, requesting additional information, and receiving testimony, the City Planning Commission shall render its decision or recommendation to City Council at the conclusion of the public hearing. Any decision shall set forth the findings of fact. Conditions of approval may be considered to mitigate impacts and protect the public health, safety, and welfare may be added. Appeals of City Planning Commission decisions shall follow procedures in [Section 18.06.3.10 Appeals](#), for applications for which the City Planning Commission makes the final decision.

18.01.8.4. City Council.

- A. The City Council shall be elected per [Title 2](#) of the Manitou Springs Municipal Code.
- B. After reviewing the staff report and the Planning Commission's recommendation and receiving testimony, the City Council shall render its decision at the conclusion of the public hearing. The decision shall set forth the findings of fact. Conditions of approval may be considered to mitigate impacts and protect the public health, safety, and welfare may be added.
- C. In all matters before the City Council relating to the actions on appeal, and/or recommendations of the Planning Commission, the completed submittal file of City planning pertaining to the matters shall be made a part of the record of the City Council. The file shall include, but not be limited to, the Planning Commission's notice of action, maps, drawings, departmental reports, and application information.

Chapter 2. Zone Districts

18.02.1. General Provisions

18.02.1.1. Purpose

- A. This article describes each zone district and their associated dimensional requirements.

18.02.1.2. Organization

- A. This chapter is organized into the following sections:

[18.02.1 – General Provisions](#)

[18.02.2 – Residential Zone Districts](#)

[18.02.3 – Commercial and Mixed-Use Zone Districts](#)

[18.02.4 – Publicly Owned Land Zone Districts](#)

18.02.1.3. Boundaries and Zone District Map

- A. Where uncertainty exists as to boundaries the following rules shall apply:
 - 1. Property *lot lines* shall be construed as boundaries.
 - 2. Public road rights-of-way shall be construed as boundaries.
 - 3. Railroad or *public utility* rights-of-way shall be construed as boundaries.
- B. Zone District Map Adopted. The location and boundaries of the zone districts established by this ordinance are shown on the City's Official *Zone District Map*. The zoning map, together with all data shown thereon and all amendments thereto, is by reference made part of this ordinance.
- C. District Boundaries. Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, property lines, *right-of-way* lines, or extensions thereof. In interpreting the zoning map, unless otherwise specified on the official *zone district map*, zone district boundary lines are intended to be property lines; centerline of streets, alleys, channelized waterways or similar rights-of-way; the centerline of *blocks*; section or township lines; or municipal corporate boundaries.
- D. Boundary Clarification. In the event that a zone district boundary is unclear or is disputed on the Official *Zone District Map*, it shall be the role of the Planning Director to administratively determine the intent and actual location of the zone district boundary.

18.02.1.4. Measurements

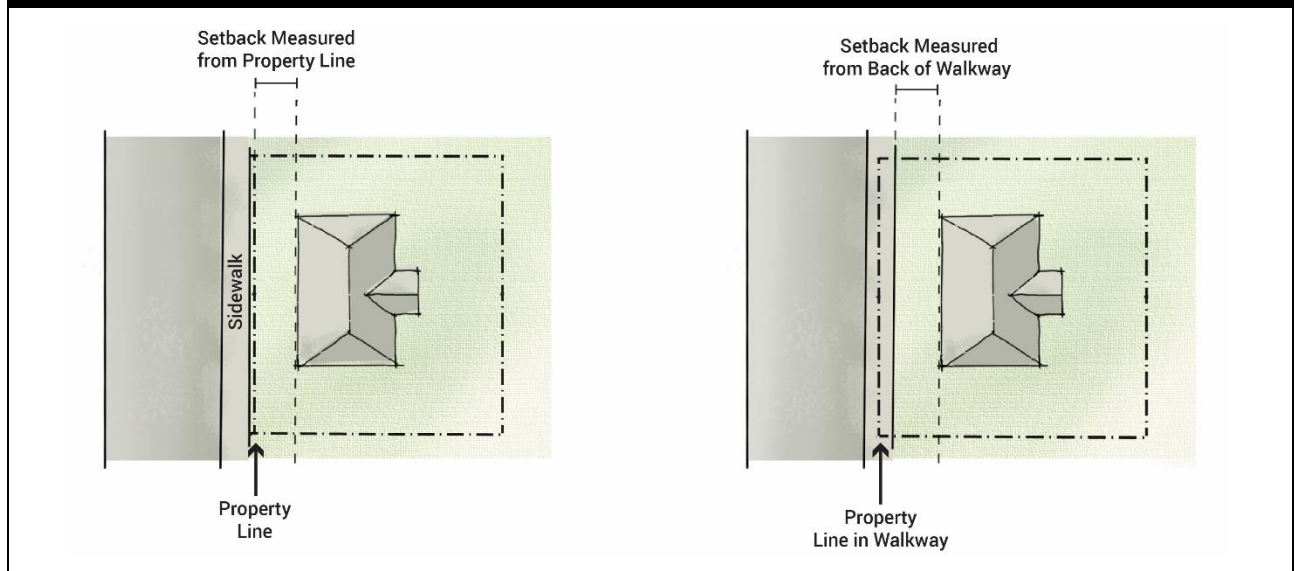
- A. Density.

1. Density means the number of *dwelling* units allowed for each gross acre of land. Density is determined by dividing the number of *dwelling* units on a site by the *gross acreage* of the land. To determine the number of residential units to be allowed on a specific parcel of land, any fractional unit shall be rounded down to the next full unit.
2. The number of *dwelling* units allowed on a site is based on the presumption that all other applicable standards of this LUDC shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying or modifying other dimensional or development standards.
3. Residential density may be increased by up to twenty-five percent (25%) above the permitted density listed herein if twenty-five percent (25%) or more of the residential units provided are rented or sold at a price that is affordable as determined by HUD to a household earning one hundred percent (100%) of Area Median Income (AMI) or less as determined by HUD. All affordable units shall be documented by a legal covenant to be deed restricted for a minimum of thirty (30) years.

B. Setbacks.

1. A *building* or *structure* must meet the minimum setback requirements set forth in the dimensional standard tables for each zone district unless a *variance* has been granted. *Setbacks* shall be measured from the *property lines*. If public infrastructure such as streets or sidewalks are located within the boundaries of a property, then the setback shall be measured from the back edge of the sidewalk or curb located closest to the interior of the subject property.

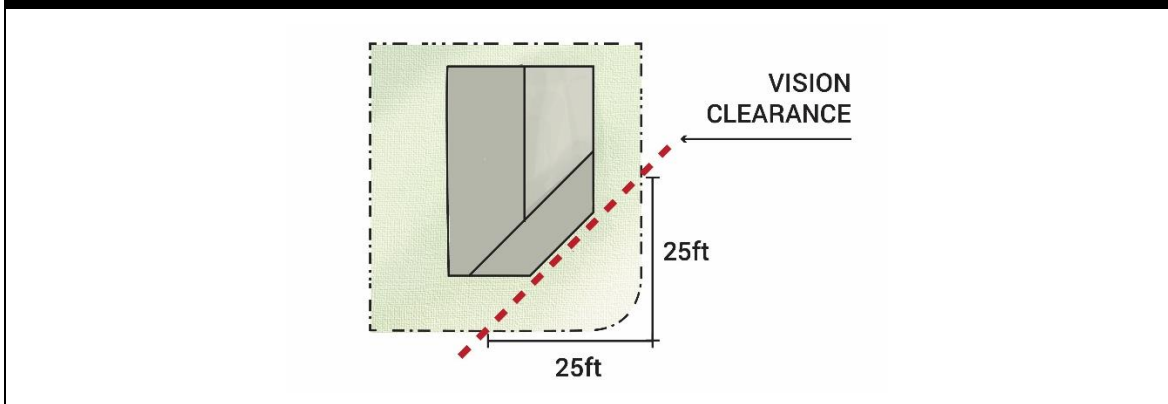
Figure 18.02.1.3-1: Illustration of How Setbacks are Measured



2. *Setbacks* for properties adjacent to Fountain Creek shall be measured from the *top of bank* on the development side of the property, even if the property line extends into the creek.

3. Where the adjacent properties are zoned differently, the most restrictive setbacks between the two zone districts shall apply to the property being developed.
4. *Setbacks* shall be unoccupied and unobstructed by any permanent *structure* or portion of a permanent *structure*, with the exception of temporary accessory *structures* that allow reduced *setbacks* according to the dimensional standard tables for each zone district.
5. Common yard features may be permitted within these *setbacks*. Yard features may include *fences*, non-structural walls, trellises, and utility poles, posts, yard ornaments, moveable furniture, landscaping, mailboxes, and ornamental light fixtures. Micromobility hubs and bike racks may also be permitted within the setbacks
6. On *corner lots*, an unobstructed line of sight, referred throughout this LUDC as a “vision clearance triangle”, shall be maintained for safe flow of pedestrian and vehicular traffic.
 - a. The vision clearance triangle is formed by measuring from the point of intersection, a distance of twenty-five (25) feet along the *property lines* immediately adjacent to a street, road, railroad *right-of-way*, or nonresidential drive and connecting the points to create a triangle, unless a greater requirement has been designated on CDOT controlled roadways.
 - b. Any *fence*, wall, hedge, shrub, *structure*, or other obstruction to view that is erected, placed, or maintained within the triangle shall be thirty-six inches (36”) in height or less.

Figure 18.02.1.3-2: Vision Clearance Triangle

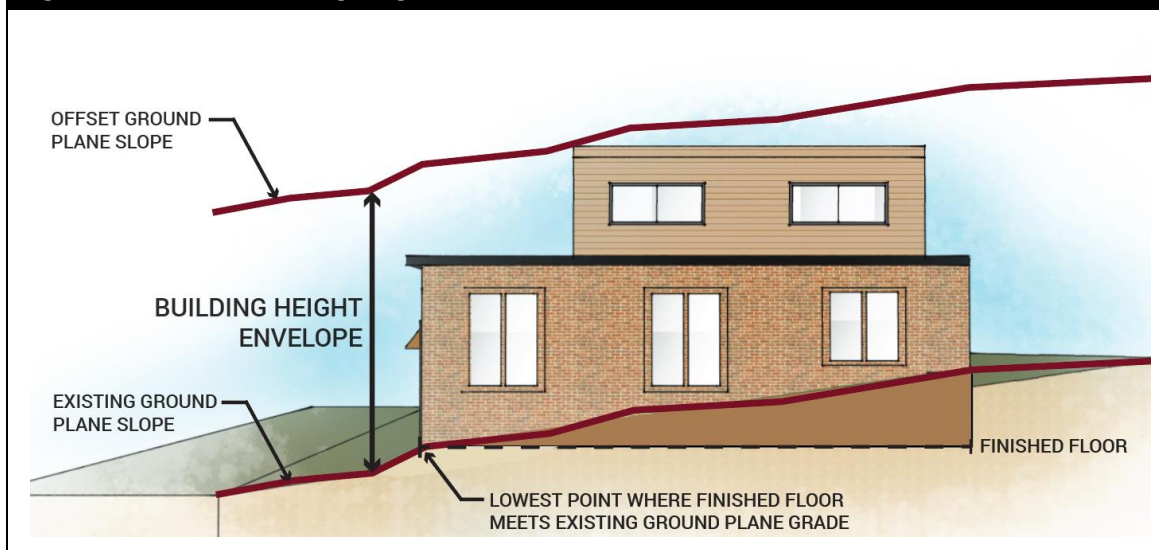


C. Building Height.

1. Building height shall be measured as an envelope determined by offsetting the existing ground plane slope of the site vertically to the allowed maximum height specified by the associated zone district. Existing ground plane slope shall be considered the grade or slope of the site prior to any construction. The maximum height of the building shall be contained within the “envelope” created by this offset.
 - a. Building height shall be measured from the established finished floor of the building.

- b. The finished floor elevation of the building may cut into the existing slope if the lowest point of the building is no lower than the lowest point where the finished floor meets the existing ground plane slope of the site.

Figure 18.02.1.3-3: Building Height



- 2. No *building* or structure shall be erected or altered that will exceed the height limits for the respective zone district, unless specified below:
 - a. Within Historic Districts, the maximum *building height* for the Zone District may be exceeded subject to the Historic District Design Guidelines or approval of a Material Change of Appearance Certification which incorporates steep roof pitches.
 - b. Accessory projections. Except as specifically provided elsewhere in this LUDC, the height limitations contained in the dimensional standard tables for each Zone District shall not apply to accessory projections, provided they meet the following criteria for height exceptions:
 - i. Architectural features such as such as parapets, pipes, chimneys, heating and venting systems, cupolas, stairwell towers, elevator overrun, roof-mounted solar energy systems, or other similar projections shall not extend more than five (5) feet above the maximum permitted *building height* of the associated Zone District;
 - ii. Church belfries, *towers*, or spires shall not extend more than five (5) feet above the maximum permitted *building height* of the associated Zone District provided the largest horizontal cross-section of the belfry, *tower*, or spire feature does not exceed fifteen percent (15%) of the footprint of the primary *structure* from which it rises;
 - iii. Antennas used for television or radio shall be of a height that is determined by the Planning Director as necessary to comply with Federal Communications Commission regulations and guidance, provided that the height of the antenna

structure may not exceed a dimension equal to the distance of the antenna *structure* from the nearest property line;

- iv. The accessory projection is not constructed for the purpose of providing additional floor area in the *building*; and
- v. The accessory projection does not interfere with Federal Aviation Administration regulations.

18.02.2. Residential Zone Districts

18.02.2.1. General Residential (GR)

- A. Purpose. To provide areas for a variety of housing types.
- B. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- C. Dimensional Standards. The following dimensional standards apply to this district.

Table 18.02.2.1-1: Dimensional Standards for the General Residential Zone District

Lot Dimensions	Standard Requirements
Minimum Lot Size	4,400 sf.
Minimum Lot Frontage	45 ft.
Building Setbacks	
Minimum Front Setback – Permanent Principal Structure	10 ft. to front facade of residence 15 ft. to garage
Minimum Front Setback – Permanent and Temporary Accessory Structures	15 ft.
Maximum Front Setback	N/A
Minimum Side Setback – Permanent Principal Structure	7.5 ft. ^[1]
Minimum Side Setback – Permanent Accessory Structure	7.5 ft.
Minimum Side Setback – Temporary Accessory Structure	5 ft.
Minimum Rear Setback – Permanent Principal Structure	15 ft. 10 ft. for alley rear-loaded garages 5ft. for alley side-loaded garages
Minimum Rear Setback – Permanent Accessory Structure	15 ft. 10 ft. for alley rear-loaded garages 5 ft. for alley side-loaded garages
Minimum Rear Setback – Temporary Accessory Structure	5 ft. separation to neighboring buildings/structures and property lines

Lot Dimensions	Standard Requirements
Site Development Standards	
Maximum Lot Coverage	50%
Maximum Building Height	25 ft. ^[2]
Maximum Residential Density	10 du/ac

^[1] Within the Historic District, subject to the Historic District Design Guidelines, a permanent side setback of less than seven and one-half feet may be reviewed and approved, conditionally approved, or denied by the Historic Preservation Commission. At no time without *variance* approval, shall the side setback be less than five feet or less than a ten feet separation from neighboring buildings/structures including across *property lines*.

^[2] Heights of *structures* shall be as calculated in the Building Height definition unless property is located within the Historic District and receives a Material Change of Appearance Certification incorporating steep, roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed thirty feet.

Figure 18.02.2.1-1: Illustration of Setbacks for Dwellings with Front Loaded Garage

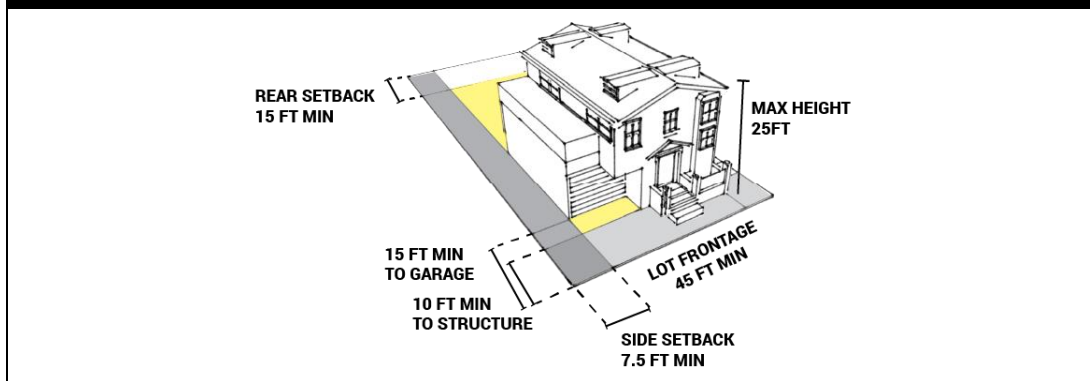


Figure 18.02.2.1-2: Illustration of Setbacks for Dwellings with Rear Loaded Alley Garage

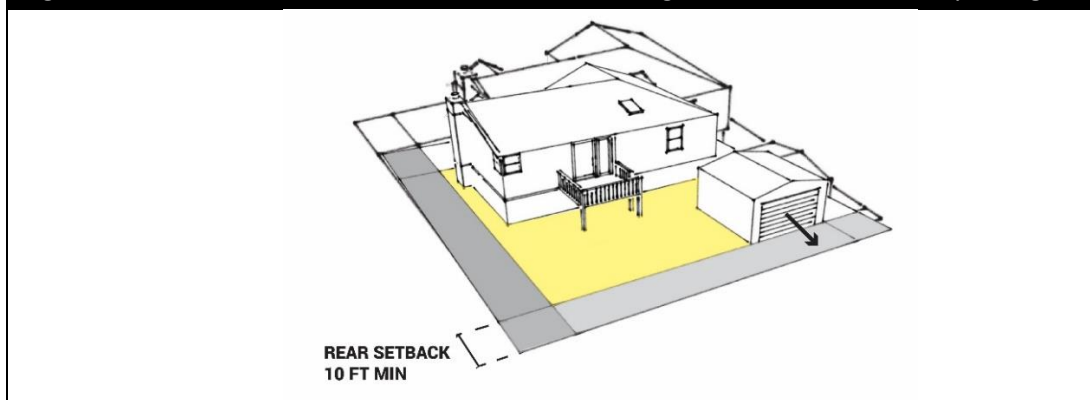
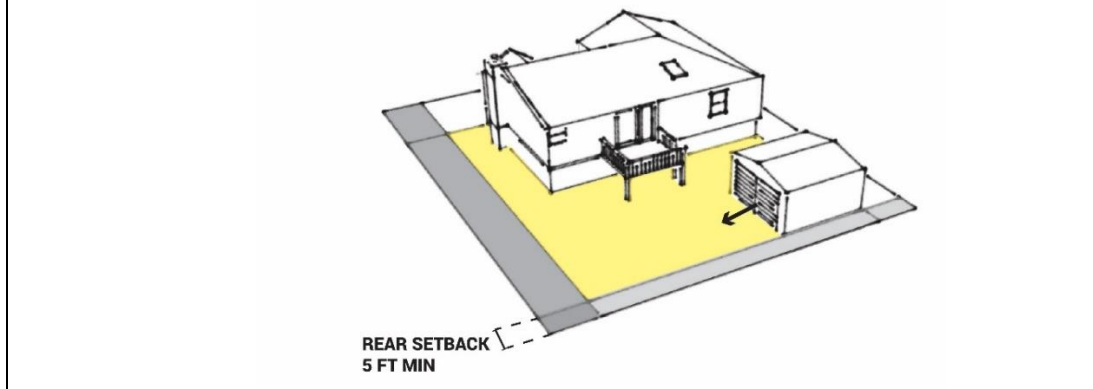


Figure 18.02.2.1-3: Illustration of Setbacks for Dwellings with Side Loaded Alley Garage



18.02.2.2. Low-Density Residential (LDR)

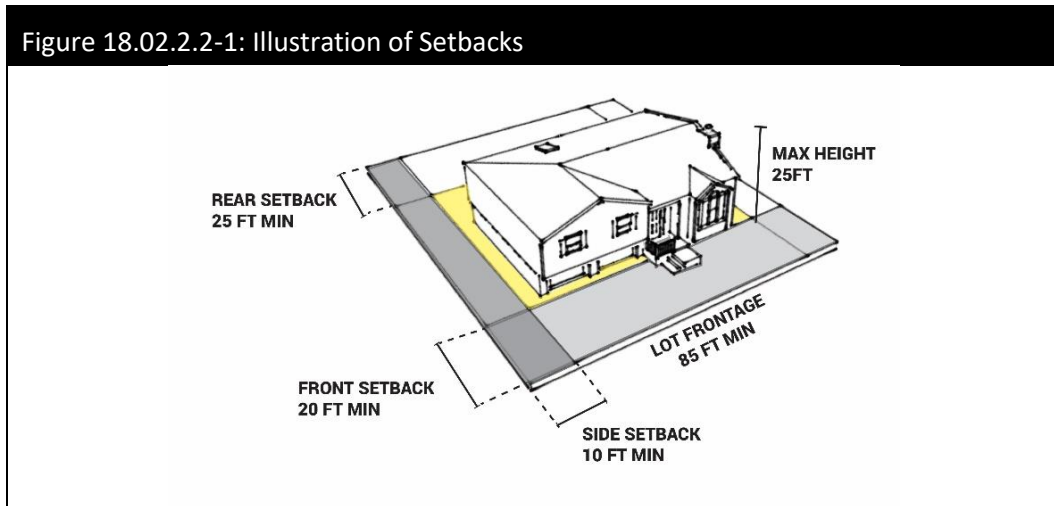
- A. Purpose. The Low-Density Residential Zone District is characterized by a variety of detached *dwelling* unit housing types.
- B. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- C. Dimensional Standards. The following dimensional standards apply to this district.

Table 18.02.2.2-1: Dimensional Standards for the Low-Density Residential Zone District

Lot Dimensions	Standard Requirements
Minimum Lot Size	8,700 sf.
Minimum Lot Frontage	85 ft.
Building Setbacks	
Minimum Front Setback – Permanent Principal Structure	20 ft.
Minimum Front Setback – Permanent and Temporary Accessory Structures	20 ft.
Maximum Front Setbacks	N/A
Minimum Side Setback – Permanent Principal Structure	10 ft.
Minimum Side Setback – Permanent Accessory Structure	10 ft.
Minimum Side Setback – Temporary Accessory Structure	5 ft.
Minimum Rear Setback – Permanent Principal Structure	25 ft.
Minimum Rear Setback – Permanent Accessory Structure	25 ft.
Minimum Rear Setback – Temporary Accessory Structure	5ft.
Site Development Standards	
Maximum Lot Coverage	35%

Lot Dimensions	Standard Requirements
Maximum Building Height	25 ft ^[1]
Maximum Residential Density	5 du/ac

^[1] Heights of structures shall be twenty-five feet as calculated in the Building Height definition unless property is located within the Historic District and receives a Material Change of Appearance Certification incorporating steep, roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed thirty feet.



18.02.2.3. High-Density Residential (HDR)

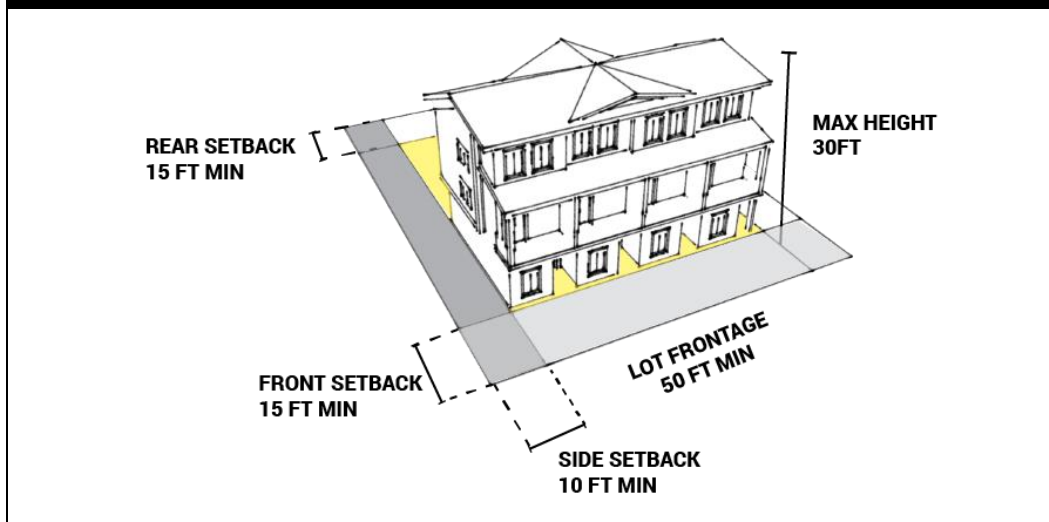
- A. Purpose. To provide areas for a variety of attached dwelling units or multi-unit dwelling housing types, designed in a manner to create livable dwelling space and well-designed common areas. This Zone District shall be encouraged for redevelopment opportunities at high traffic areas, particularly near Commercial uses along routes served by public transit.
- B. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- C. Dimensional Standards. The following dimensional standards apply to this district.

Table 18.02.2.3-1: Dimensional Standards for the High-Density Residential Zone District

Lot Dimensions	Standard Requirements
Minimum Lot Size	N/A (determined by number of dwelling units)
Minimum Lot Frontage	50 ft.
Building Setbacks	
Minimum Front Setback – Permanent Principal Structure	15 ft.
Minimum Front Setback – Permanent and Temporary Accessory Structures	15 ft.
Maximum Front Setbacks	N/A

Lot Dimensions	Standard Requirements
Minimum Side Setback – Permanent Principal Structure	10 ft.
Minimum Side Setback – Permanent Accessory Structure	10 ft.
Minimum Side Setback – Temporary Accessory Structure	5 ft.
Minimum Rear Setback – Permanent Principal Structure	15 ft.
Minimum Rear Setback – Permanent Accessory Structure	15 ft.
Minimum Rear Setback – Temporary Accessory Structure	5 ft.
Site Development Standards	
Maximum Lot Coverage	75%
Maximum Building Height	30 ft
Maximum Residential Density	15 du/ac

Figure 18.02.2.3-1: Illustration of Setbacks



18.02.2.4. Hillside Low-Density Residential (HLDR)

- A. Purpose. To provide areas of low-density *development* on hillside lands in a manner that protects ridgelines, steep slopes, wildlife habitat, and *heritage trees*; and reduces or mitigates *natural hazard* risks. The primary goal of this district is the protection of key attributes such as topography, native vegetation, connected wildlife corridors, wildlife and pollinator habitats, ecosystems, previously undisturbed scenic areas, and ridgelines of a site.
- B. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- C. Dimensional Standards. The following dimensional standards apply to this district.

Table 18.02.2.4-1: Dimensional Standards for the Hillside Low-Density Residential Zone District

Lot Dimensions	Standard Requirements
Minimum Lot Size	As determined by Table 18.02.2.4-2: HLDR Minimum Lot Size Calculation Requirements by Slope
Minimum Lot Frontage	100 ft.
Building Setbacks	
Minimum Front Setback – Permanent Principal Structure	25 ft.
Minimum Front Setback – Permanent and Temporary Accessory Structures	25 ft.
Maximum Front Setbacks	50 ft.
Minimum Side Setback – Permanent Principal Structure	20 ft.
Minimum Side Setback – Permanent Accessory Structure	20 ft.
Minimum Side Setback – Temporary Accessory Structure	5 ft.
Minimum Rear Setback – Permanent Principal Structure	25 ft.
Minimum Rear Setback – Permanent Accessory Structure	25 ft.
Minimum Rear Setback – Temporary Accessory Structure	5 ft.
Site Development Standards	
Maximum Lot Coverage	20% on lots with slopes 17% slope or less as calculated per Table 18.02.2.4-2 10% on lots with slopes 18% or greater as calculated per Table 18.02.2.4-2
Maximum Building Height	25 ft
Maximum Residential Density	As determined by Table 2.2.4-2: HLDR Minimum Lot Size Calculation Requirements by Slope

1. Minimum Lot Size - Allowable lot size for traditional development (one detached single *household dwelling* developed on an *existing lot*), shall be based on the average percent of slope as computed by the following formula:

$$S = 100 \times I \times L / A$$

Where:

S= Average Percent of Slope (%);

I = Contour Interval (feet)—Elevation difference between adjacent contours;

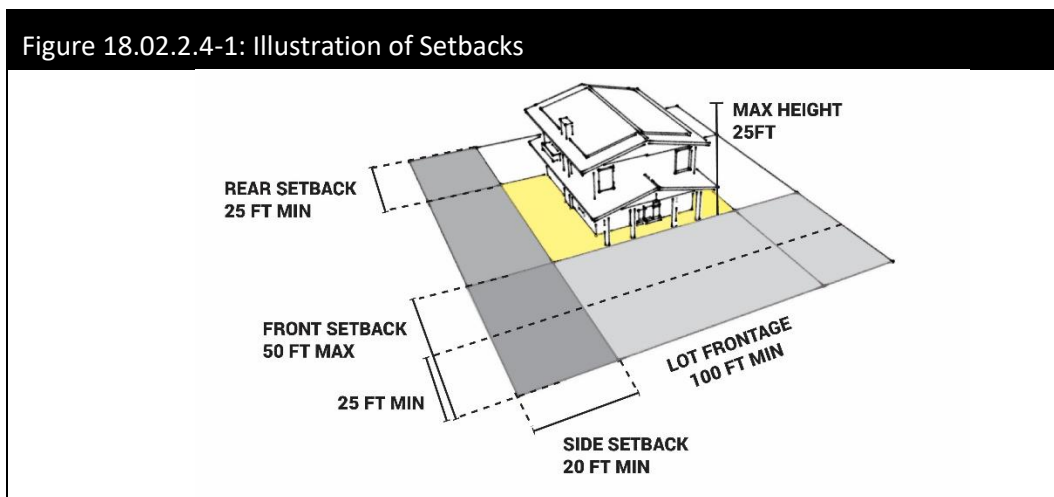
L = Length (feet)—Summation of the measured length of all existing contour lines within the limits of the property line of the parcel being considered;

A = Area (square feet)—Area within the limits of the property boundary of the parcel being considered.

Table 18.02.2.4-2: HLDR Minimum Lot Size Calculation Requirements by Slope

HLDR Lot Size Calculation by Average Slope ^[1]	
Average Slope (percent)	Minimum Lot Size (square feet)
0—17	9,000
18—24	12,500
25—29	21,000
30—39	40,000
40—49	60,000
50+	90,000

^[1] This table is for site planning purposes. Buildings shall not be located on individual slopes with an average slope greater than 30% (even if the average slope on the entire site is less than 30%).



D. Development Standards. The following development standards apply to all development in the Hillside Low Density Residential Zone District.

1. All *development* in the HLDR district shall comply with the Development in Natural Hazards standards pursuant to Chapter 3.
2. Driveways and utilities shall be located to reduce cut and fill and scarring of the natural landscape to the greatest extent possible.
3. Significant site features that contribute to the overall community aesthetic shall be identified and preserved to the greatest extent. Examples of such features could include ridgelines, bluffs, rock outcroppings, view corridors, foothills, mountain backdrop, urban forest, floodplains, natural water bodies, natural drainageways, connected wildlife corridors, ecosystems, and *heritage trees*.
4. Residences and accessory *structures* shall be sited on portions of the site with slopes less than thirty percent (30%) to protect ridgelines and hilltops.

5. 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, access, and surrounding neighborhood character for appropriate design and density.
6. All driveways shall maintain a slope of twelve percent (12%) or less for fire access. In situations where driveways exceed twelve percent (12%) slope the *buildings* shall require fire suppression by way of interior sprinklers.
7. All landscaping shall adhere to [Chapter 3](#).

18.02.3. Commercial and Mixed-Use Zone Districts

18.02.3.1. Downtown (DWTN)

- A. Purpose. The Downtown Zone District is characterized by its historic *buildings* and character, multi-modal transportation options, walkability, access to Fountain Creek, gathering places, public art, and tourist attractions as well as health and wellness offerings such as the nearby mineral springs. 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 and family tourism based activities (such as galleries, health spas, shops, restaurants, and museums). The Downtown core values Fountain Creek and the Creek Walk Trail as important recreational amenities that provide pedestrian connectivity throughout the community. It is intended to be a mixed-use zone that provides live/work options and supports the local economy as a vibrant downtown that attracts visitors, employees, and residents.

The Downtown Zone District generally corresponds with the Manitou Springs National and Local Historic Preservation Districts. Properties within these historic districts are required to adhere to the Historic District Design Guidelines, which are intended to foster the preservation of valuable historic *structures* and the historic character of the City.

- B. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- C. Dimensional Standards. The following dimensional standards apply to this district.

Table 18.02.3.1-1: Dimensional Standards for the Downtown Zone District

Lot Dimensions	Standard Requirements
Minimum Lot Size	N/A
Minimum Lot Frontage	25 ft.
Building Setbacks	
Minimum Front Setback – Permanent Principal Structure	0 ft.

Lot Dimensions	Standard Requirements
Minimum Front Setback – Permanent and Temporary Accessory Structures	0 ft.
Maximum Front Setbacks	N/A
Side Setback – Permanent Principal Structure	0 ft.
Side Setback – Permanent and Temporary Accessory Structures	0 ft.
Rear Setback – Permanent Principal Structure	0 ft.
Rear Setback – Permanent and Temporary Accessory Structures	0 ft.
Site Development Standards	
Maximum Lot Coverage	100%
Maximum Building Height	40 ft
Maximum Residential Density	30 du/ac

Figure 18.02.3.1-1: Illustration of Setbacks



18.02.3.2 Commercial (C)

- A. Purpose. The Commercial Zone District is characterized by commercial, office, and multi-unit mixed-use residential uses that are an integral part of the City's ability to provide a diverse range of essential and regionally oriented services, tourism-related *businesses*, and employment opportunities. This Zone District is primarily located along Manitou Avenue outside of the Downtown Zone District west of Highway 24. This Zone District prioritizes gathering spaces and public art as well as access to the Fountain Creek and the Creek Walk Trail for properties on the north side of Manitou Avenue. This district aims to minimize conflicts with adjacent residential and historic areas, floodplains, steep slopes, connected wildlife corridors, wildlife and pollinator habitats, and ecologically sensitive areas.

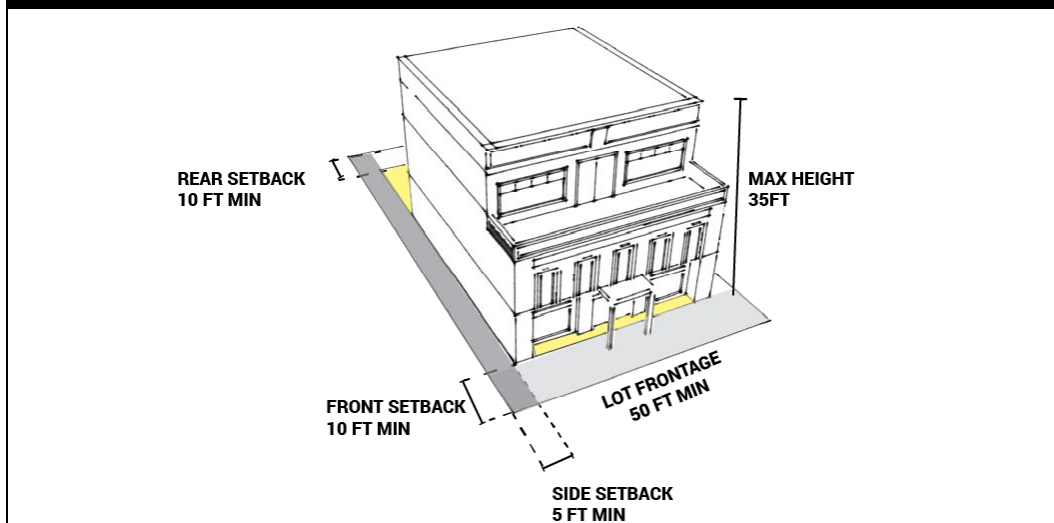
B. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1.](#)

C. Dimensional Standards. The following dimensional standards apply to this district.

Table 18.02.3.2-1: Dimensional Standards for the Commercial Zone District

Lot Dimensions	Standard Requirements
Minimum Lot Size	N/A
Minimum Lot Frontage	50 ft.
Building Setbacks	
Minimum Front Setback – Permanent Principal Structure	10 ft.
Minimum Front Setback – Permanent and Temporary Accessory Structures	10 ft.
Maximum Front Setbacks	N/A
Minimum Side Setback – Permanent Principal Structure	5 ft. ^[1]
Minimum Side Setback – Permanent Accessory Structure	5 ft.
Minimum Side Setback – Temporary Accessory Structure	5 ft.
Minimum Rear Setback – Permanent Principal Structure	10 ft.
Minimum Rear Setback – Permanent Accessory Structure	10 ft.
Minimum Rear Setback – Temporary Accessory Structure	5 ft.
Site Development Standards	
Maximum Lot Coverage	75%
Maximum Building Height	35 ft
Residential Density	20 du/ac

Figure 18.02.3.2-1: Illustration of Setbacks



18.02.3.3 Mixed-Use Commercial (MUC)

- A. Purpose. The Mixed-Use Commercial District serves as the eastern gateway to Manitou Springs and is envisioned as a pedestrian friendly hub of retail, higher density residential (standalone or mixed-use), entertainment, and lodging. It promotes mixed-use *developments* (vertical or horizontal) that retain *frontage* along Manitou Avenue for commercial uses at the street level while expanding available housing options, as well as live/work housing or apartments. In addition to activating the Manitou Avenue street *frontage*, this district encourages interaction with the Fountain Creek corridor and prioritizes:
1. Enhancing the gateway to the City;
 2. Redevelopment of underutilized properties that represent the highest and best use of a site;
 3. Infill *development* on vacant parcels;
 4. Incorporation of *green infrastructure*;
 5. Incorporation of public art;
 6. Incorporation of public access to Fountain Creek by providing public walkways, pedestrian bridges, bicycle paths, and/or safe pedestrian connections to the Creek Walk Trail through the site;
 7. Limiting the impact of on-site parking from the streetscape by siting parking lots to the side or rear of the property; and
 8. Establishing the Becker's Lane and Manitou Avenue intersection as the focus of the Urban Renewal Area.
- B. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- C. Dimensional Standards. The following dimensional standards apply to this district.
1. Projects can qualify for a Development Standard Incentive Award as defined in Table 18.02.3.3-1 below. All land use and development applications within the Mixed-Use Commercial District will be routed through the Urban Renewal Authority (URA) for review, comment, and determination if projects qualify for Development Standard Incentive Awards prior to public hearing, or final determination by City staff.

Table 18.02.3.3-1: Dimensional Standards for the Mixed-Use Commercial Zone District

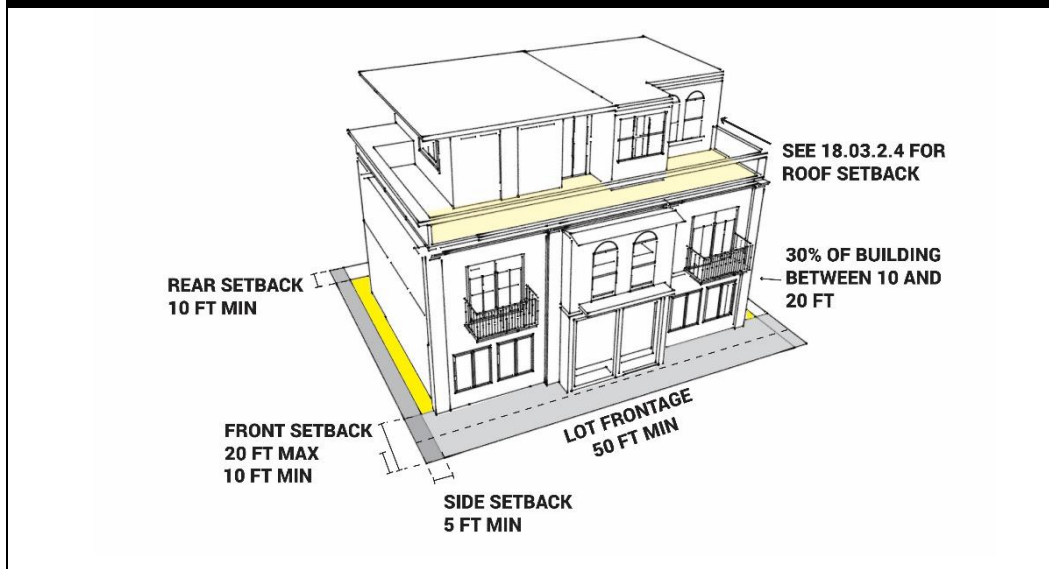
Lot Dimensions	Standard Requirements	Exceptions from Standard Requirements
Minimum Lot Size	N/A	
Minimum Lot Frontage	50 ft.	
Building Setbacks		

Lot Dimensions	Standard Requirements	Exceptions from Standard Requirements
Minimum Front Setback – Permanent Principal Structure	10 ft.	Decks and patios shall be allowed to encroach into front setbacks by 5 ft.
Minimum Front Setback – Permanent and Temporary Accessory Structures	10 ft.	
Maximum Front Setbacks	20 ft. ^[1]	
Minimum Side Setback – Permanent Principal Structure	5 ft.	Where adjacent properties are under single ownership 0 ft. setback shall be allowed on internal side property lines to attach adjacent buildings to facilitate redevelopment of multiple parcels
Minimum Side Setback – Permanent Accessory Structure	5 ft.	
Minimum Side Setback – Temporary Accessory Structure	5 ft.	
Minimum Rear Setback – Permanent Principal Structure	10 ft.	Decks and patios on the ground floor shall be allowed to encroach into rear setbacks by 5 ft.; does not apply to areas within the Fountain Creek floodway unless such encroachments are constructed above Base Flood Elevation (BFE), Upper story balconies shall be allowed to encroach up into rear setbacks up to 8 ft.
Minimum Rear Setback – Permanent Accessory Structure	5 ft.	
Minimum Rear Setback – Temporary Accessory Structure	0 ft.	
Site Development Standards		
Maximum Lot Coverage	75%	
Maximum Building Height	36 ft. ^[2]	
Maximum Residential Density	20 du/ac	

^[1] At least 30% of the front façade of the structure shall be within twenty (20) feet of the property line. Permanent roof structures over outdoor dining or gathering areas are included as part of the structure in order to meet this requirement.

^[2] Any *structure* that exceeds twenty eight (28) feet in height must step back the façade or roof line per Section 18.03.2.4.A.

Figure 18.02.3.3-1: Illustration of Setbacks



18.02.4. Publicly Owned Land Zone Districts

18.02.4.1. Open Space (OS)

- A. Purpose. The Open Space Zone District provides for areas intentionally left free from *development* for the preservation of natural resources, including forest lands, connected wildlife and pollinator corridors/habitats, unique biological, physical, topographical, or botanical areas, hazard-prone areas, scenic view sheds; cultural, historic, and archaeological resources.

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 merit protection. 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.

- B. Applicability. This district is established for the passive recreational use by citizens of the City, and to enable applicable lands under City ownership to be rezoned Open Space.
- C. Design Standards.
1. *Buildings* are limited to public facilities such as trailhead shelters and restrooms.
 2. For public trails, parking for trailheads is allowed with an approved Open Space Management Plan. All *parking areas* over two thousand (2,000) square feet shall have on-site water quality and detention facilities in compliance with [Title 14](#) of the Manitou Springs Municipal Code. These facilities shall be designed in a manner to minimize cut

and fill and the removal of vegetation, and to minimize impervious surfaces such as paving while promoting pervious surfaces.

3. No lighting or signage is allowed, other than trail information and trail markers.
 4. Maintenance of the site shall include trash removal, recycling, compost, pet waste removal, forestry management, parking lot maintenance, etc. per an Open Space Management Plan.
- D. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- E. Open Space Management Plan. An Open Space Management Plan shall be submitted to the Parks and Recreation Department for any new open space. The plan shall meet the criteria as outlined in the [Parks, Open Space, and Trails Master Plan](#), or other applicable facilities master plan, and shall be reviewed by the Open Space Advisory Committee.

18.02.4.2. Park (P)

- A. Purpose. The Parks Zone District is intended for City owned land set aside for use as public recreation and cultural activities. These parks may include playground equipment, athletic fields, tennis courts, swimming pools, and other facilities and programmed activities normally associated with public parks.
- B. Applicability. Approval of permanent public parks 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.
- C. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- D. Dimensional Standards. Development standards are determined by the review of the concept or development plan at the time the zone is established, or as amended.

18.02.4.3. Public Facilities (PF)

- 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. Applicability. Approval requires a determination that a public need exists. When necessary to make this determination, conditions regarding *setbacks* from adjacent uses or *property lines*, landscaping, *screening*, access, the placement and size of signs, and amount of parking

may be approved with the establishment of the Zone District. Platting and a development plan shall be approved before any building permits may be issued or before construction of any public facility or utility may begin.

- C. Permitted Uses. Applicable uses may be found in [Chapter 4, Table 18.04.2-1](#).
- D. Dimensional Standards. Development standards are determined by the review of the concept or development plan at the time the zone is established, or as amended.

Table 18.02.4.3-1: Dimensional Standards for the Public Facilities Zone District

Lot Dimensions	Standard Requirements
Minimum Lot Size	N/A
Minimum Lot Frontage	N/A
Building Setbacks	
Minimum Front Setback – Permanent Principal Structure	10 ft.
Minimum Front Setback – Permanent and Temporary Accessory Structures	10 ft.
Maximum Front Setbacks	N/A
Minimum Side Setback – Permanent Principal Structure	5 ft.
Minimum Side Setback – Permanent Accessory Structure	5 ft.
Minimum Side Setback – Temporary Accessory Structure	5 ft.
Minimum Rear Setback – Permanent Principal Structure	10 ft.
Minimum Rear Setback – Permanent Accessory Structure	10 ft.
Minimum Rear Setback – Temporary Accessory Structure	5 ft.
Site Development Standards	
Maximum Lot Coverage	75%
Maximum Building Height	30 ft. ^[1]
Maximum Residential Density	N/A

^[1] Heights of structures shall be thirty feet as calculated in the Building Height definition, unless a property is located within the Historic District and receives a Material Change of Appearance Certification incorporating steep, roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed thirty-five feet

Chapter 3. Development Standards

18.03.1. General Provisions

18.03.1.1. Purpose

- A. This chapter includes standards for *development* that apply to all new *development* and redevelopment within the City of Manitou Springs. These standards have been established to promote the health, safety, and welfare of the present and future inhabitants of the community by addressing the relationship between adjacent properties, the transportation network, neighborhood character, and the natural environment.
- B. *Development* within all Zone Districts shall be designed to preserve open space and promote a layout that is sensitive to scale, identity and natural land features, including, but not limited to, preservation of natural landforms, view corridors, historic sites, wildlife corridors, community trails, multiple modes of transit, and neighborhood connectivity in accordance with the intent of the Manitou Springs Open Space Plan, the Historic District Design Guidelines, and the Comprehensive Plan.

18.03.1.2. Organization

- A. This chapter is organized into the following sections:

[18.03.1 – General Provisions](#)

[18.03.2 – Commercial Site and Building Design Standards](#)

[18.03.3 - Residential Site and Building Standards](#)

[18.03.4 - Exterior Lighting](#)

[18.03.5 – Fencing and Retaining Walls](#)

[18.03.6 – Landscaping and Screening](#)

[18.03.7 – Alternative Energy and Green Infrastructure](#)

[18.03.8 – Mobility Requirements](#)

[18.03.9 - Streets, Trails, and Connectivity](#)

[18.03.10 - Development in Natural Hazard Areas](#)

[18.03.11 – Drainage Plans](#)

[18.03.12 – Signs](#)

18.03.1.3. Applicability

- A. This chapter applies to all *development* of land within the municipal boundaries of the City.
- B. No building, *structure*, or land shall be occupied, built, used, erected, moved, or structurally altered unless in conformity with this Section.

- C. At no cost to the City, all new or expanded *development* shall connect to the Manitou Springs municipal water and wastewater systems, and the Colorado Springs Utilities gas and electrical systems.
- D. All public utility lines and private service lines shall be placed underground, including telephone and cable television. Distribution or private service lines not located within rights-of-way and in areas of thirty percent (30%) or greater slopes shall be bored.
- E. Any application under any zone shall comply with the provisions of [Chapter 5](#).
- F. *Development* determined to be a *contributing resource* within a *Historic District* shall abide by the requirements of the Manitou Springs Historic District Design Guidelines.

18.03.2. Commercial Site and Building Design Standards

18.03.2.1. Purpose

- A. The purpose of this section is to ensure that all commercial development is designed in a manner that is consistent with the existing architectural aesthetic of the City.

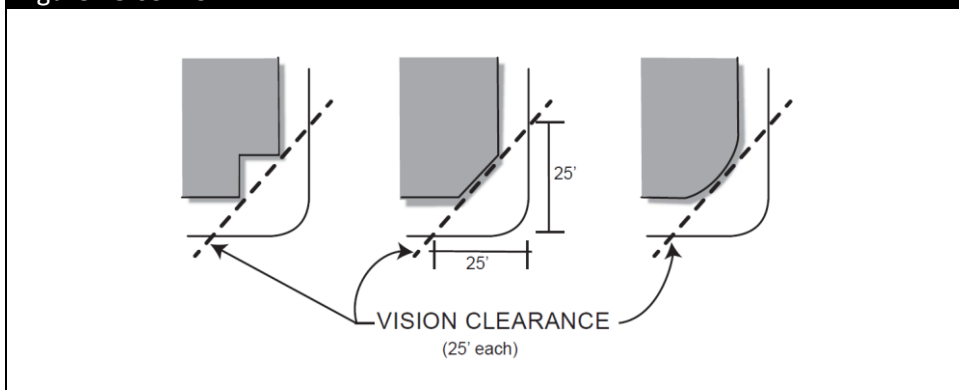
18.03.2.2. Applicability

- A. The following standards shall apply to all new *commercial* and mixed-use developments and redevelopments, as well as any change of use to *commercial* or mixed-use, within the Downtown, Commercial and Mixed-Use Commercial Zone Districts within the City of Manitou Springs.

18.03.2.3. Building Orientation

- A. *Buildings* located at the intersection of two public streets shall not extend into the vehicular vision clearance area as defined in [Section 18.02.1.4](#).

Figure 18.03.2.3-1



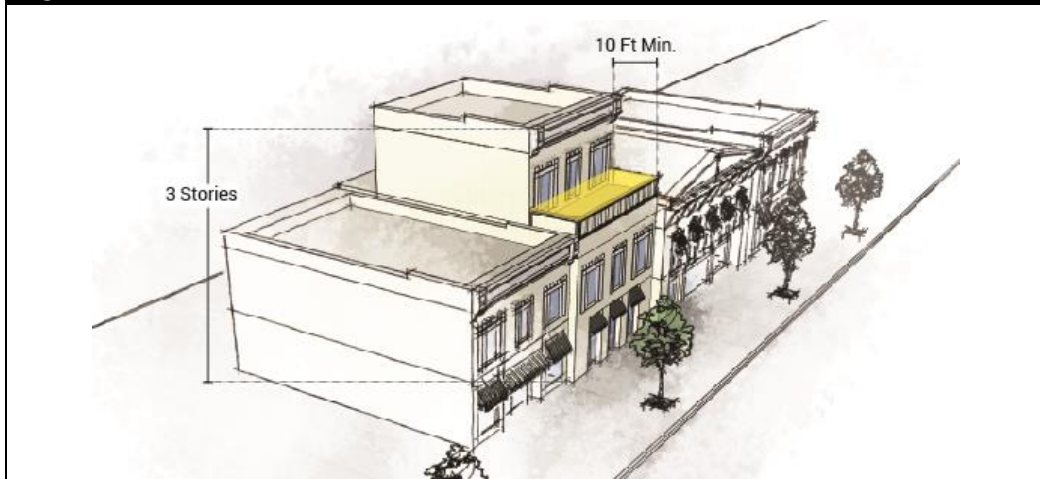
- B. Building entrances shall be identifiable and directly accessible either from public sidewalks or on-site pedestrian walkways. Drive aisles and other vehicular accesses shall not be considered pedestrian walkways.

- C. All *buildings* shall include thirty percent (30%) transparency by way of window glazing on the street facing, ground level.

18.03.2.4. Building Height and Scale

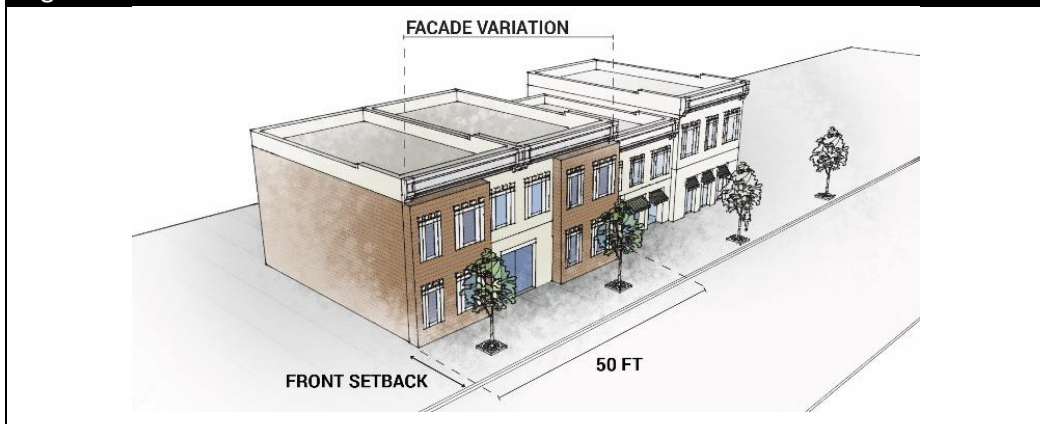
- A. *Building height* in the High Density Residential, Commercial, and Mixed-Use Zone Districts may vary based on location in relation to setbacks at the right-of-way based on the following:
1. *Buildings* shall include a step back of a minimum of ten (10) feet for the portion of *building* that extends beyond twenty-eight (28) feet in height.

Figure 18.03.2.4-1



- B. *Building facades* over fifty (50) feet in length shall vary the front façade by a horizontal dimension of at least five (5) feet such that no more than sixty percent (60%) of the façade extends to the maximum extent of the setback.

Figure 18.03.2.4-2



18.03.2.5. Building Materials

- A. Roof tops on all commercial or mixed-use buildings shall incorporate a cool roof for at least sixty-five percent (65%) of the total roof surface using roofing materials that have an aged Solar Roof Index (SRI) equal to the below:
 - 1. For a roof slope less than or equal to 2:12, the initial SRI shall be 82 and the aged SRI shall be 64.
 - 2. For a roof slope greater than 2:12, the initial SRI shall be 30 and the aged SRI shall be 32.

18.03.2.6. Development Relative to Fountain Creek

- A. Purpose. This section is intended to mitigate negative impacts of *development* on Fountain Creek, such as light pollution, trash and refuse, stormwater runoff, and erosion, while promoting an interface between the built environment and Fountain Creek that encourages pedestrian connections to and from the trail, preserves viewsheds of the creek from adjacent properties, and enhances the recreational experience along the trail.
- B. Design Standards. All properties along Fountain Creek that propose new *development* or redevelopment that would initiate a *development* plan application shall incorporate the following design features:
 - 1. All paved surfaces shall incorporate a curb and gutter, concrete drain pan, or low impact development technique, per [Section 18.03.8.10](#), along the creek side of the *development* to direct stormwater away from the Creek.
 - 2. The rear yard setback shall be landscaped in native plant material to blend with the natural ecosystems of the creek.
 - 3. Trash and refuse containers shall be at least fifty percent (50%) screened from view of the Creek Walk Trail by way of fencing, enclosures, or landscaping to minimize visual impacts and to minimize the opportunity for loose refuse to pollute the creek.

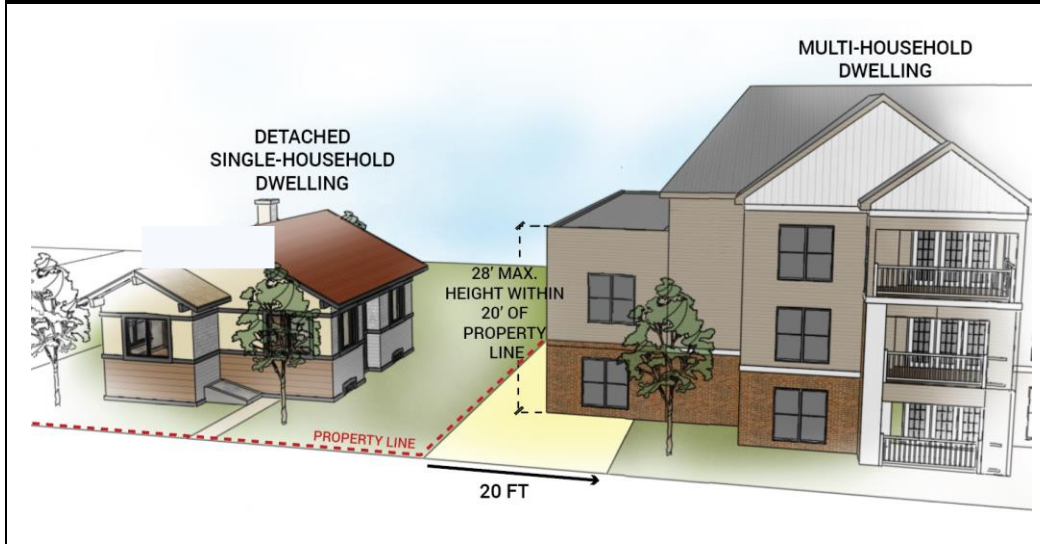
18.03.2.7. Site Amenities

- A. All *commercial* and mixed-use *buildings* in the Commercial and Mixed-Use Commercial Zone Districts shall include a minimum of four percent (4%) of the site in outdoor amenity space which can include, but is not limited to, outdoor dining, outdoor seating (such as benches or seat walls), public art display, or similar amenities. Outdoor amenity space shall be entirely on the subject property and not in the public right-of-way. The following shall apply to outdoor amenity spaces:
 - 1. All accent areas, including patios, outdoor seating areas, and plazas shall be comprised of decorative paving (i.e., colored, stamped, or exposed aggregate concrete; pavers, or brick) to differentiate from the primary or public pedestrian sidewalks; and
 - 2. Fencing used to delineate outdoor seating or extended outdoor space of a building for the express use of that building, shall be a maximum of forty-two inches (42") tall and be comprised of durable materials that are complementary of the architecture.

18.03.3. Residential Site and Building Design Standards

- A. 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 18.02](#) for the respective Zone District.
- B. Multi-household and commercial structures shall not exceed a height of twenty-eight (28) feet within twenty (20) feet of the side and rear property lines adjacent to an existing single-household unit.

Figure 18.03.3-1



- C. There shall be no more than one principal *dwelling* unit on one lot in the Low Density Residential, General Residential, and Hillside Low Density Residential Zone Districts.

18.03.4. Exterior Lighting

18.03.4.1. Purpose

- A. The intent of these standards is to increase safety, reduce crime, minimize the negative impacts of adverse offsite impacts including light trespass and glare on surrounding uses, improve views of the night sky, reduce impact to wildlife habitat, and generally conserve energy.

18.03.4.2. Applicability

- A. All exterior lighting for any type of residential or nonresidential *development* shall comply with the standards of this Section, unless exempted in [Section 18.03.4.3](#) below.
- B. All exterior lighting existing prior to the adoption of this Section shall be brought into compliance with this Section upon application of a Development Plan as required in [Section 18.06](#).

18.03.4.3 Exemptions

- A. This section does not apply to the following:
 - 1. Lighting within the *public right-of-way* that is used principally to illuminate roads. Such lighting is owned and maintained by Colorado Springs Utilities.
 - 2. Lighting of signs, as regulated by [Section 18.03.12](#).
 - 3. Temporary lighting of construction sites.
 - 4. Holiday lighting, provided that individual lamps are less than seventy (70) lumens.
 - 5. Emergency lighting.
 - 6. Temporary lighting for theatrical, television, and performance areas, or for special events authorized by a Temporary Use Permit.
 - 7. Lighting required and regulated by the Federal Aviation Administration.

18.03.4.4 General Development Standards

- A. The submission of an exterior lighting plan is required for any Development Plan application. The plan shall show the location of all exterior lighting, provide manufacturer's cut-sheets, provide a photometrics plan, and describe details such as level of illumination, hours of illumination, and the effects the illumination has on adjoining properties and roadways.
- B. All fixtures must be full cutoff. Existing bulbs being replaced with LEDs need to provide shielding to direct light downward and conceal the light source.
- C. Maximum on-site footcandles shall not exceed ten footcandles. In areas adjacent to *buildings*, said ten footcandle maximum shall include light spillage from within the building as well as light from signage.
- D. Light levels measured twenty feet beyond the site property line shall never exceed 0.1 footcandles as a direct result of the on-site lighting.
- E. The color-temperature rating of fixture lamps shall not exceed three thousand (3,000) kelvin in order to achieve dark sky compliance.
- F. All light fixtures shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available, such as timers, photo sensitive light controls, photoelectric lighting controller, a building automation system, or a lighting energy management system.
- G. No outdoor lighting may be used in any manner that interferes with the safe movement of motor vehicles on public thoroughfares.
- H. Maximum fixture height for all street lighting shall be eighteen (18) feet and for pedestrian lighting shall be fourteen (14) feet. Lights mounted on a building shall meet the maximum fixture height unless located on a rooftop terrace to illuminate useable pedestrian space or if required for safety by the Building Code.

- I. Lighting for outdoor recreational uses such as baseball diamonds, playing fields, tennis courts, and similar uses shall comply with the following standards:
 - 1. Maximum permitted light post height: Forty (40) feet.
 - 2. Maximum permitted illumination at the property line: Two (2) footcandles.
- J. Spacing of street and pedestrian lighting shall be determined at the time of the lighting plan by a lighting specialist based on the amount of light emitted by the fixture to meet the standards in this Section.

18.03.4.6 Lighting Standards for Residential Uses

- A. Exterior lighting shall be downward directed and no brighter than a sixty-watt incandescent (or equivalent, compact fluorescent or LED rating).
- B. With motion sensors, lighting on dwelling units shall be no brighter than a seventy-five-watt incandescent (or equivalent, compact fluorescent or LED rating).
- C. Residential property uses shall employ proper control methods to minimize light pollution. Methods to control nuisance lighting include proper source, reduced wattage, light shielding fixtures, and proper height and distance of lighting mounts.

18.03.4.7 Prohibited Lighting

- A. The following lighting types are prohibited from being installed in the City:
 - 1. Lighting that simulates, imitates, or conflicts with warning signals, emergency signals, or traffic signals.
 - 2. Blinking or flashing lights and exposed trip lights used to illuminate building *facades* or to outline *buildings*.
 - 3. *Searchlights*, laser lights, and aerial lasers or holograms.
 - 4. Lighting in which any single luminaire exceeds twenty thousand (20,000) lumens.
 - 5. Bare lamps (not housed within a fixture).

18.03.5 Fencing and Retaining Walls

18.03.5.1 Purpose

- A. The purpose of this section is to ensure that all fences and retaining walls meet the City's height and design standards in order to protect the health and safety of the residents.

18.03.5.2 Applicability

- A. The provisions herein shall apply to all new and infill *development* and redevelopment subject to a Development Plan application.

18.03.5.3 General Provisions

- A. All *fences* and retaining walls must be constructed in a manner that complies with City drainage requirements and standards, and in compliance with any approved drainage plans on file with the City for the subject property.
- B. All *fences* shall have the finished side facing the *public right-of-way*, common open space, or other public areas, as applicable. Non-decorative elements such as *fence* posts and supporting structures, when visible on one side and not the other, shall face inward.
- C. All fencing and retaining walls shall be maintained in good condition, including, but not limited to, replacing or repairing broken components, such as pickets, and repainting.

18.03.5.4 Prohibited Fencing Materials

- A. Chain-link fencing with or without slats, barbed wire, or other sharp-pointed fencing, materials that cause glare, and electrically charged fencing shall not be used as a material for external boundary *fences* in any zone district except as required for demonstrated unique security purposes.

18.03.5.5 Fencing and Retaining Wall Location

- A. In no event shall a *fence* or retaining wall be located in or extend into any *public right-of-way* or obstructs reasonable access to utility, irrigation, or drainage equipment, structures, or facilities located within a dedicated easement or *right-of-way*, by persons who are entitled to gain access to such equipment, structures, or facilities.

18.03.5.6 Fencing Height and Design Standards

- A. The height of a *fence* shall be measured from the top of the *fence* to the finished grade of the lot directly under the *fence* as such grade existed at the time the *fence* was constructed. A *fence* includes all elements, projections, and appendages of the structure. Any *berm*, wall, or similar feature that is constructed for the purpose of increasing the height of a *fence* shall be considered to be a part of the *fence*.
- B. *Fences* shall be:
 - 1. No more than six (6) feet high within any rear or side yard;
 - 2. No more than forty-two (42) inches high within the area constituting the front yard between the front building line and front property line;

Figure 18.03.5.6-1



3. No more than eight (8) feet high when utilized in association with an approved development plan to screen an outdoor storage area from public view that is located within any rear or side yard;
4. No more than three (3) feet high within a vision clearance triangle as defined in [Section 18.02.1.4](#).

Figure 18.03.5.6-2

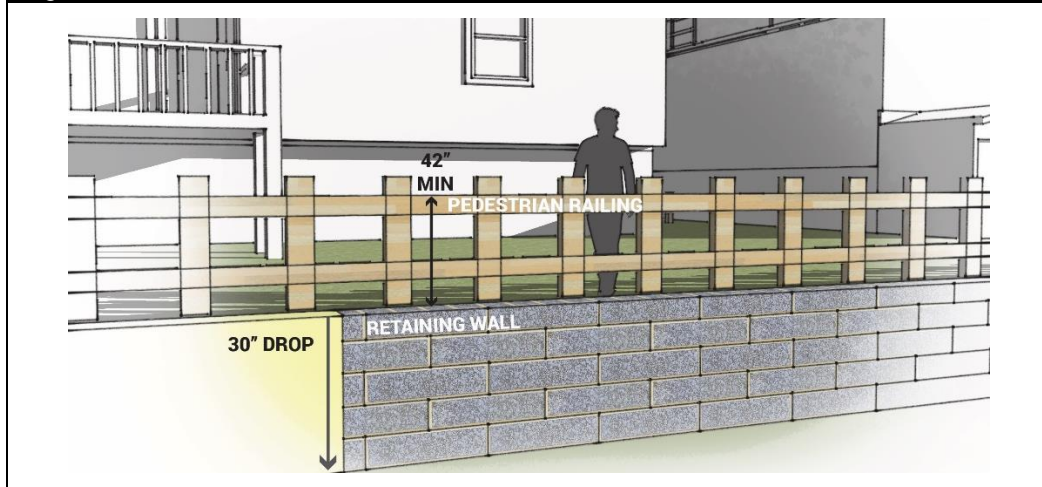


18.03.5.7 Retaining Wall Height and Design Standards

- A. The height of a retaining wall shall be measured from the top of the wall to the finished grade of the lot at the base of the wall. Any *berm*, wall, or similar feature that is constructed for the purpose of increasing the height of a wall shall be considered to be a part of the wall.
- B. Retaining wall shall be:
 1. No more than ten (10) feet in height.
 2. Areas between retaining wall tiers shall be a minimum of four (4) feet in width and shall contain living vegetation.

- C. Where a retaining wall located adjacent to a pedestrian walkway such as a trail, parking area, or sidewalk, results in a downward vertical drop of more than thirty inches, a railing at least forty-two inches in height shall be placed along the top edge of the retaining wall to prevent pedestrians from falling over the edge of the retaining wall.

Figure 18.03.6.8-1



18.03.5.8 Prohibited Retaining Wall Materials

- A. Retaining wall shall not be constructed of non-pressure treated wood, vinyl, plastic, or other materials that are not customarily sold for retaining walls.

18.03.6 Landscaping and Screening

18.03.6.1 Purpose

- A. The purpose of this section is to establish minimum requirements for the design, installation and maintenance of landscapes that contribute ecologically and aesthetically to the City. Overall, the intent of this section is to achieve the following goals:
1. Promote water efficiency;
 2. Reduce urban heat island effect;
 3. Preserve, protect and enhance natural features and ecosystems;
 4. Reduce and mitigate current and future natural hazard risk;
 5. Improve visual compatibility within and between developments and differing land uses; and
 6. Encourage innovative and sustainable approaches to landscape design.

18.03.6.2 Applicability

- A. The provisions herein shall apply to all new and infill *development* subject to a *development* plan application.

18.03.6.3 General Landscape Standards

- A. Where existing native plants are to be retained, drainage shall not be altered so as to be detrimental to the viability of the plants;
- B. All disturbed site areas shall be revegetated and slopes stabilized in conformance with requirements within this Section;
- C. Landscapes shall adhere to the following standard xeriscape design principles to facilitate water conservation:
 - 1. Improve the soil with organic matter;
 - 2. Group plants with similar water needs together;
 - 3. Use appropriate turf varieties to minimize the use of high water bluegrass; and
 - 4. Use bioswales, water quality ponds, and rain gardens to filter runoff from parking lots, streets, and other impervious surfaces.
- D. Plant material shall consist of native and regionally adapted species per the City of Manitou Springs Official Plant List with selection based on suitability to conditions of the site such as existing plant palette, soil conditions, wildlife habitat, microclimate, water requirements, and the surrounding environment.
- E. Alternatives to the City's preferred plant list may be considered on a case-by-case basis by the Planning Director upon the applicant demonstrating in writing that such alternatives are equally or more suitable to the conditions of the site ecology, habitat, microclimate, and the surrounding environment. Approved alternatives shall be documented on a landscape plan as part of a *development* plan application.
- F. The following noxious and invasive trees species are prohibited from being planted in Manitou Springs. Existing trees are exempt.
 - 1. Russian olive
 - 2. Siberian elm
 - 3. Tree of Heaven
 - 4. Ash, Fraxinus species
- G. All landscaped areas shall consist of one hundred percent (100%) ground coverage in living vegetation (trees, ground covers, perennials, wildflower mix, shrubs, ornamental grasses, bulbs, and grass mixes, or turf grass), organic mulch, or rock mulch per the following specifications:

1. A perimeter zone with a minimum width of five (5) feet shall be protected around any permanent principal or *accessory structure* and remain free of organic mulch and living vegetation;
 2. At least seventy-five percent (75%) of each landscaped area shall be covered in living vegetation which may include trees, ground covers, perennials, wildflower mix, shrubs, ornamental grasses, bulbs, and grass mixes or turf grass; and
 3. The tree canopy shall not be counted in the seventy-five percent (75%) calculation of vegetative cover.
- H. Up to twenty percent (20%) of required trees may be substituted with shrubs or large ornamental grasses at a ratio of ten (10), shrubs or twenty (20) ornamental grasses per one (1) tree.
- I. Minimum planting sizes on all required landscaping shall be as follows:
1. Deciduous Canopy Trees: two-inch (2") caliper
 2. Deciduous Ornamental Trees: one-and-one-half-inch (1.5") caliper
 3. Evergreen Trees: six-foot (6') tall
 4. Shrubs and Large Ornamental Grasses: five (5) gallon size
 5. Perennials and Small Ornamental Grasses: one (1) gallon size
- J. Landscaping shall be maintained at a height of no more than thirty-six (36) inches high when located in a vision clearance triangle as defined in [Section 18.02.1.4](#).
- K. Trees shall not be located within five (5) feet of underground electric and cable lines, within six (6) feet of underground gas lines, and within ten (10) feet of underground water and sewer lines.
- L. All planting areas shall be mulched. Mulch shall be contained in the planting bed. Organic mulch shall not include a weed-control barrier under the mulch. Plastic is prohibited for use as a weed control barrier under inorganic mulch.
- M. All landscape areas shall be amended with organic compost.
- N. All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the American Standard for Nursery Stock, (ANSI Z60.1) Edition, American Association of Nurserymen, Inc. (AAN-ASNS) and the [Colorado Nursery Act](#) (can).
- O. All irrigation systems shall consist of water efficient equipment.
- P. Guarantee of installation. Required landscape improvements shall be installed within one year of completion of site construction. If construction phased, landscape improvements associated with each phase shall be installed within one year of completion of the associated phase of construction.
- Q. Financial Surety. A financial surety shall be collected and held for the cost of materials and labor associated with the landscape and irrigation improvements if Certificates of

Occupancy are sought before installation. The financial surety shall be released upon complete installation of such improvements.

- R. Maintenance. To provide for the ongoing health and appearance of landscape improvements, all landscaping and irrigation shall be maintained and replaced by the landowner or *occupant* as necessary. All property owners or *occupants* shall be responsible for maintenance of landscaping within the portion of the *public right-of-way* between the back of the curb or street pavement and the adjacent property unless the City has specifically agreed in a *development agreement* to take over maintenance.

18.03.6.4 Submittal Requirements for Landscape Plans

- A. All Major Development Plan applications shall be accompanied by a landscape plan prepared by a Colorado-licensed Landscape Architect. Minor Development Plans shall be accompanied by a landscape plan but are not required to be prepared by a Colorado-licensed Landscape Architect. All landscape plans shall include the following:
 - 1. Landscape plan showing plant material sizes at maturity.
 - 2. Detailed plant list identifying common and botanical names of plant species, specified size of plant material, quantity, and water usage based on the water usage based on the following categories:
 - a. High Water Use (requires >36" of precipitation per growing season)
 - b. Medium Water Use (requires 23-36" of precipitation per growing season)
 - c. Low Water Use (requires 18-23" of precipitation per growing season)
 - d. Xeric Water Use (requires up to 18" of precipitation per growing season)
 - 3. Detail drawings illustrating planting specifications for each type of plant material proposed (trees, shrubs, ornamental grasses, perennials).
 - 4. Tree preservation table showing how the *development* application plans to meet the requirements of [Section 18.03.6.6](#) as applicable.
 - 5. Location of all existing and proposed utilities.
 - 6. General installation and maintenance specifications.
- B. A preliminary landscape plan (without irrigation plan and/or landscape grading plan) must be prepared by a Colorado-licensed Landscape Architect and may be submitted as part of a *development* plan with the condition that a final landscape plan (with irrigation plan and/or landscape grading plan, if required) shall be submitted for staff review and approval prior to the issuance of a building permit.
- C. Alternative Compliance. The final decision making body may approve an alternative compliance request where a deviation from the landscaping standards is justified because of site or *development* conditions that make strict compliance with such standards impossible or impractical. The alternative compliance request shall indicate how the proposed deviations are justified by site or *development* conditions and illustrate how they will be

mitigated by including one of the options from the Natural Resource Protection section of [Table 18.03.7.5-1](#). Deviations may be justified due to the following:

1. To preserve natural conditions such as watercourses, natural rock formations, or topography;
 2. The presence of *easements* that prevent landscaping;
 3. Other situations where strict compliance with the standards is deemed impractical as determined by the decision making body.
- D. An irrigation plan shall be required as part of the Final Landscape Plan. The irrigation plan shall be prepared by a Colorado-licensed Landscape Architect or Irrigation Professional and submitted and approved prior to the issuance of a building permit to include the following:
1. Irrigation tap calculations;
 2. Layout of all irrigation equipment;
 3. Schedule of all irrigation equipment;
 4. Depiction of plant hydrozones which shall take into account plant water demand, slopes, and microclimates;
 5. Statement of water saving methodology; and
 6. General installation and maintenance specifications.
- E. If a separate grading plan is not required as part of the development plan application, then a landscape grading plan shall be required as part of the Final Landscape Plan and shall provide all information necessary to clearly indicate existing and proposed site conditions including, but not limited to:
1. Existing and proposed contours at two-foot intervals,
 2. Top and toe of manufactured slopes,
 3. Retaining walls with top of wall elevations and finish grade on each side, and
 4. General intent of site drainage.

18.03.6.5 Vegetation Preservation Standards

- A. Purpose and intent: Preserve and enhance the urban tree canopy.
- B. Applicability: All new and infill *development* and redevelopment.
1. Any tree required by the provisions in [Section 18.03.6](#) that fails to survive shall be replaced with the same species or a species with similar mature size in accordance with the planting specifications herein.
 2. All existing trees six-inch (6") caliper or larger proposed for removal on any new or infill *development* or redevelopment site shall be mitigated at the following rate:

<i>Tree to be removed</i>	<i>Replace with</i>
6" to 12" caliper tree	Two trees at 2" caliper min. size or one tree as 3.5" caliper min. size
12" to 24" caliper tree	Four trees at 2" caliper min. size or two trees as 3.5" caliper min size
24" or larger caliper tree	Six trees at 2" caliper min. size or three trees at 3.5" caliper size

3. If it is determined by the Planning Director that the required trees replacement trees will not reasonably fit on the site without crowding out other required site or street trees, then the applicant shall work with the Parks and Recreation Department to dedicate trees to local parks or pay into the Parks and Recreation Trees Donations fund.
4. Measures shall be taken to conserve on-site plants. Vegetation proposed for preservation with any new or infill *development* or redevelopment shall receive credit toward the required quantity of landscape material at the following rates:

<i>Existing Vegetation Preserved</i>	<i>Credit Toward Required Landscape</i>
Shrubs up to 5' tall	Credit of one shrub for each existing shrub preserved
Shrubs over 5' tall	Credit of two shrubs for each existing shrub preserved
Trees 2" to 6" caliper in size	Credit of one tree for each existing tree preserved
Trees 6" to 12" caliper in size	Credit of two trees for each existing tree preserved
Trees 12" to 24" caliper in size	Credit of three trees for each existing tree preserved
Trees 24" caliper in size or larger	Credit of four trees for each existing tree preserved

18.03.6.6 Streetscape Landscape Standards

- A. Purpose and intent: All streetscapes shall be tree lined and include a waterwise and balanced approach to design of plant material for year-round visual interest.
- B. Applicability: The following requirements shall apply to all *commercial* and multi-*household development* along collector and arterial streets as well as any single-*household* subdivisions with tree lawns along local streets in addition to the General Landscape Standards in [Section 18.03.6.3](#).
- C. General design standards:
 1. A minimum of one deciduous street tree is required per forty (40) linear feet of street *frontage*.

2. If *frontage* is less than forty (40) linear feet in length, at least one street tree shall be required and spaced equally between trees on adjacent parcels.
3. Street trees shall be planted within the *right-of-way*. If there is not adequate space within the *right-of-way*, the trees shall be planted within ten (10) feet of the back of the sidewalk.
4. Street trees shall be watered via automatic underground irrigation system with irrigation lines sleeved under sidewalks and pavement for ease of maintenance.
5. Street trees shall be limbed up to maintain a minimum eight-foot (8') clearance above all sidewalks.
6. Tree species planted under or within ten (10) feet of overhead powerlines shall have a mature height of no more than twenty-five (25) feet.

18.03.6.7 Commercial, Mixed-Use, and Multi-Household Development Landscape Standards

- A. Purpose and intent: To ensure water conscious landscape improvements that are designed to enhance the overall appearance of the *development* and integrate the project with adjacent land uses and in the surrounding neighborhood.
- B. Applicability: All *development* in Zone Districts HDR, C, and MUC shall meet the following standards in addition to the General Landscape Standards in [Section 18.03.6.3](#). *Development* in the Downtown Zone District are exempt from meeting these requirements.
- C. General design standards:
 1. No more than thirty percent (30%) of the total landscaped area shall be comprised of high water use plant material such as irrigated turfgrass.
 2. Landscaping is required around the perimeter of the building along *facades* that face public streets, transportation corridors, public open space, or Fountain Creek.
 - a. A minimum of one (1) tree shall be provided for every forty linear feet (40') of building perimeter landscape area.
 - b. A minimum of one (1) shrub or ornamental grass shall be provided for every ten (10) linear feet of building perimeter landscape area.
 3. Landscaping is required around the perimeter of the site, along all side and rear property lines at the following rates:
 - a. Consistent with Buffer Type A, per [Section 18.03.6.10](#), when adjacent to another *commercial*, *mixed-use*, or *multi-household* use; or
 - b. Consistent with Buffer Type B, per [Section 18.03.6.10](#), when adjacent to a single-*household* detached, duplex, or attached use.
 - c. The area between any fencing and right-of-way shall be landscaped with a minimum of one (1) shrub or ornamental grass for every ten (10) linear feet of fencing.

18.03.6.8 Industrial Development Landscape Standards

- A. Purpose and intent: To ensure landscape improvements are designed primarily at the public facing building entry to be consistent with commercial landscape standards and at the perimeter for purposes of screening industrial activities from the exterior of the property.
- B. Applicability: All development of industrial uses as listed in the Use Table in [Section 18.04](#) shall meet the following standards.
- C. General design standards:
 - 1. Landscape areas shall include no more than thirty percent (30%) of the total landscaped area comprised of high water use plant material such as irrigated turfgrass.
 - 2. The perimeter of the property shall be landscaped with a Buffer Type C, per [Section 18.03.6.10](#).
 - 3. The area between the primary building façade and the public *right-of-way* shall meet the commercial design standards detailed in [Section 18.03.6.8](#) with all landscape areas including a minimum of seventy-five percent (75%) live cover.
 - 4. Parking lots shall be landscaped per [Section 18.03.6.10](#).

18.03.6.9 Parking Lot Landscape Standards

- A. Purpose and intent: Parking lot landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and *development*, and enhance the overall appearance of the site.
- B. Applicability: All parking lots with ten (10) spaces or more shall be subject to the following requirements.
- C. General design standards.
 - 1. No more than thirty percent (30%) of the total landscaped area shall be comprised of high water use plant material such as irrigated turfgrass.
 - 2. Provide a minimum of one landscape island per ten (10) parking spaces with a minimum width of five (5) feet.
 - a. Each island shall contain one (1) shade tree and seventy five percent (75%) live plant material cover.

Figure 18.03.6.8-1



3. Provide a minimum ten-foot (10') wide landscape area at the perimeter of surface parking lots.
 - a. Provide a minimum of one (1) tree per forty (40) linear feet of required perimeter landscape area. If the parking lot perimeter is within ten (10) feet of the side or rear property line then the provisions of [Subsection 18.03.6.7.C.3](#) shall prevail. Where the parking lot perimeter is adjacent to a right-of-way, the provisions of [Section 18.03.6.6](#) shall prevail.
 - b. Properties in the Downtown Zone District are exempt from this provision.
4. Screen headlights from adjacent *rights-of-way* or residential properties with one of the following options:
 - a. A hedge of shrubs and/or ornamental grasses with a minimum height of thirty (30) inches to screen seventy five percent (75%) of the parking lot perimeter;
 - b. A *berm* with a minimum of thirty (30) inches height; or
 - c. A wall or solid *fence* with a minimum height of three (3) feet paired with landscape material for at least fifty percent (50%) of the length of the wall placed on the street or adjacent property side of the wall.

Figure 18.03.6.8-2



- D. Maintenance of all landscaping within and adjacent to parking lots shall be the responsibility of the landowner.

18.03.6.10 Screening and Buffering

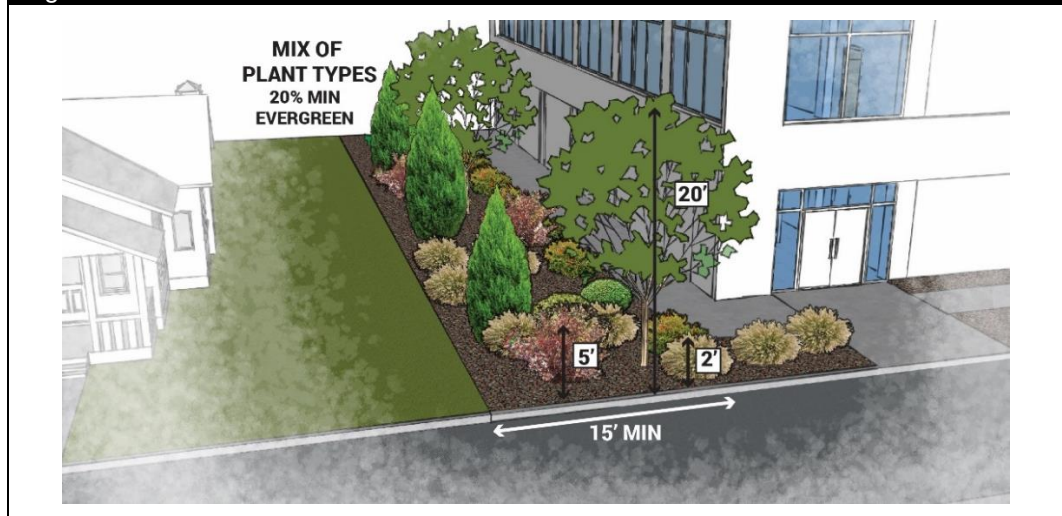
- A. Purpose and intent. Buffers and screening are intended to minimize conflicts between potentially incompatible, land uses and *development* on abutting property.
- B. Applicability. Buffers shall be installed between parcels of different use when a property with a more intense use is developed ore redeveloped adjacent to a property with a less intense use. For example, a *commercial* use shall include a buffer on any property line adjacent to a residential use.
- C. General design standards:
1. All required buffers shall be located along the entire property line between the two uses and entirely on the developing property's side of the required buffer.
 2. Parking of vehicles and placement of *buildings* or structures, except for walls, *fences*, and landscaping, shall not be allowed in the required buffer.
 3. Under no circumstances shall a *fence* be the only screening material as a buffer between land uses.
 4. Buffer Type A shall be a minimum of ten (10) feet in width and consist of a mix of evergreen and deciduous trees, shrubs and ornamental grasses at the following rates per one hundred (100) linear feet of buffer:
 - a. Two (2) trees with a minimum mature height of twenty (20) feet; and
 - b. Ten (10) shrubs or large ornamental grasses with a minimum height of five (5) feet. If a six-foot (6') high privacy *fence* or wall is installed, the shrub and ornamental grass requirement can be reduced by fifty percent (50%).

Figure 18.03.6.9-1



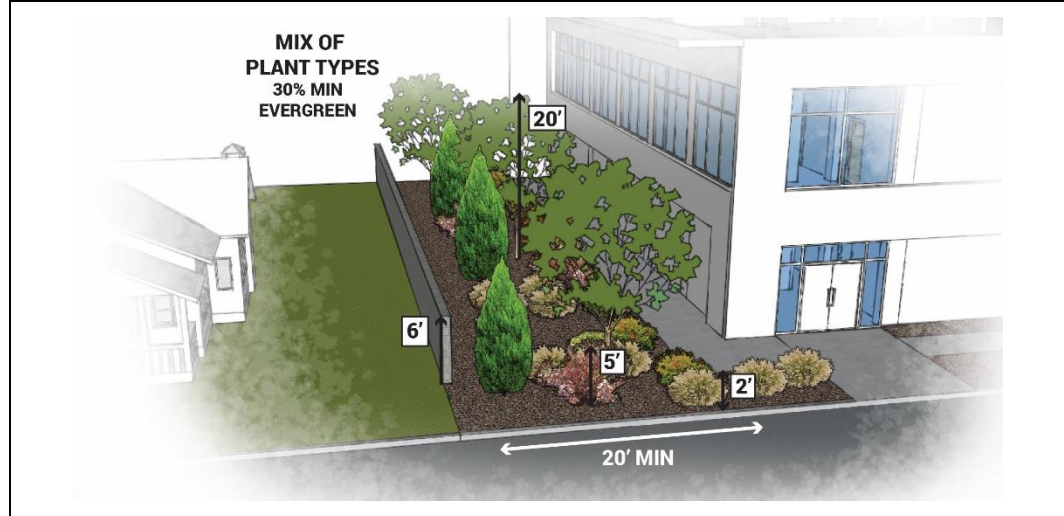
5. Buffer Type B shall be a minimum of fifteen (15) feet in width and consist of a mix of evergreen and deciduous trees, shrubs and ornamental grasses at the following rates per one hundred (100) linear feet of buffer:
- Four (4) trees with a minimum mature height of twenty feet (20') with at least twenty percent (20%) being evergreen; and
 - Twenty (20) large shrubs with a minimum mature height of five feet (5'), up to thirty percent (30%) can be large ornamental grasses with a minimum mature height of five feet (5'); and
 - Ten (10) small shrubs or ornamental grasses with a minimum mature height of two feet (2').
 - If a six-foot high privacy fence or wall is installed, the shrub and ornamental grass requirement can be reduced by fifty percent (50%).

Figure 18.03.6.9-2



6. Buffer Type C shall be a minimum of twenty feet (20') in width and consist of a six foot (6') tall solid *fence* or wall and a mix of evergreen and deciduous trees, shrubs, and ornamental grasses at the following rates per one hundred linear feet (100') of buffer:
- Three (3) trees with a minimum mature height of twenty feet (20') with at least thirty percent (30%) being evergreen; and
 - Fifteen (15) large shrubs with a minimum mature height of five feet (5'), up to thirty percent (30%) can be large ornamental grasses with a minimum mature height of five feet (5'); and
 - Ten (10) small shrubs or ornamental grasses with a minimum mature height of two feet (2').

Figure 18.03.6.9-3



18.03.7 Alternative Energy and Green Infrastructure

18.03.7.1 Purpose

- A. This Section is intended to encourage, support and promote alternative and renewable energy technologies, and to design renewable energy systems that minimize negative impacts to surrounding properties.

18.03.7.2 Applicability

- A. The provisions herein shall apply to all new and infill development subject to a development plan application.

18.03.7.3 Electric Vehicle Charging Infrastructure

- A. Charging levels. Electric vehicle charging stations have standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. There are three common charging levels according to the following specifications:

Level	Charging Speed	Voltage
1	slow charging	0 - 120
2	medium charging	121 - 240
3	fast or rapid charging	> 240

- B. New construction of detached and attached *single-household dwellings* with *garages* and *multi-household dwellings* with *garages* shall provide a 240-volt / 40-amp outlet on a dedicated circuit and within five (5) feet of the designated vehicle parking space to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station for each vehicular parking space.

- C. New parking surface areas of multi-household dwellings and non-residential *development* shall provide the electrical capacity necessary to accommodate the future hardwire installation of universal Level-2 electric vehicle charging stations at a rate of one (1) charging space for every ten (10) required on-site parking spaces. Parking lots with less than ten (10) spaces are exempt from this requirement.

18.03.7.4 Solar Infrastructure

- A. It is the City's intent to encourage the use of both active and passive solar energy systems in homes and *businesses*.
- B. New construction of detached and attached *single-household dwellings* and *multi-household dwellings* shall provide the following infrastructure for future installation of solar energy systems:
 1. Reserve a three foot by three-foot (3'x3) space for installation of an inverter. Three feet (3') of clearance must be maintained in front of the space for access;
 2. Ensure electric panel has 20% excess capacity for solar back feed.

18.03.7.5 Sustainable Site Improvement Standards and Incentives

- A. All new residential and non-residential *development* is required to achieve a minimum of five (5) points from the menu below. Review and approval shall be by way of a Minor or Major Development Plan per [Section 18.06.4.12](#) and [18.06.4.13](#).
- B. For every five (5) points earned above the required number of points per [18.03.7.5.A](#), the outdoor amenity space required by [Section 18.03.2.7](#) may be reduced by half with the exception of trails and trail connections that shall not be reduced.
- C. All sustainable site improvements installed to meet the points requirements or installed to receive incentives per [Subsection 18.03.7.5.B](#) above, shall be maintained in perpetuity or replaced with a menu item with the same number of points or more points.
- D. All utilized incentives shall be noted on the development plan.

TABLE 18.03.7.5-1. Sustainable Site Improvements Menu of Incentives

Menu Item	Allotted Points
General Sustainable Living	
Provide community garden plots, fruit trees, or other means of food production on site for at least 15% of multi-household dwellings.	1 point per each garden plot with a minimum size of 20 square feet
Provide at least one affordable dwelling unit per mixed-use dwelling that is sold or rented at a price that is affordable to households earning 100% of Area Median Income (AMI) or less as determined by HUD. All affordable units shall be documented by a legal covenant to be deed restricted for a minimum of thirty (30) years.	5 points per dwelling unit

Menu Item	Allotted Points
Carbon Footprint Reduction	
Provide connections to existing trails and pedestrian networks using foot bridges and passageways	3 points
Provide double the minimum of the required amount of bicycle parking on site.	1 point
Provide secure and enclosed bicycle parking (e.g. lockers, storage room)	2 points per 5 long term bicycle parking spaces
Install Level-2 electric charging stations for hybrid and electric vehicles on-site.	5 points per Level-2 electric plug-in station 10 points per Level 3 electric plug in station
Add designated and signed car share space(s) to site.	1 point per space provided
Natural Resource Protection	
Employ stormwater runoff reduction strategies to slow runoff and promote infiltration, designed in accordance with Section 18.03.7.5 .	5 points per 20% of impervious area routed through bioswales, grass swales, or rain gardens by way of curb cuts
Replace a portion of the site pavement with permeable pavement options such as permeable pavers, permeable concrete, or permeable asphalt	2 points per 200 sf of permeable pavement
Exceed landscape area and vegetative requirement by at least 25%.	2 points
Plant at least 20% additional trees than otherwise required.	2 points
Incorporate native or xeric plant material for at least 50% of required landscape area.	2 points
Use drought tolerant grass in place of high water turfgrass	2 points
Install a gray water collection system to be used for landscape irrigation	2 points
Place parking spaces either under cover with a roof that has a minimum SRI (Solar Reflectance Index) of 29, or beneath finished living space.	5 points for every 10 parking spaces
Incorporate outdoor gathering amenities in required building step backs to include at least 25% of the space as pervious area such as landscape planters or rooftop gardens	3 points
Reduced Energy Demand	
Install a renewable energy system (e.g. solar photovoltaic, solar thermal, geothermal heat pump) to offset a minimum of 50% of the typical energy consumption of the building.	5 points

18.03.8 Mobility Requirements

18.03.8.1 Purpose

- A. The purpose of this subsection is to ensure adequate accommodation and functional access and promote flexibility for varying modes of transit in proportion to the generalized demand of different land uses, and to manage parking and congestion in a manner that minimizes impacts on circulation and access.

18.03.8.2 Applicability

- A. New Development. All new *development* shall provide off-street parking and loading areas in accordance with this section.
- B. Existing Development.
 - 1. Pre-existing parking configurations and number of spaces are exempt from this section.
 - 2. Change in Use. Any change in use of existing *development* shall be accompanied by provision of additional off-street parking as required by the standards of this section for the proposed new use.
 - 3. Expansion. If an existing structure or use is expanded or enlarged in terms of the number of *dwelling* units, floor area, number of employees, or seating capacity, any additional required off-street parking and loading spaces required by this section applies only to the expanded or enlarged portion of the structure or use.

18.03.8.3 Minimum Parking Requirements

- A. Purpose. The purpose of this subsection is to provide baseline minimum ratios for on-site parking to accommodate traffic generated by the range of uses which might locate at the site over time.
- B. Minimum Number of Required Off-Street Parking Spaces. The minimum ratio of off-street parking spaces to be provided for a use is listed in [Table 18.03.8.3-1](#).
 - 1. All parking ratios are based upon the gross floor area (GFA) contained within the building, unless otherwise stated.
 - 2. When the computation of the required off-street parking spaces results in a fraction, the requirement is rounded up to the nearest whole interval. Fractions less than one-half are rounded to the next lowest whole number.
 - 3. Off-street parking provided in a residential area in lieu of *garage* or carport shall have all-weather surfacing such as concrete, asphalt, compacted gravel, permeable pavers, or other similar materials as approved by the Planning Director.
 - 4. Not more than twenty-five percent (25%) required parking is allowed as compact spaces.

- C. Administrative Adjustments for Existing Uses. For any change of use occurring within existing structures, if the minimum number of required off-street parking spaces cannot be placed on the site in accordance with these regulations without the demolition of a permanent existing structure or damage of significant natural features or vegetation on the site or in the *public right-of-way* and if written documentation demonstrates that fewer spaces than required are needed because of the nature of the *business*, hours of operations, or availability of adjacent parking, the Planning Director, may authorize up to ten percent (10%) reduction in the total number of parking spaces required on the site.
- D. Uses Not Listed. The required off-street parking spaces for a use not specifically listed in Table 18.03.8.3-1 shall be determined by the Planning Director based upon the requirements of other similar listed uses.

Table 18.03.8.3-1: Off-Street Parking Standards for Specific Use

Use Category/Use Type	Minimum Number of Parking Spaces Required
Residential Uses	
Dwelling, Single Household Detached	1 space per dwelling unit for legal nonconforming lots in the General Residential zone district 2 spaces per dwelling unit in all other zone districts
Dwelling, Two Household, Duplex	2 spaces per dwelling unit
Dwelling, Single Household Attached	2 spaces per dwelling unit
Dwelling, Mixed-Use	1 bedroom = 1.5 spaces per dwelling unit
Dwelling, Multi-Household	2 or more bedrooms = 2 spaces per dwelling unit
Dwelling, Studio/Efficiency Unit	1 space per dwelling unit
Manufactured and Mobile Homes	1 space per dwelling unit in the General Residential zone district 2 spaces per dwelling unit in all other zone districts
Group Homes	2 spaces per dwelling unit
Lodging	
Short Term Rentals	1 space per bedroom for the first two bedrooms, 0.5 space per bedroom beyond the first two bedrooms
All other lodging uses	1 space per guest room
Agricultural Uses	No minimum parking requirement
Commercial and Office Uses	
Eating and Drinking Establishments	1.25 space per 100 square feet of dining and bar seating area No minimum parking requirement in the Downtown zone district
All other Commercial and Office Uses	1 space per 400 square feet of gross floor area No minimum parking requirement in the Downtown zone district
Marijuana Uses	1 space per 200 square feet of gross floor area
Industrial Uses	1 space per 400 square feet of office area No minimum parking requirement in the Downtown zone district
Institutional and Public Uses	1 space per 400 square feet of gross floor area Cemetery = 2 spaces per acre No minimum parking requirement in the Downtown zone district
Civic and Outdoor Recreation Uses	Parking per approved Park and Open Space Master Plan
Infrastructure Uses	No minimum parking requirement
Accessory and Temporary Uses	Parking per associated primary use
Note: A Hotel or Motel Use combined with a Restaurant Use shall meet the minimum parking requirement of the uses combined.	

18.03.8.4 Maximum Parking

- A. Maximum Number of Required Off-Street Parking Spaces. No use shall provide more than one hundred twenty-five (125) percent of the minimum number of parking required, unless the parking area above one hundred twenty five (125) percent is provided in conjunction with any one of the following techniques.
 - 1. Pervious concrete or grass over supporting plastic or concrete grids;
 - 2. Underground parking facility;
 - 3. Solar canopy; or,
 - 4. Structured parking.

18.03.8.5 Adjustments to Parking Requirements

- A. Alternative Parking Plan. Applicants requesting reduced or alternative parking must submit an Alternative Parking Plan. Reductions requested outside of the exemptions listed in subsection B below shall pay a fee in lieu to the Mobility & Parking Fund to offset the cost of each requested parking space that is reduced. The Alternative Parking Plan shall be included with the submitted development permit application and include the following:
 - 1. Evidence of similar uses in similar contexts or other industry standard indicating a lesser number will equally or better meet the intent of this Chapter due any of the following:
 - a. The format of the use;
 - b. The likelihood that patrons or tenants have reduced car ownership or drive less;
 - c. The availability and practicality of walking, bicycling or transit access supporting the use; or
 - d. Other transportation demand management plans proposed by the applicant.
- B. Alternative Parking Plan Programs. The following programs are established to mitigate impacts related to surface parking and incentivize practices that implement the goals and objectives of the Comprehensive Plan to promote sustainability, affordability, multimodality, and protection of resources. Programs used shall be included as part of an Alternative Parking Plan. Where parking is required, adjustments permitted by this subsection will be calculated from the minimum number of parking spaces required by land use.
 - 1. Exceptions to Minimum Parking. The following provisions promote housing attainability, protect historical resources, and encourage sustainable *development* and longevity of existing building stock within Manitou Springs.
 - a. Affordable Housing Exception. The minimum number of required parking spaces may be reduced by 25% for residential units allocated as permanent affordable housing within a quarter mile of a transit stop. The applicant must demonstrate, either through deed restriction, covenant, or other means of legal documentation deemed acceptable by the City Attorney, that residential units that are sold or

rented at a price that is affordable as determined by HUD to a household earning 100% of Area Median Income (AMI) or less as determined by HUD.

- b. Historical Sites Exception. The minimum number of required parking spaces may be reduced to zero on sites listed on the National Register or within a *Historic District*. Lodging and residential uses shall meet the minimum number of required off-street parking spaces per Table 18.03.8.3-1 above.
 - c. Downtown Zone District. *Commercial* uses within the Downtown Zone District are not subject to the Minimum Number of Required Off-Street Parking Spaces. Lodging and residential uses shall meet the Minimum Number of Required Off-Street Parking Spaces per Table 18.03.8.3-1 above.
2. Alternative Transportation Options. The following provisions promote the reduction of vehicle miles traveled (VMT). An applicant may reduce the minimum number of required parking spaces by five percent (5%) for each of the following programs when the following criteria are met. The approved reduction shall be noted on the Development Plan.
- a. Expanded Bicycle Facilities.
 - i. *Bicycle Racks* shall be provided within a secure area such as a *bicycle* rack room or locker facility.
 - b. Proximity to Transit Hub, High-Frequency Transit Station, or Free or Paid Parking Lot.
 - i. The use is non-residential.
 - ii. The property has *frontage* along a high-frequency transit route, as designated in the Comprehensive Plan.
 - iii. The property is located within six hundred sixty (660) feet of an improved transit stop providing both shade and seating, or public paid parking lot.
 - iv. A direct pedestrian pathway is provided from the Transit Hub, Transit Station, or Parking Lot to the building's main entrance.
 - c. Proximity to Trails and Bicycle Facilities.
 - i. The property has *frontage* or direct pedestrian access to a Trail or an existing or planned *Bicycle* Facility, as designated in the Comprehensive Plan.
 - d. Tree Preservation. Minimum parking is reduced by one (1) parking space for each tree twelve (12) inches in diameter at breast height (DBH) preserved, up to a maximum of two (2) parking spaces, or five percent (5%) of the total required, whichever is greater.

18.03.8.6 Shared Parking

- A. Shared Parking. Shared use of required nonresidential parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required

nonresidential parking spaces is allowed if the following documentation is submitted in writing with the plan application:

1. Names and addresses of the property owners that are engaging in a shared parking agreement.
2. A study performed demonstrating a breakdown of uses, comparing the peak times of weekday night, day, evening, and weekend day and evening hours.
3. A map of shared parking areas along with number of parking spaces to be shared.
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

18.03.8.7 Bicycle Parking Requirements

- A. The following *bicycle* parking requirements applies to all Commercial and Mixed-Use Zone Districts.
- B. *Bicycle* parking is required for all principal uses as outlined in Table 18.03.8.2-2.

Table 18.03.8.7-1: Bicycle Parking Requirements

Table 18.03.8.2-2: Bicycle Parking Requirements	
Use	Minimum Requirement
Residential, Multi-Household	2 spaces per 4 dwelling units, not to exceed 50 spaces
Office	2 publicly available spaces per establishment or 1 space per 15,000 square feet, whichever is greater
Restaurant	4 publicly available spaces per establishment
Retail	2 publicly available spaces per establishment
Education	1 space per classroom

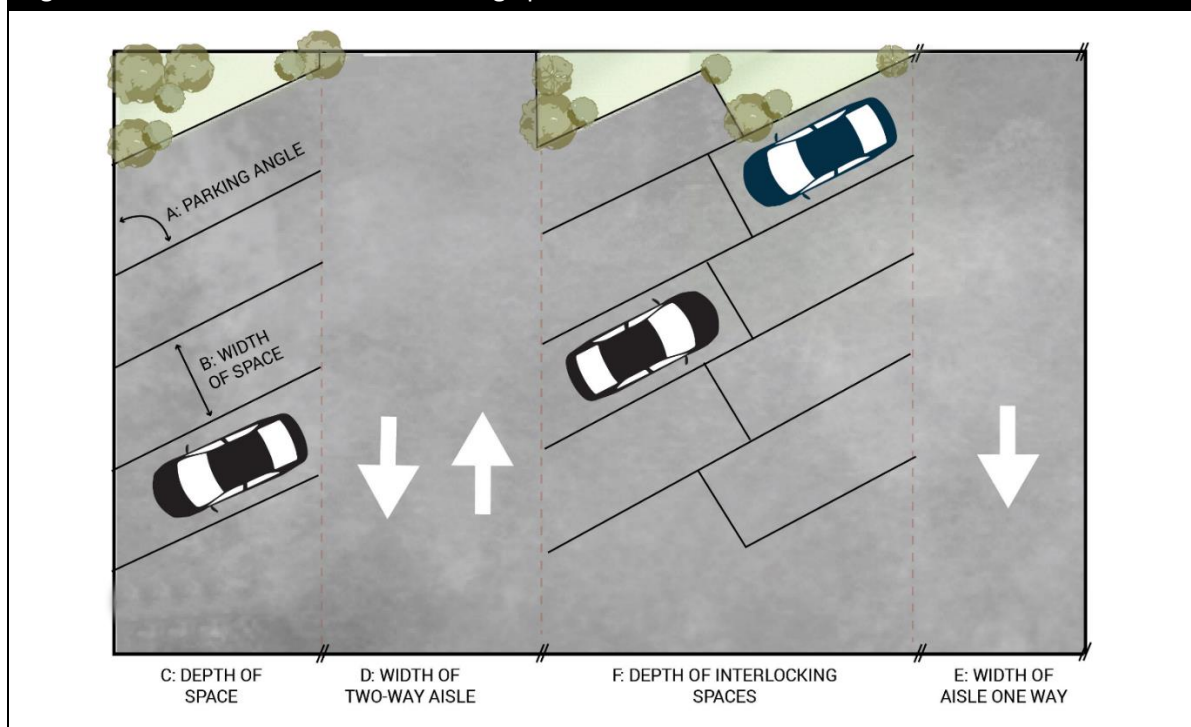
18.03.8.8 Parking Area Design Standards

- A. The following dimensional and *design standards* apply to all parking areas.
- B. Parking Space Dimensions. Table 18.03.8.3-1 and Table 18.03.8.3-2 establish dimensional standards for parking spaces.

Table 18.03.8.8-1: Parking Space Dimensions

A: Parking Angle (Degrees)	B: Width of Space		C: Depth of Space		D: Width of Two- Way Aisle	E: Width of One-Way Aisle	F: Depth of Inter- locking Space	Depth of Overhang
	S	C	S	C				
0°	9'	8'	22'	20'	20'	12'	18'	0'
30°	9'	8'	17'	15'	20'	12'	26'	1.5'
45°	9'	8'	19'	17'	20'	12'	32'	1.5'
60°	9'	8'	20'	18'	20'	16'	35.5'	2'
75°	9'	8'	19.5'	17.5'	22'	18'	37'	2'
90°	9'	8'	18'	16'	24'	24'	36'	2'
90° Accessible Space	8' with 5' adjacent access area		18'		24'	24'	NA	2'
KEY: S = Standard Parking Space C = Compact Parking Space								
NOTE: See Section 10.12.012 for ADA Parking Space Designation								

Figure 18.03.8.8-1: Illustration of Parking Space Dimensions



- C. All parking areas shall have all-weather surfacing such as concrete, asphalt, compacted gravel, permeable pavers, or other similar materials as approved by the Planning Director.
- D. ADA accessible spaces shall maintain a direct and clear path to the building that is surfaced to meet ADA requirements.

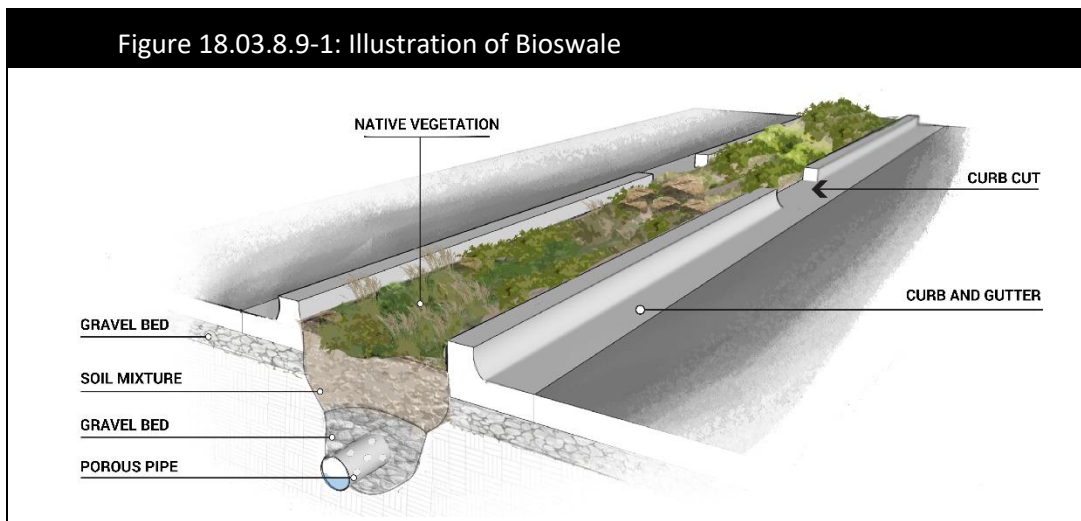
- E. All parking lot landscaping shall be in conformance with [Section 18.03.6.8.](#)

18.03.8.9 Drive Through Facilities

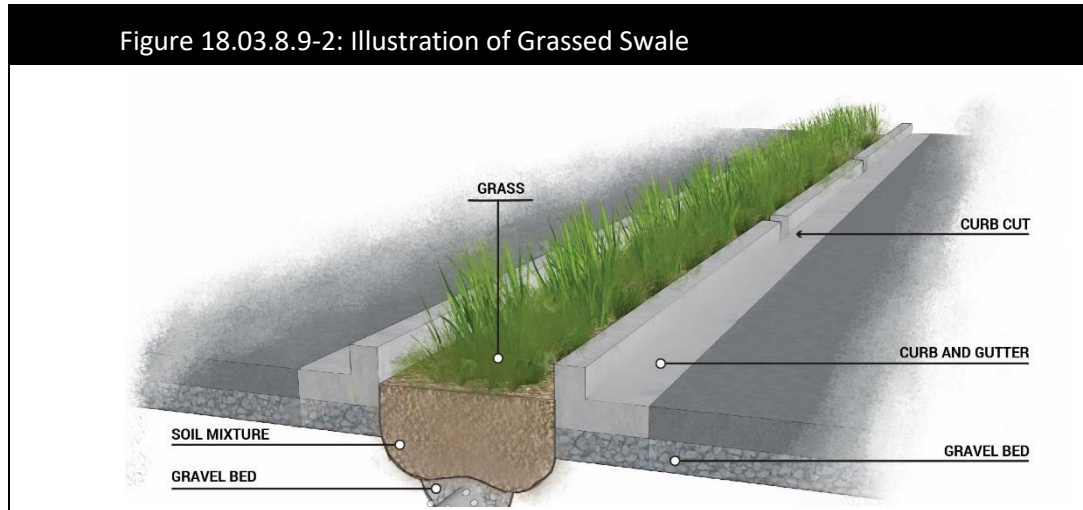
- A. Stacking Lanes. Vehicle stacking lanes for drive-through uses shall be provided as described below:
1. Automobile wash, thirty (30) ft. behind each bay or stall;
 2. Financial institutions and/or financial transaction facilities (i.e., bill payment windows), thirty (30) feet behind each window or transfer facility;
 3. Restaurants, sixty (60) feet behind a single order and pick-up window. The required sixty-foot distance may be divided between the order and pick-up lanes;
- B. The minimum width of a drive-through lane shall be ten (10) feet;
- C. Required drive-through stacking lanes shall not intersect with pedestrian access to a public entrance of a building; and
- D. Each drive-through lane shall be striped, marked or otherwise delineated.

18.03.8.10 Low-Impact Development (LID) Requirements

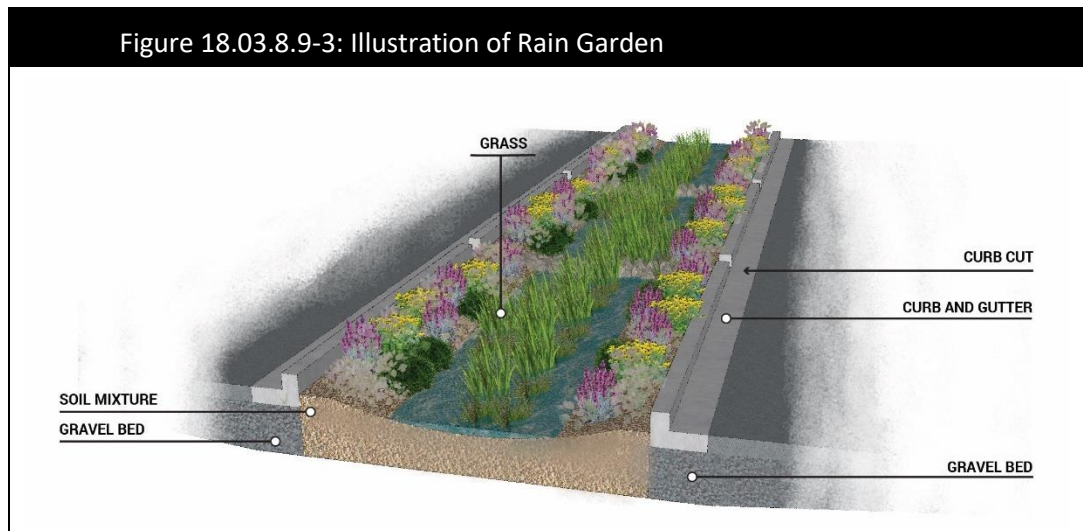
- A. All parking areas that exceed the maximum number of parking spaces required per [Section 18.03.8.4](#), shall incorporate low impact *development* (LID) techniques, such as bioswales, vegetative filter strips, and rain gardens, to maximize on site infiltration of stormwater for the area in which there are excess spaces. Each LID technique shall be sized and drained to comply with [Title 14](#) of the Municipal Code approved by the Planning Director. Structured parking shall be exempt from this requirement.
1. Bioswales. Bioswales are vegetated swales planted with a variety of plant species that can tolerate occasional water inundation and serve to transport, store, and allow infiltration of water.



2. Grassed swales: Grassed swales are designed to convey water over the surface of the ground to a point of disposal and serve to slow the flow of water allowing some particulates to drop out before the water reaches the disposal point.



3. Rain Gardens. Rain gardens are small shallow, depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality.



18.03.8.11 ADA-Accessibility Requirements

- A. Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) standards and guidelines for quantity, design, and location.

18.03.9 Streets, Trails, and Connectivity

18.03.9.1 Purpose

- A. The purpose of this subsection is to implement the Transportation & Mobility goals and policies of Comprehensive Plan to support an efficient, well-connected multi-modal transportation system that facilitates the movement of cars, transit vehicles, *bicycles*, pedestrians, goods, and people within Manitou Springs, as well as between Manitou Springs and the surrounding Pikes Peak region.

18.03.9.2 Applicability

- A. The following standards apply to all public rights-of-way, including streets and trails within the City of Manitou Springs.
- B. All new access (streets and driveways), shall be paved and in accordance with City of Manitou Springs Public Works Standards as amended.

18.03.9.3 Access and Circulation

- A. Each lot shall be provided with means of physical access to a public or private street or access easement to accommodate ingress and egress for emergency vehicles and others requiring access to the property for its intended use. Access conditions to the lot shall be in accordance with [Title 12](#) and fire department standards.
- B. Vehicular access and circulation shall be provided as follows:
 - 1. A minimum of two vehicular access points shall be provided to and from the public for all new major subdivisions, or multi-household *development* that meet the following:
 - a. On a site greater than five acres; or
 - b. includes any street frontage greater than three hundred feet in length; or
 - c. A combination of items a and b.
- C. For all new subdivisions, the following shall apply:
 - 1. Public and Private rights-of-way shall be in accordance with Titles 12 & 15 of the Manitou Springs Municipal Code for driveway or service road, including width, angle of approach, grade, pavement, and turnaround; and
 - 2. Access to accommodate police, fire, and other emergency and/or public services.

18.03.9.4 Names

- A. The names of streets shall not duplicate, phonetically or alphabetically, any existing street names. Names and numbers shall be approved by the planning department. Any street which is a continuation of an existing street or approximates a continuation shall bear the name of the existing street.

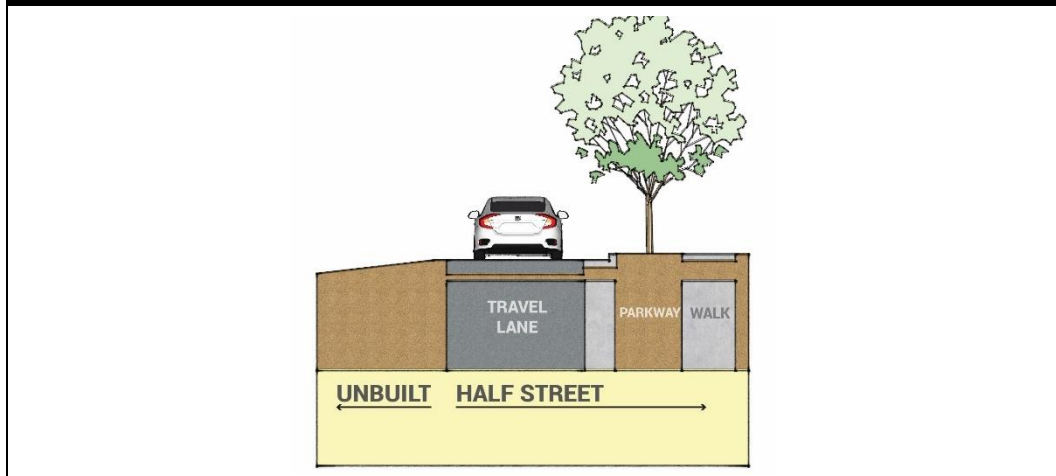
- B. Street names shall be designated as follows:
 - 1. Boulevard or parkway shall be reserved for roads designated on any major thoroughfare plan having a median divider of sufficient size to allow for landscaping.
 - 2. Avenue or road shall be reserved for streets of substantial continuity such as major residential streets.
 - 3. Streets, drives, or lanes shall be reserved for streets of less continuity such as minor residential streets or hillside streets.
 - 4. Court, place, circle, way, or terrace shall be reserved for streets with no continuity such as public streets that *cul-de-sac*.
- C. Address Assignment:
 - 1. Enumeration within the limits of Manitou Springs shall be governed and approved by the Planning Director. Initial numeric address assignment shall be subject to the approval of a subdivision plat. Changes in enumeration may be requested and approved by the Planning Director. The Planning Director shall notify the El Paso County Assessor, the United States Postal Service, the PPRBD's Enumerations Division, Colorado Springs Utilities, and El Paso-Teller County 911 Authority, and other applicable agencies, of an address change.

18.03.9.5 Design of Streets Generally

- A. Street *design standards* as indicated in the Roadway Functional Classification Map in the Map Atlas of the comprehensive plan shall be used as guidelines for the planning and construction of multi-modal transportation facilities by setting minimum widths for travel lanes, bike lanes, and sidewalks. Variations in the facilities are intended to guide the planning and design of improvements to existing and new roads to meet the needs of the specific roadway and limitation on rights-of-way due to site specific constraints. Refer to the Roadway Functional Classification map in the Map Atlas of the comprehensive plan for the locations of these street types within the City.
- B. Streets in any subdivision shall connect with those already dedicated in adjoining subdivisions. When adjoining land has not been platted, provisions shall be made to continue the street pattern in the future by the provision of stub streets.
- C. Natural features to be preserved. In the layout of streets and *blocks*, natural features such as drainage ways, rock formations, soil, vegetation, and topography shall be preserved as much as possible. Cuts and fills shall be minimized and revegetated or treated to prevent erosion according to an acceptable erosion control plan. Grading also shall be reduced as much as possible.
- D. *Cul-de-sacs* shall not exceed five hundred (500) feet in length and shall be designed with a turn-around of at least one hundred (100) feet in diameter of the right-of-way or by providing a loop street with a minimum centerline radius of sixty (60) feet.

- E. Centerline offsets of intersecting streets shall be avoided, but where necessary they shall not be less than one hundred (100) feet between the centerline of the intersections.
- F. Half streets, where developer only develops half of the street section, are prohibited.

Figure 18.03.9.5-1: Illustration of Half Streets



- G. Streets shall be laid out so as to intersect at right angles with allowance for up to ten (10) degrees of variation. More than four approaches to any intersection shall be prohibited.
- H. All street and alley surfaces shall be constructed of all-weather surfacing such as concrete, asphalt, permeable pavers, or other similar materials as approved by the Planning Director.

18.03.9.6 Manitou Avenue Street Design,

- A. Purpose: The purpose of this Section is to highlight the existing dimensional standards and characteristics of Manitou Avenue.
- B. Right-of-Way Width. Sixty-five (65) to Eighty (80) feet.
- C. Number of Moving Lanes. Two lanes.
- D. Access Conditions.
 - 1. Intersections will generally be at grade.
 - 2. Intersections and curb cuts shall be limited to as few points as possible.
- E. Traffic Characteristics.
 - 1. Regulation of traffic shall be accomplished by traffic control devices and channelization.
 - 2. On-street parking shall be permitted.
 - 3. Eight-inch vertical curbs required with detached sidewalks.
 - 4. Medians may be raised or painted.
- F. Design Characteristics.

1. Grades. Not less than five-tenths of one percent; not more than six percent.
2. Sight Distance.
 - a. Horizontal: four hundred (400) feet minimum.
 - b. Vertical: minimum length equivalent to twenty times the algebraic difference in the rate of grade.
3. Frequency of Intersections. Intersections along Arterial Streets shall be strictly limited.

18.03.9.7 Collector Street Design

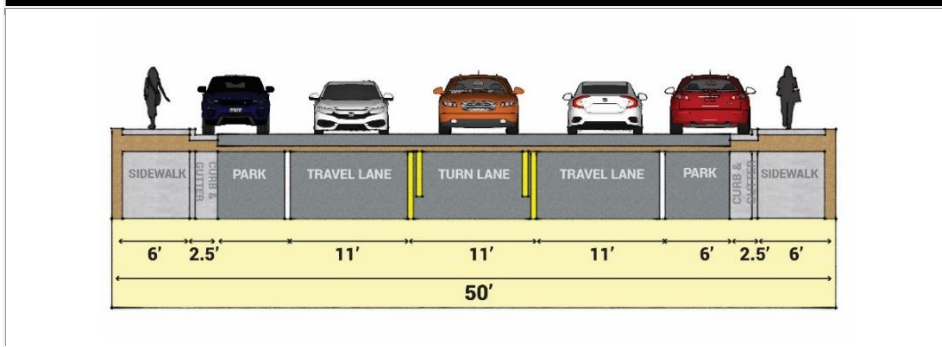
A. Generally.

1. Purpose. Collector streets are designed to serve the local needs of the neighborhood and to provide direct access to abutting properties. All traffic carried by collector streets should have an origin or a destination within the neighborhood.
2. Planning Characteristics.
 - a. Collector Streets should be designed to discourage through neighborhood traffic.
 - b. Curvilinear and loop streets are desirable.
 - c. Sidewalks will be attached to an eight-inch vertical curb.
3. Design Characteristics.
 - a. Grade. Not less than five-tenths of one percent; not more than ten percent.
 - b. Site Distance.
 - i. Horizontal: one hundred (100) feet.
 - ii. Vertical: a minimum length equivalent to ten times the algebraic difference in the rate of grade.

B. Cross Section Variations for Collector Streets.

1. Downtown-Parking on Both Sides.
 - i. Right-of-Way Width. Fifty (50) feet.
 - ii. Multi-modal Facility Characteristics.
 - i. Two (2) eleven-foot-wide vehicular travel lanes.
 - ii. One (1) eleven-foot-wide center turn lane and loading zone.
 - iii. Two and a half feet wide curb and gutter on both sides of street.
 - iv. Six-foot wide on-street parking lane allowed on both sides of the street to be used in conjunction with the curb width.
 - v. Pedestrian walkway to be provided in addition to fifty-foot right-of-way. Six-foot sidewalks to be provided where appropriate.

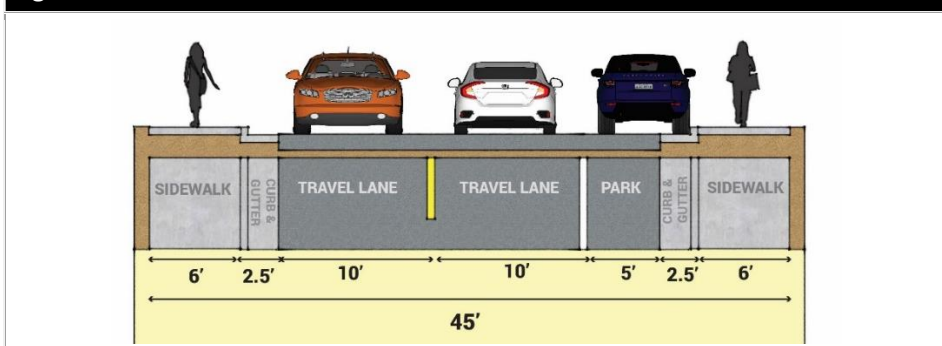
Figure 18.03.8.7-1: Downtown Parking on Both Sides



2. With Sidewalks on Both Sides

- i. Right-of-Way Width. Forty-five (45) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Two (2) ten-foot-wide travel lanes.
 - ii. Two and a half feet wide curb and gutter on both sides of the street.
 - iii. Five-foot wide on-street parking lane allowed on one side of the street to be used in conjunction with the curb width.
 - iv. Six-foot wide pedestrian walkway on both sides of the street and setback one (1) foot from the property line.

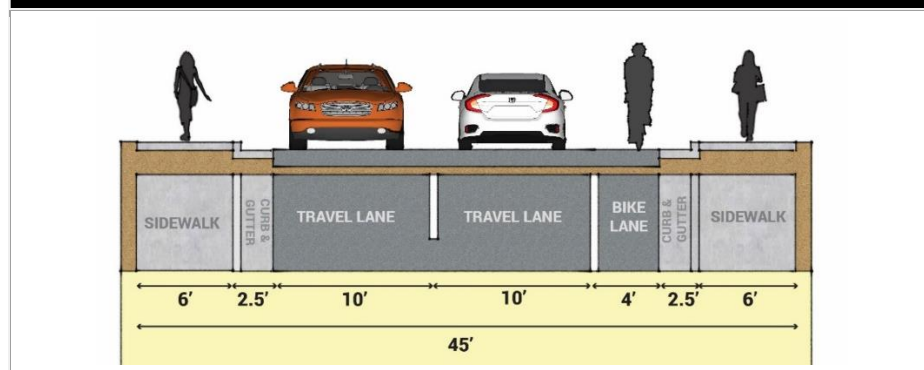
Figure 18.03.8.7-2: With Sidewalks on Both Sides



3. Bike Lane on Uphill Side and No Parking.

- i. Right-of-Way Width. Forty-three (43) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Two (2) ten-foot-wide travel lanes.
 - ii. Two and a half feet wide curb and gutter on both sides of the street.
 - iii. One (1) four-foot-wide *bicycle* lane to be provided in conjunction with curb width on uphill travel side of the street.
 - iv. Six-foot wide pedestrian walkway on both sides of the street and setback one (1) foot from the property line.

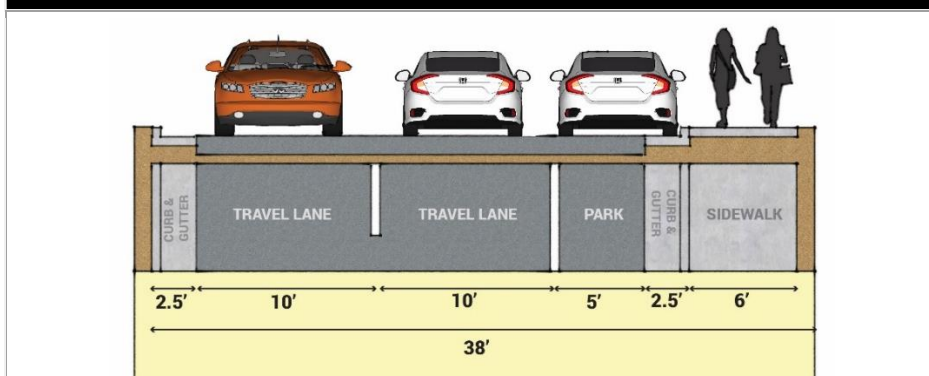
Figure 18.03.8.7-3: Bike Lane on Uphill Side and No Parking



4. With Parking on One Side.

- i. Right-of-Way Width. Thirty-eight (38) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Two (2) ten-foot-wide travel lanes.
 - ii. Two-and-a-half-foot wide curb and gutter on both sides of the street.
 - iii. Five-foot wide on-street parking lane is allowed on one side of the street to be used in conjunction with the curb width.
 - iv. One six-foot wide pedestrian walkway on one side of the street and setback one foot from the property line.

Figure 18.03.8.7-4: With Parking on One Side

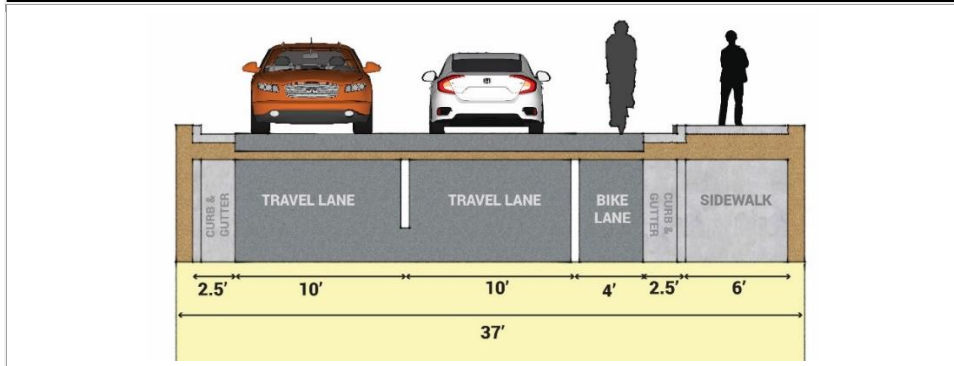


5. Bike Lane on Uphill Side, No Parking, and Sidewalk on One Side.

- i. Right-of-Way Width. Thirty-seven (37) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Two (2) ten-foot-wide travel lanes.
 - ii. Two-and-a-half-foot wide curb and gutter on both sides of the street.

- iii. Four-foot-wide *bicycle* lane to be provided in conjunction with curb width on uphill travel side of the street.
- iv. One six-foot wide pedestrian walkway to be provided on uphill travel side of the street and setback one foot from the property line.

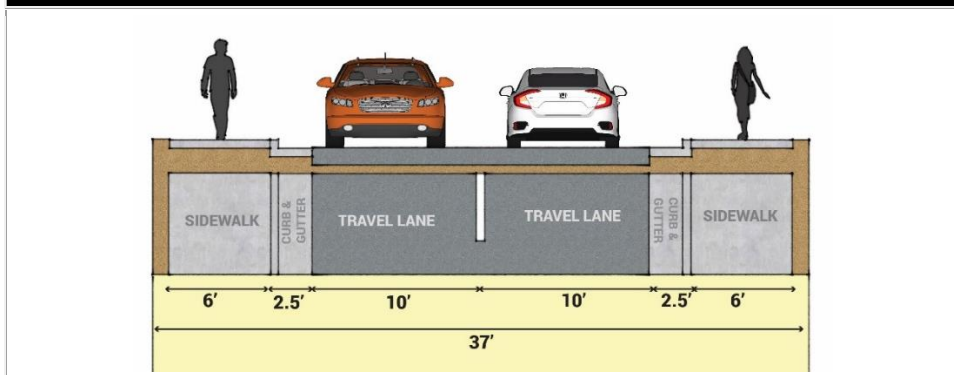
Figure 18.03.8.7-5: Bike Lane on Uphill Side, No Parking, and Sidewalk on One Side



6. No Bike Lane and No Parking.

- i. Right-of-Way Width. Thirty-seven (37) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Two (2) ten-foot-wide travel lanes.
 - ii. Two-and-a-half-foot wide curb and gutter on both sides of the street.
 - iii. Six-foot wide pedestrian walkway to be provided on both sides of the street and setback one foot from the property line.

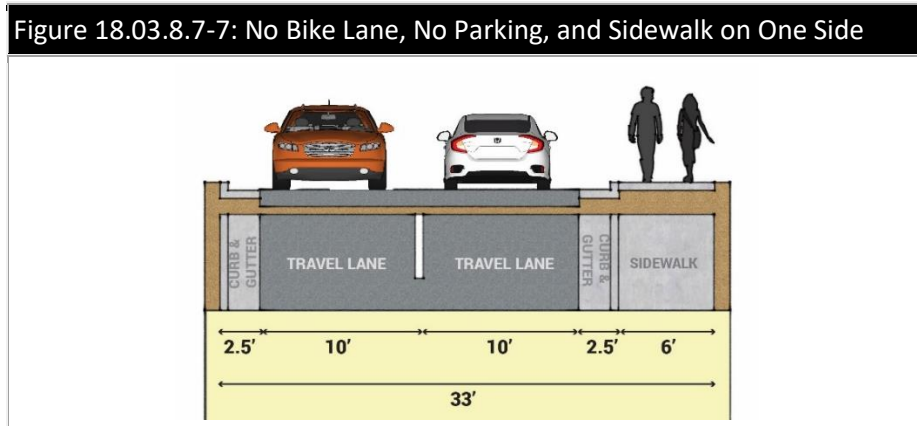
Figure 18.03.8.7-6: No Bike Lane and No Parking



7. No Bike Lane, No Parking, and Sidewalk on One Side.

- i. Right-of-Way Width. Thirty-three (37) feet.
- ii. Multi-modal Facility Characteristics.

- i. Two (2) ten-foot-wide travel lanes.
- ii. Two-and-a-half-foot wide curb and gutter on both sides of the street.
- iii. One (1) six-foot wide pedestrian walkway to be provided on one side of the street and setback one (1) foot from the property line.



18.03.9.8 Local Streets

A. Generally.

- 8. Purpose. Local streets are designed to serve the local needs of the neighborhood and to provide direct access to abutting properties. All traffic carried by collector streets should have an origin or a destination within the neighborhood.
- 9. Planning Characteristics.
 - i. Local Streets should be designed to discourage through neighborhood traffic.
 - ii. Curvilinear and loop streets are desirable.
 - iii. In subdivision design, local streets will not intersect with arterial streets.
 - iv. Sidewalks will be attached to a six-inch vertical curb.
- 10. Design Characteristics.
 - i. Grade. Not less than five-tenths of one percent; not more than ten percent.
 - ii. Site Distance.
 - i. Horizontal: one hundred (100) feet.
 - ii. Vertical: a minimum length equivalent to ten times the algebraic difference in the rate of grade.
- 11. Frequency of intersections. Intersections along collector streets shall be limited to as few points as possible.

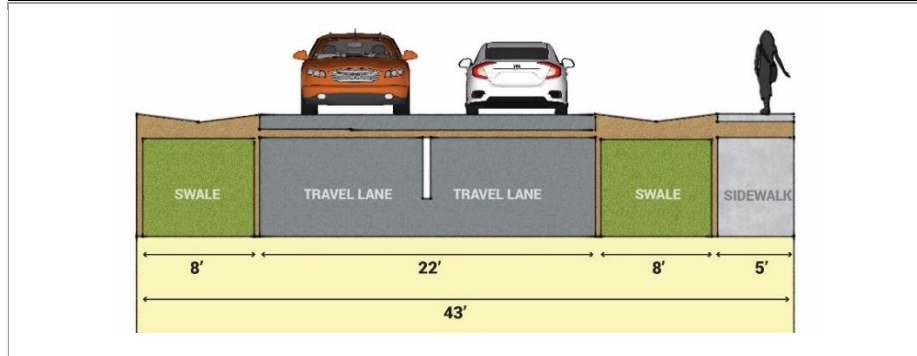
12. Access Conditions. Indirect access to properties is by way of side streets where possible to allow for on-street parking, where applicable. Direct access to residential properties is by way of curb cuts or drive over (ramp type) curbs.

C. Cross Section Variations for Local Streets.

1. No Curb/Gutter and Sidewalk on One Side.

- i. Right-of-Way Width. Forty-three (43) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Twenty-two foot wide two-directional travel lane.
 - ii. Eight-foot-wide swale on either side of the travel lane.
 - iii. Five-foot wide pedestrian walkway.

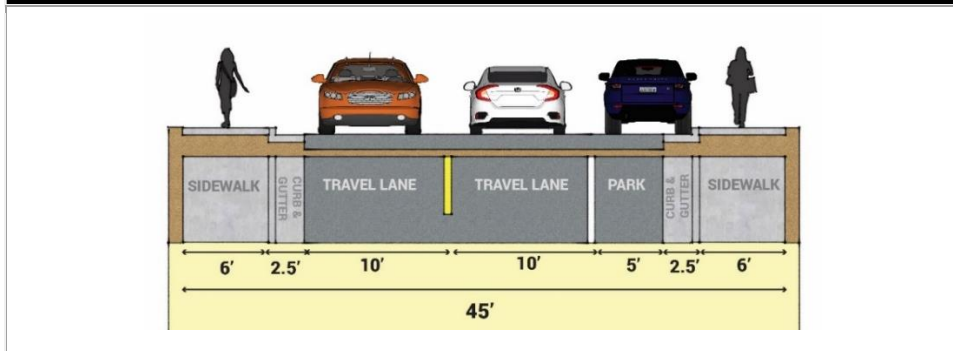
Figure 18.03.8.8-1: No Curb/Gutter and Sidewalk on One Side



2. With Parking on One Side and Sidewalk on Two Sides (Two-way Traffic).

- i. Right-of-Way Width. Thirty-seven (37) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Sixteen-foot wide two-directional travel lane.
 - ii. Two-and-a-half-foot wide curb and gutter on both sides of the street.
 - iii. Five-foot wide on-street parking lane to be provided in conjunction with curb and gutter on one side of street.
 - iv. Five-foot wide pedestrian walkway to be provided on both sides of the street and setback one foot from the property line.

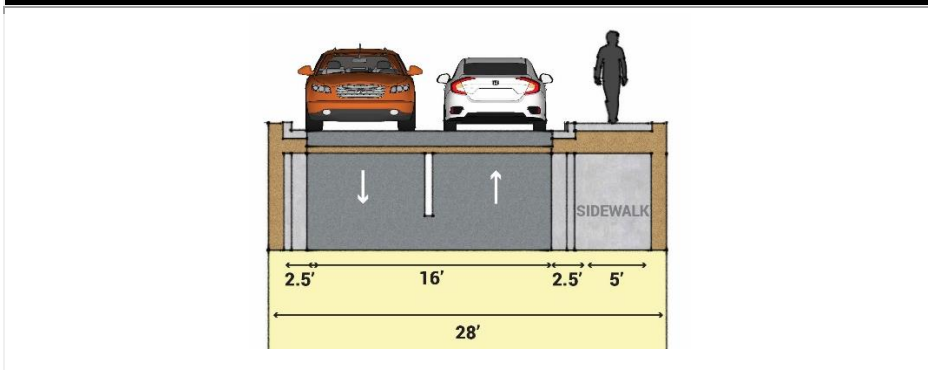
Figure 18.03.8.8-2: With Parking on One Side and Sidewalk on Two Sides (Two-way Traffic)



3. No Parking and Sidewalk on One Side (Two-way Traffic).

- i. Right-of-Way Width. Twenty-eight (28) feet.
- ii. Multi-modal Facility Characteristics.
 - i. Sixteen-foot width two-directional travel lane.
 - ii. Two-and-a-half-foot wide curb and gutter on both sides of the street.
 - iii. Five-foot wide pedestrian walkway to be provided on one side of the street and setback one foot from the property line.

Figure 18.03.8.8-3: No Parking and Sidewalk on One Side (Two-way Traffic)

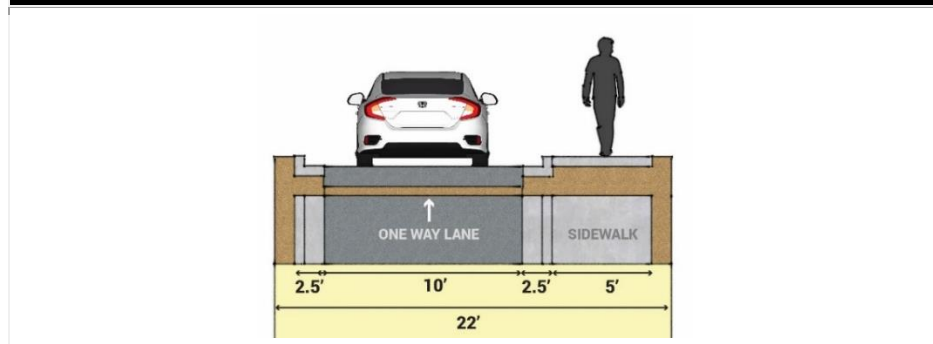


4. No Parking and Sidewalk on One Side (One-way Traffic)

- i. Right-of-Way Width. Twenty-two (22) feet.
- ii. Multi-modal Facility Characteristics.
 - i. One (1) ten-foot travel lane.
 - ii. Two-and-a-half-foot wide curb and gutter on both sides of the street.

- iii. One (1) five-foot walkway on one side of the street and setback one (1) foot from the property line.

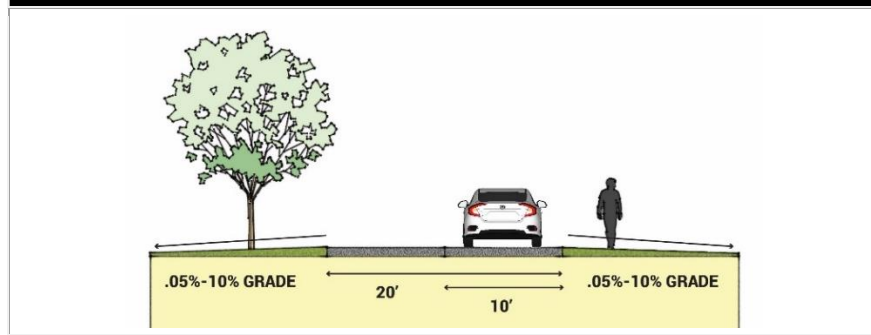
Figure 18.03.8-4: No Parking and Sidewalk on One Side (One-way Traffic)



18.03.9.9 Alleys.

- A. Function. *Public right-of-way* designed to provide access to abutting property at rear lot lines.
- B. Right-of-Way Width. Twenty (20) feet, minimum.
- C. Number of Moving Lanes. One-Direction lane or Two-Directional lanes.
- D. Access Conditions. Provide access to abutting property at rear lot lines.
- E. Traffic Characteristics.
 - 1. Normally, *alleys* should intersect at perpendicular angles with streets.
 - 2. No parking shall be permitted.
- F. Planning Characteristics.
 - 1. *Alleys* shall be open at both ends.
 - 2. Normally, *alleys* should not intersect with collector streets or arterial streets.
- G. Design Characteristics.
 - 1. Grade. Not less than five-tenths of one percent; not more than ten percent.
- H. Cross Sections for Alleys.

Figure 18.03.8.9-1: Alley



18.03.9.10 Private Streets

A. When Required or Permitted

1. The City may require or allow the installation and construction of private streets and the retention and maintenance of those private streets by the *developer* or another entity acceptable to the City when:
 - a. The site, layout of the site, density of units or structures, or other circumstance adversely affects the ability of the City or other governmental entity to adequately provide service or effectively maintain an adequate level of service to the site;
 - b. The public health, safety, convenience, and welfare of the citizens, would be adversely affected by requiring a public street; or
 - c. A proposed street will not comply with one or more applicable ordinance, regulation, rule, or policy concerning the standards of design or construction for a public street.
2. The City may approve the installation and construction of private streets when requested by a *developer* if the Planning Director, City *Engineer*, and Fire Code Official determine that the proposed private street:
 - a. Will protect the public health, safety, and welfare as well or better than if a public street were required; and
 - b. Will be maintained by an entity with adequate financial capability to perform routine maintenance and periodic replacement needed to maintain the quality of the street at a level equal or better than that of a public street.

B. Design and Location

1. The location and design of a private street or right-of-way shall be subject to the review and approval of the Planning Director, City *Engineer*, and the Fire Code Official.

C. Designation

1. Each private street approved by the City shall be clearly designated as a private street on the Subdivision Plat, and the plat shall include a note clarifying that the City is not responsible for maintenance of the private street.

18.03.10 Development in Natural Hazard Areas

18.03.10.1 Purpose.

- A. The City contains many unique natural resources and sensitive areas, including watercourses, wetlands, hillsides, forested areas, rock formations, and open space. Such areas contribute to the City's quality of life, but are vulnerable to natural hazards such as flooding, improper drainage, *geologic hazards*, steep slopes, and wildfire. These natural hazard risks and vulnerabilities are identified in the City's adopted [Hazard Mitigation Plan](#). The purpose of this section is to avoid *development* on hazardous sites, or, when *development* may occur, to provide appropriate mitigation to protect the public health, safety, and welfare

18.03.10.2 Natural Hazard Identification and Risk Assessment.

- A. The City adopted a hazard risk assessment in 2017 that concluded the City is at risk for flooding, *geologic hazards*, and wildfire. This section defines a process to identify specific hazard risk posed by *development* activity based on the location and *development* proposal.
- B. Mapping. The City has natural hazard maps to assist in determining if hazardous conditions exist on or near a *development* site. These maps are available on the City website.
- C. Development Activity. The type, extent, and design of the proposed *development* must be assessed to fully evaluate hazard risk and possible mitigation strategies to meet relevant local, state and federal regulations.

18.03.10.3 Applicability

- A. The standards in this chapter shall apply pursuant to the applicability provisions for flood, geologic, and wildfire as specified in the respective sections in this chapter.
- B. All geologic hazard evaluations and wildfire risk assessments, if required, shall be conducted prior to submittal of any *development* application or in conjunction with the review of the application. No application shall be approved prior to the review of such report with a conclusion that potential issues shall be avoided or mitigated.

18.03.10.4 Limits of Disturbance.

- A. Establishing Limits of Disturbance.
 1. For *development* subject to one or more natural hazards and the standards identified in this chapter, the applicant shall establish limits of disturbance that identify specific areas of the site where *development* activities will be contained, consistent with the findings

of any technical reports, as applicable. Limits of disturbance shall be indicated on the site plan associated with the submittal of a *development* application or building permit application.

2. In establishing limits of disturbance, the applicant shall:

- a. Implement erosion prevention and control measures;
- b. Protect steep slopes;
- c. Protect natural drainage channels;
- d. Protect stream corridors and wetlands;
- e. Preserve the site's natural topography;
- f. Protect existing vegetation; and
- g. Protect existing wildlife habitat.

B. Standards within the Limits of Disturbance.

- 1. Reduced Setbacks. Where appropriate to protect a sensitive area as listed in [subsection 18.03.10.4.A.2](#), if there is no feasible alternative, and if recommended by hazard evaluation, a structure may be located within three (3) feet of a lot line provided:
 - a. The proposed structure is at least six (6) feet from any existing structure on an adjacent lot; and
 - b. The proposed structure complies with any applicable building and fire code requirements.
- 2. Clustering. Clustering of building pads and parking areas may be required to minimize the area of the limits of disturbance.
- 3. No Build Areas. Limits of disturbance shall not include slopes greater than thirty (30) percent.

18.03.10.5 Ecological Characterization Study.

- A. Purpose and Applicability. If the development site contains, or is within five hundred (500) feet of, a natural habitat or feature, or if it is determined by the Planning Director, upon information or from inspection, that the site likely includes areas with wildlife, plant life and/or other natural characteristics in need of protection, then the developer shall provide to the City an ecological characterization report prepared by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline.
- B. Submittal. Prior to the submittal of a project development plan application for all or any portion of a property, a comprehensive ecological characterization study of the entire property must be prepared by a qualified consultant and submitted to the City for review. The Director may waive any or all of the following elements of this requirement if the City already possesses adequate information required by this subsection to establish buffer

zone(s). The ecological characterization study shall describe, without limitation, the following:

1. The wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
2. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
3. Any prominent views from or across the site;
The pattern, species and location of any significant native trees and other native site vegetation;
4. The pattern, species and location of all non-native trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
5. The top of bank, shoreline and high water mark of any perennial stream or body of water on the site;
6. Special habitat features;
7. Wildlife movement corridors;
8. The general ecological functions provided by the site and its features;
9. Any issues regarding the timing of development-related activities stemming from the ecological character of the area; and
10. Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features.

18.03.10.6 Development in Flood Hazard Areas.

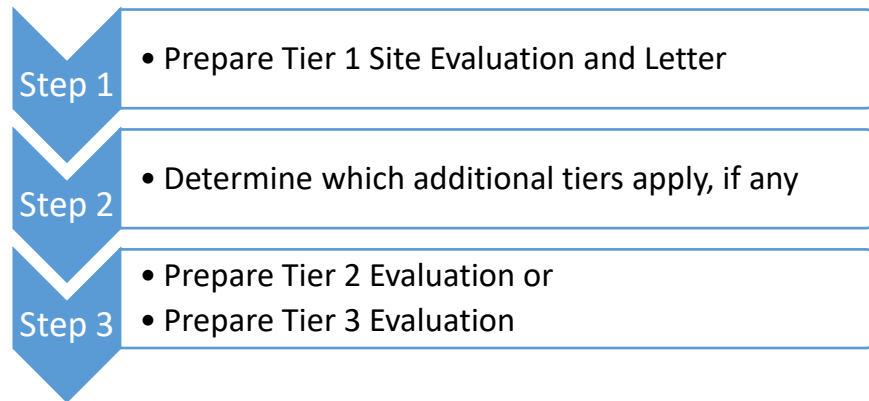
- A. Purpose and Intent. The purpose of this section is to promote the public health, safety, and welfare and to minimize public and private losses due to flood conditions to specific areas. Further, these standards are intended to:

11. Protect human life and health;
12. Minimize expenditure of public money for flood control projects;
13. Minimize *business* interruptions;
14. Minimize damages to critical facilities, infrastructure, and public facilities;
15. Reduce the amount of effort and expenditures associated with response, cleanup, and repair following a flooding event; and
16. Educate the public about the potential risk associated with *geologic hazards* in Manitou Springs.

- B. Applicability of Flood Hazard Standards.

1. Adequate floodplain avoidance and/or mitigation is required for all *development* proposed in the floodplain and shall be reviewed by the Regional Floodplain Administrator for compliance with federal, state, and local floodplain regulations.
2. Development in Flood Hazard Areas, shall comply with the requirements of the Regional Floodplain Regulations as amended. Flood hazard maps are available in the office of the Regional Floodplain Manager.

18.03.10.7 Geologic Hazards Evaluation.



A. Purpose and Intent.

3. The City of Manitou Springs is located within areas that are susceptible to one or more *geologic hazards* occurring either on the property or upstream/uphill from the property that could impact the subject property. Below is a list of common *geologic hazards* found in Manitou Springs; (this list is not exhaustive):
 - a. Expansive or unstable soils and/or rock;
 - b. Unstable slopes;
 - c. Landslide areas;
 - d. Flood prone or flood inundation areas, *debris flows*, and *debris fans*;
 - e. Unstable fill;
 - f. Erosion and deposition areas, or highly erodible soils;
 - g. Rockfall;
 - h. Subsidence;
 - i. Shallow water tables;
 - j. Groundwater springs or seeps;
 - k. Collapsible soils;
 - l. Faults;
 - m. Upturned or steeply dipping bedrock;

- n. Radioactivity or radon;
 - o. Problems caused by features or conditions on adjacent properties; and
 - p. Other general geologic or site problems.
4. The City retains [geologic hazards maps](#) which shall be considered for initial review of site hazards prior to site evaluation and addressed in the geologic hazard evaluation.
- B. Applicability and Exemptions.
1. Applicability of Geologic Hazards Evaluation. Unless exempt under [subsection 18.03.10.6.B.4](#), the *geologic hazards* standards in this section shall apply to any of the following activities or scenarios:
 - a. Any construction of new structures that are located on a permanent foundation, or the expansion of an existing structure by 50% or more;
 - b. Any application or *development* activity requiring a grading permit;
 - c. Any of the following *development* application types:
 - i. Major or Minor *Development* Plans;
 - ii. Major or Minor Subdivisions; and
 - iii. Subdivision waivers.
 - d. An application for *development* or redevelopment on any property with slopes exceeding thirty percent (30%) within the limits of disturbance; or
 - e. Any property in the HLDR zone.
 2. The following applications and *development* activities are automatically required to prepare a Tier 3 Geologic Hazards Plan and Report:
 - a. Major *Development* Plans;
 - b. Major Subdivisions;
 - c. Any property with average slope exceeding thirty percent (30%) within the limits of disturbance; or
 - d. Any property in the HLDR zone.
 3. The Planning Director, Planning Commission, or City Council may, at their discretion, have any *geologic hazard* evaluation (Tier 1, 2, or 3) independently reviewed by the Colorado Geological Survey (CGS) or by an independent qualified professional geologist or a qualified professional geotechnical engineer. This separate review shall supplement the City's review and will be considered by the City in making a final determination on the associated land *development* proposal. The cost of having an independent review and analysis of *geologic hazard* evaluation reports shall be borne by the *developer*.
 4. Exemptions from Geologic Hazards Evaluation.

- a. The following types of *development* activities are exempt from Geologic Hazards Evaluation in this section:
 - i. *Fences*;
 - ii. *Lighting*;
 - iii. *Poles*;
 - iv. *Signs*;
 - v. *Machinery or equipment*;
 - vi. *Decorative or perimeter walls that do not serve to retain soil, unless supporting a road or other weight surcharge*;
 - vii. *Any replat of a previous subdivision in which no new structures or new building lots are being created and no new *development* is proposed*;
 - b. An exemption from these standards does not exempt the applicant from liability and responsibility to evaluate and mitigate known *geologic hazards* on a site.
 5. Sites with existing studies or reports that are ten (10) years or older shall be subject to the Tier 1 Site Evaluation and Letter procedure below to determine whether the existing study or report is sufficient for the proposed development application, or if changes in conditions warrant a new Tier 2 or Tier 3 evaluation.
- C. Tier 1 Evaluation: Initial Site Evaluation and Letter.
1. Purpose. To provide initial evaluation of potential *geologic hazards* concerns related to *development* activities.
 2. Applicability.
 - a. Unless exempt under [subsection 18.03.10.6.B.4](#), the Site Evaluation and Letter shall be required for applications pursuant to [subsection 18.03.10.6.B.1](#). The Site Evaluation and Letter shall also be required for the following application types:
 - i. *Minor Development Plans*;
 - ii. *Minor Plats*; and
 - iii. *Building permits associated with new construction or additions that exceed fifty percent (50%) of the *gross floor area* of the existing structure*.
 - b. An applicant may, at their discretion, proceed directly to a Tier 2 or Tier 3 *geologic hazard* evaluation. If the applicant moves directly to a Tier 2 evaluation, they assume the risk that a Tier 3 Evaluation may also be required.
 3. Procedure.
 - a. Site Evaluation. The property subject to the proposed application or *development* activity shall be evaluated by a professional geologist or a professional geotechnical engineer at the expense of the property owner or applicant.

b. Evaluation Letter. Following the site evaluation, the professional geologist or a professional geotechnical engineer shall submit a signed and stamped letter to the Planning Director providing details of the site evaluation. At a minimum, the letter shall:

- i. Include the date and location of the site visit;
- ii. Include photos of the lot and any *geologic hazard* conditions;
- iii. Include a detailed narrative description of the lot conditions, including slopes; evidence of drainage and any other potential hazards on the site that are listed in [Section 18.03.10.6.A.1](#);
- iv. Confirm that Manitou Springs *geologic hazard* maps were reviewed in relation to the site;
- v. Provide initial recommendations, if any, to mitigate the potential *geologic hazards* conditions;
- vi. Determine whether or not the proposed *development* activity for the site would result in an increased risk to *geologic hazards* on the site or on adjacent properties; and
- vii. Provide an assessment and recommendation whether or not further study is required through a Tier 2 or Tier 3 Evaluation to address *geologic hazard* risk.

4. Review Procedures.

a. Based on the findings and recommendations of the site evaluation and letter, the Planning Director, in consultation with the City *Engineer*, may:

- i. Move the application or permit forward through the applicable approval procedure;
- ii. Seek additional input from the Colorado Geological Survey, qualified professional geologist or a qualified professional geotechnical engineer; and/or
- iii. Require a soils and foundation report.

b. Following further review of the letter and any subsequent input stated above, the Planning Director may:

- i. Move the application or permit forward through the applicable approval procedure;
- ii. Require a Tier 2 Evaluation: Geologic Hazards Mitigation Study; or
- iii. Require a Tier 3 Evaluation: Geologic Hazards Plan and Report.

D. Tier 2 Evaluation: Geologic Hazards Mitigation Study.

1. Purpose. To provide further evaluation of *geologic hazards* for *development* activities of certain sites and to provide review and recommendations of proposed mitigation for identified hazards.
2. Applicability. Unless exempt under [subsection 18.03.10.6.B.4](#), the Geologic Hazards Mitigation Study shall be required for any proposed *development* activity subject to a Tier 1 Site Evaluation and Letter where such evaluation and letter confirms the presence of *geologic hazards* that require mitigation, but do not warrant a Tier 3 Geologic Hazards Plan and Report.
 - a. Mitigation Study.
 - i. The detailed guidelines, criteria, policies, and requirements for preparation, submittal, and review of the Mitigation Study are located in the City of Manitou Springs Geologic Hazards Evaluation Manual.
 - b. The applicant shall submit to the Planning Director and City Engineer a study and report of potential mitigation solutions ("Mitigation Study") that lessen the impact of the proposed *development* activity on the site and on adjacent properties. Such study shall:
 - i. Be prepared by a professional geologist or a professional geotechnical engineer;
 - ii. Identify potential hazards on the site that are listed in [Section 18.03.10.6.A.1](#);
 - iii. Identify conditions that may pose a hazard to land *development* activities on the site and on adjacent properties;
 - iv. Describe proposed mitigation strategies and how they will reduce or avoid identified hazards;
 - v. Describe how the proposed mitigation strategies will reduce or avoid identified hazards on adjacent public or private property;
 - vi. Describe how the proposed mitigation strategies will comply with any required soils, foundation, or drainage and erosion control plans and reports pursuant to this section, [Chapter 18.04](#), or other applicable engineering standards; and
 - vii. Include applicable calculations to support proposed mitigation strategies.
 - c. Mitigation Measures. In cases where *geologic hazards* are identified, appropriate mitigation measures shall be required in conjunction with the approval of the project, if approval is recommended. Such mitigation measures may include, but not be limited to:
 - i. Changes to the proposed site layout;
 - ii. Changes to the location of proposed structures;
 - iii. Modification of land use types;
 - iv. Modification of lot boundaries or building envelopes;

- v. Special foundation designs and over-excavation;
- vi. Mitigation of rockfall and/or *debris flow*;
- vii. Grading, drainage, and erosion controls;
- viii. Geotechnical engineering solutions; and
- ix. Limitations on irrigated landscapes.

d. Review Procedures.

- i. The Planning Director and the City Engineer shall review the Mitigation Study as part of the review of the applicable land *development* application. The City's review shall determine whether the findings, conclusions, and recommendations of the Mitigation Study have been incorporated into the design of the applicable *development* application or permit, Drainage and Erosion Control Plan, Grading Plan, public improvement construction drawings, or other required documents.

e. Following initial review of the Mitigation Study, the Planning Director may:

- i. Move the application or permit forward through the applicable approval procedure;
- ii. Seek additional input from the Colorado Geological Survey or other professionals; and/or
- iii. Require a soils and foundation report.

f. Following further review of the Mitigation Study and any subsequent input stated above, the Planning Director may:

- i. Move the application or permit forward through the applicable approval procedure; or
- ii. Require a Tier 3 Evaluation: Geologic Hazards Plan and Report.

E. Tier 3 Evaluation: Geologic Hazards Plan and Report.

1. Purpose. The purpose of the Geologic Hazards Plan and Report is to:

- a. Identify the *geologic hazards* affecting the *development* site;
- b. Assess proposed *development* that could pose a more significant *geologic hazard* impact;
- c. Analyze potential *geologic hazard* impacts the proposed *development* could have on surrounding properties or public facilities;
- d. Identify appropriate mitigation measures that shall be employed to reduce or avoid the identified hazards to acceptable levels so that *development* may proceed; and
- e. Recommend areas that are not suitable for the proposed *development* or that pose unacceptable risks for *development*.

2. Applicability. Unless exempt under [subsection 18.03.10.6.B.4](#), a Geologic Hazards Plan and Report is required for:

- a. Major *Development* Plans;
- b. Major Subdivisions;
- c. Any property with average slope exceeding thirty percent (30%) within the limits of disturbance;
- d. Any property in the HLDR district; or
- e. Any application or permit requirement recommended by the Planning Director or City Engineer based on the results of a Tier 1 Site Evaluation and Letter or a Tier 2 Geologic Hazards Mitigation Study.

3. Procedure.

a. Geologic Hazards Analysis. A Geologic Hazards Plan and Report, when required, shall be prepared by a professional geologist or a professional geotechnical engineer. The Geologic Hazards Plan and Report shall address the topics listed in this subsection, where applicable. The level of detail and emphasis may vary due to specific geologic conditions of the site or the scale and type of proposed *development* activity. The detailed guidelines, criteria, policies, and requirements for preparation, submittal, and review of the Geologic Hazards Plan and Report are located in the City of Manitou Springs Geologic Hazards Evaluation Manual.

b. General Project Description and Certification.

- i. A project description shall be included that presents the overall proposed project details including the size and location of the project and the existing and proposed land uses.
- ii. The professional geologist or professional geotechnical engineer preparing or certifying the Plan and Report shall sign the Plan and Report.

c. Geologic Hazard Risks. The presence of any of the types of *geologic hazards* on the site as listed in [subsection 18.03.10.6.A.1](#).

i. Proposed Cuts into Existing Grade.

- a) Prediction of what materials and structural features will be encountered;
- b) Prediction of stability based on geological factors;
- c) Problems of excavation (e.g., unusually hard or massive rock, excessive flow of groundwater); and
- d) Recommendations for reorientation or repositioning of cuts, reduction of cut slopes, *development* of compound cut slopes, special stripping above daylight handling of seepage water, setbacks for structures above cuts, etc.

ii. Proposed Masses of Fill.

- a) General evaluation of planning with respect to canyon-filling and side hill masses to fill;

- b) Comment on suitability of existing natural materials for fill; and
- c) Recommendations for positioning of fill masses, provision for underdrainage, buttressing, and special protection against erosion.

iii. Recommendations for Subsurface Testing and Exploration.

- a) Cuts and test holes needed for additional geological information; and
- b) Program of subsurface exploration and testing, based upon geological considerations that are most likely to provide data needed by the soils engineer.

d. Conclusions and Recommendations. The Geologic Hazard Plan and Report shall address the following:

- i. Whether the intended use of the land is compatible with any identified or potential *geologic hazards* or constraints;
- ii. The *development* of mitigation procedures or design changes necessary to minimize or abate any hazardous condition, if such mitigation or design change is possible. Each hazardous condition requires a recommendation, which may be a recommendation that the conditions are too severe to warrant *development*;
- iii. The long-term stability and safety of the proposed project. Discuss the critical planning and construction aspects of the *development*, including the suitability of using irrigated landscaping, the stability of earth materials, the appropriateness of the proposed grading plans, the need for selective location of project facilities, and the static and dynamic parameters for the design of structures; as applicable; and
- iv. Clearly state the geologic basis for all conclusions.

e. Mitigation Measures. In cases where *geologic hazards* are identified, appropriate mitigation measures shall be required in conjunction with the approval of the project, if approval is recommended. Such mitigation measures may include, but not be limited to:

- i. Changes to the proposed site layout;
- ii. Changes to the location of proposed structures;
- iii. Modification of land use types;
- iv. Modification of lot boundaries or building envelopes;
- v. Special foundation designs and over-excavation;
- vi. Mitigation of rockfall and/or *debris flow*;
- vii. Grading, drainage, and erosion controls;
- viii. Geotechnical engineering solutions; and
- ix. Limitations on irrigated landscapes.

f. Review Procedures.

- i. The Geologic Hazard Plan and Report shall be reviewed by the Planning Director and/or City Engineer as part of the review of the land *development* application. The Planning Director shall forward the Geologic Hazard Plan and Report to the Colorado Geological Survey (CGS) for review and comment. The City's review shall determine whether the findings, conclusions, and recommendations of the Geologic Hazard Plan and Report and comments from CGS have been incorporated into the design of the Major or Minor *Development* Plan, Subdivision Plat, Drainage and Erosion Control Plan, Grading Plan, and public improvement construction drawings, or other required documents. If the City review determines that the submitted study is incomplete or fails to comply with the standards and requirements set forth in this section, the Planning Director may require new or supplemental information.

- g. Recommendations of the Geologic Hazards Plan and Report shall be incorporated, as applicable, into the approval of the Major or Minor *Development* Plan, Subdivision Plat, Drainage and Erosion Control Plan, Grading Plan, public improvement construction drawings, and building construction plans.

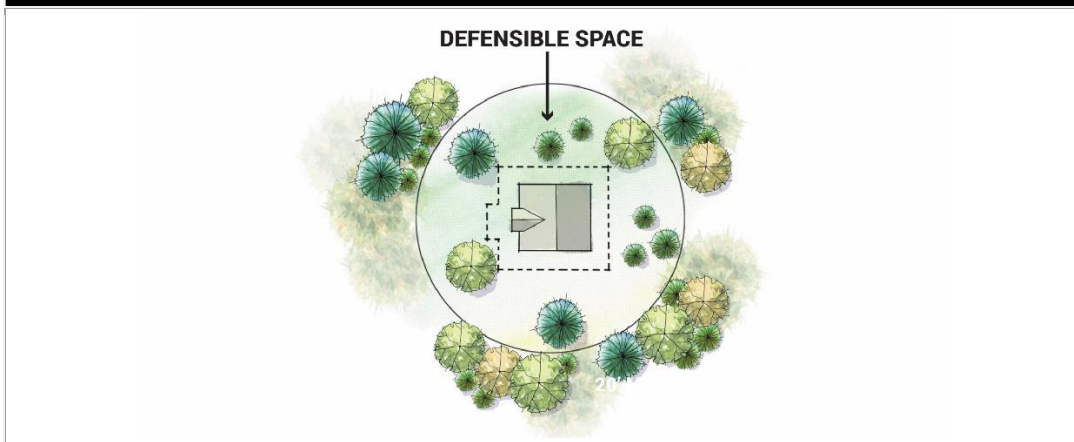
18.03.10.8 Wildfire Mitigation Standards.

- A. Purpose and Intent. Pursuant to the City's wildfire risk assessment, the entire City is at risk for wildfire. Mapping and/or site assessments by the Fire Department may be used to clarify wildfire risk on individual properties within the City or the City as a whole. The standards in this subsection establish minimum regulations for reducing the risk of loss of life or property from wildfire by:
 1. Maintaining vegetation to slow the rate of spread and reduce the intensity of a fire;
 2. Providing a safe area for fire suppression operations; and
 3. Slowing or preventing a fire from traveling in either direction between a structure and vegetation.
- B. Applicability of Wildfire Mitigation Standards. The wildfire mitigation standards in this section shall apply to any of the following activities or scenarios:
 1. An application for a Major or Minor *Development* Plan for *development* determined to be at rapid wildfire risk based on the City's Wildfire Risk Map;
 2. An application for a Major or Minor Subdivision for *development* determined to be at rapid wildfire risk based on the City's Wildfire Risk Map; or
 3. Any required building permit or property improvement permit for a habitable or *commercial* structure determined to be at rapid wildfire risk based on the City's Wildfire Risk Map.
- C. Procedure. For applications subject to subsection 18.03.10.7.B. the Fire Department will conduct a site assessment to evaluate how fire code standards, as well as the wildfire

mitigation standards in subsection 18.03.10.7.D. apply to the proposed *development* and communicate this information to the property owner.

- D. Wildfire Mitigation Standards. The applicant shall mitigate wildfire hazards to applicable structures through landscaping and maintenance to the maximum extent practicable by:
1. Maintaining a five (5)-foot perimeter zone that contains only non-organic mulch around structures;
 2. Providing and maintaining a ten (10)-foot primary *defensible space* area, where vegetation capable of carrying fire has been treated, modified, or removed to slow the rate of spread and reduce the intensity of a fire.
 3. Providing and maintaining a secondary thirty (30)-foot *defensible space* area within the lot on all sides of structures where:
 - a. A minimum separation of ten feet is provided between the edges of tree canopies (or clusters of tree canopies), measured at maturity;
 - b. Vegetation and tree canopies maintain a minimum clearance of ten (10) feet from any building;
 - c. Branches within six to ten (10) feet above the ground are removed from trees taller than twenty (20) feet in height;
 - d. Low-hanging branches at less than one-third ($\frac{1}{3}$) of the tree's height are removed from trees that are less than twenty (20) feet in height;
 - e. Potential fire hazards such as insect infested, diseased, and dead trees and limbs are removed;
 - f. Plantings shall be provided pursuant to the City's preferred plant list, except that alternatives to the City's preferred plant list may be considered on a case-by-case basis upon the applicant demonstrating in writing that such alternatives are equally or more suitable to the conditions of the site, ecology, habitat, microclimate, and the surrounding environment;
 - g. Planting vegetation in clusters is encouraged, with spacing between clusters often (10) feet or one and one-half ($1\frac{1}{2}$) times the height of the vegetation, whichever is greater; and
 - h. Vegetation shall be maintained, including keeping limbs trimmed, removing surface and ladder fuels, and removing vegetative debris from the ground.

Figure 18.03.10.7-1: Illustration of Defensible Space



- E. Whenever the standards in this section conflict with landscaping standards elsewhere in this LUDC, the standards in this section shall apply.
- F. The Planning Director shall have the authority to modify the wildfire mitigation standards in this section based on a Fire Department recommendation, or through the alternative compliance procedure for landscaping plans in [Chapter 18.04](#).

18.03.11 Drainage Plans

18.03.11.1 Purpose and Applicability

- A. All drainage plans and reports shall meet the design and submittal requirements of the City of [Colorado Springs Drainage Criteria Manual](#).

18.03.12 Signs

18.03.12.1 Purpose

- A. In the interest of public health, safety and welfare, the purposes of this Chapter are:
 - 1. To encourage the efficient and effective use of signs as a means of communication in the City;
 - 2. To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic *development* and growth;
 - 3. To improve pedestrian and traffic safety;
 - 4. To minimize the negative effects of signs on nearby public and private property;
 - 5. To provide a reasonable balance between the rights of persons and entities to communicate through signs, and protecting the public from the visual discord that results from the unrestricted proliferation of signs;
 - 6. To promote fair and consistent enforcement of these sign standards; and

7. To ensure that signs are designed and used in a manner to:
 - a. Allow persons and entities to use signs effectively for the communication of messages (such as to identify residential *dwelling*s, *business* establishments and other organizations;
 - b. Provide direction to emergency services, motorists and pedestrians, to advertise, and to communicate to the public;
 - c. Be consistent with the permitted use of the site and adjacent sites;
 - d. Minimize distractions or confusion of motorist, bicyclist, and pedestrians, or obstruct the views of intersection corners, neighboring lands, or other signs;
 - e. Lessen visual clutter caused by improper placement, excessive illumination, or animation;
 - f. Promote attractive signs consistent with the Manitou Springs Comprehensive Plan and the Manitou Springs Historic District Design Guidelines, as may be amended;
 - g. Communicate a message using a reasonable size and number of signs;
 - h. Comply with requirements of this Chapter regulating sign size depending on the use in relationship to the scale of the lot frontage, location from which the sign will be viewed, and the building façade with street frontage along which the sign is to be placed;
 - i. Protect the public from the dangers of unsafe signs, and require signs to be constructed, installed and maintained in a safe manner; and
 - j. With the exception of signs conveying false or misleading information, advertising illegal or criminal activity, or displaying obscenity, the City does not intend by any provision of this Chapter to regulate the content of any sign.

18.03.12.2 Applicability

- A. All signs within the City must comply with the standards of this Chapter.
- B. Permit Required. No signs requiring a *sign permit* shall be erected, installed, relocated or displayed without prior City approval and issuance of a *sign permit* pursuant to Chapter 6 of this LUDC.
- C. Sign Districts. This Chapter regulates *sign* characteristics by district. The City regulates land use, setbacks, building dimensions, site and building design, and other characteristics by zoning districts in this LUDC. Many of these zoning districts have common characteristics for the purposes of *sign* regulations, and this Chapter combines zoning districts into common *sign* districts as designated in Table 18.03.0-1: Sign District Designations.

Table 18.03.0-1: Sign District Designations

Downtown	Commercial	Residential
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Zone District	DWTN-Downtown	C-Commercial MUC-Mixed Use Commercial OS-Open Space P-Park PF-Public Facilities	GR-General Res LDR-Low Density Res HDR-High Density Res HLDR-Hillside Low Density
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18.03.12.3 Prohibited Signs

- A. The following signs are prohibited in the City unless otherwise specifically provided for in this Chapter:
1. Any *sign* that is not an *official sign* and obstructs the view of, may be confused with, or purports to be an official traffic *sign*, signal or device or any other *official sign*.
 2. Any *sign* that obstructs ingress to or egress from a required door, window, fire escape, or other required exit way.
 3. Any *sign* that is painted upon retaining walls, rocks or natural features.
 4. Any *sign* that is erected or painted upon any vegetation.
 5. Any temporary, *freestanding signs* placed in the *public right-of-way*.
 6. Signs painted or affixed to benches or *fences*.
 7. Portable signs, except *sandwich board signs* as permitted by this Chapter and *official signs*, including those required for by the Uniform Manual on Traffic Control Devices published by the Federal Highway Administration and Colorado Supplements published by the Colorado Department of Transportation.
 8. Any *sign* which is structurally unsafe constitutes a hazard to safety or health; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or does not conform to the design, structural, and material standards for signs as adopted by the City.
 9. Signs mounted, attached, or painted on motor vehicles, trailers or boats used as advertising, but excluding vehicles actually used in the normal course of an *occupant's* operations, whether parked or not.
 10. Revolving beacons and *searchlights*.
 11. Animated signs.
 12. *Flashing signs*.
 13. *Digital signs*.
 14. Signs with more than two faces unless approved as part of a planned *sign* program.
 15. *Off-premises signs* except as provided for in this Chapter.

16. Signs designed or allowed to wave, flap, or rotate with the wind, except for flags of less than twenty square feet.
17. Any *sign* emitting sound.
18. Exposed neon tubing within the downtown zone district unless approved as part of a planned *sign* program and with Historic Preservation Commission approval.
19. *Obsolete signs*
20. Any *sign* located within utility or access *easements*, on public property, or within public rights-of-way, except as allowed in this Chapter or as specifically provided for in a Planned Sign Program.

18.03.12.4 General Provisions

- A. Signs must be constructed according to standards established in the Building Code.
- B. When applicable, building permits must be obtained for signs.
- C. All signs and supporting structures shall be maintained in a good state of appearance and repair. *Business* or property owners are responsible for the maintenance of all signs.
- D. All occupied premises shall have street numbers, and room identification numbers for lodgings, which shall be easily viewed from adjacent public rights-of-way.
- E. Substitution. Subject to the landowner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed *commercial* message or any duly permitted or allowed non-commercial message if the *sign* structure or mounting device is legal without consideration of message content. The message substitution may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of *commercial* speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total number or area of signs on a parcel, nor does it affect the requirement that a *sign* structure or mounting device be properly permitted.
- F. Measurement Standards.
 1. Number. The number of signs allowed applies to each *occupant* of a parcel for a permitted use under this LUDC.
 2. *Sign Area*.
 - a. In General. *Sign* area means the area that includes the entire face of the *sign*, frame, artwork, and any spacing between letters, figures and designs, but not including any incidental decoration or the bracing or structure of the *sign*. For *window signs*, "*sign area*" is measured at the extremities of the lettering in each line or from the extremities of any graphic.

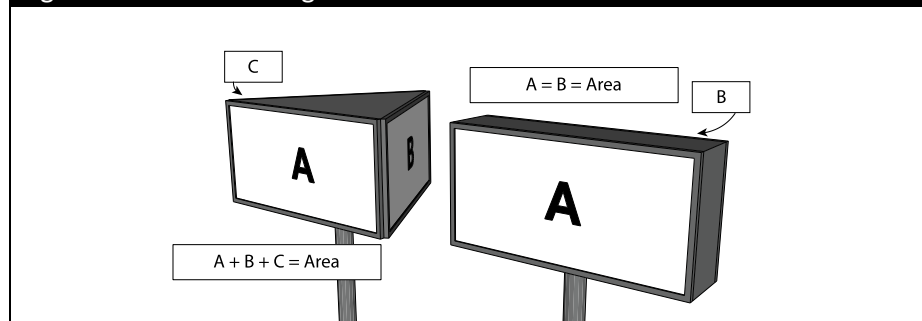
Figure 18.03.12.04-1: General Sign Measurement



b. Multi-Faced Signs. Require Planned Sign Program.

- i. If the faces of a multi-faced sign have the same area, have an interior angle of less than 45 degrees, and are not more than 12 inches apart, then the sign area is the area of one side of the sign. This measurement commonly applies in cases where a sign has two sides of the same size that are parallel to each other.
- c. Where the faces of a multi-faced sign are not the same size, the interior angle formed by the faces is less than 45 degrees, and the faces are not more than 12 inches apart, the sign face area is the area of the larger side of the sign.
- d. If the interior angle formed by the faces of a multi-faced sign is more than 45 degrees, or if the faces are more than 12 inches apart, then the sign face area is the cumulative area of all sides of the sign.

Figure 18.03.12.04-2: Sign Area Measurement



- e. Height. For signs installed on the ground, height is the vertical distance from the average grade level at the base to the highest point of the *sign*.
- f. Façade Width.
 - i. Where this Chapter calculates a sign area allowance based on the width of a building's façade facing a street *frontage*, the width of the façade is the horizontal distance of the façade at grade on the side of the building facing a public street.

- g. For *buildings* with multiple *occupants*, the width of the façade is the horizontal distance of the portion of the façade between party walls or tenant separation partitions for the particular *occupant* at grade on the side of the building facing a public street.

Figure 18.03.12.04-3: Building Façade Width

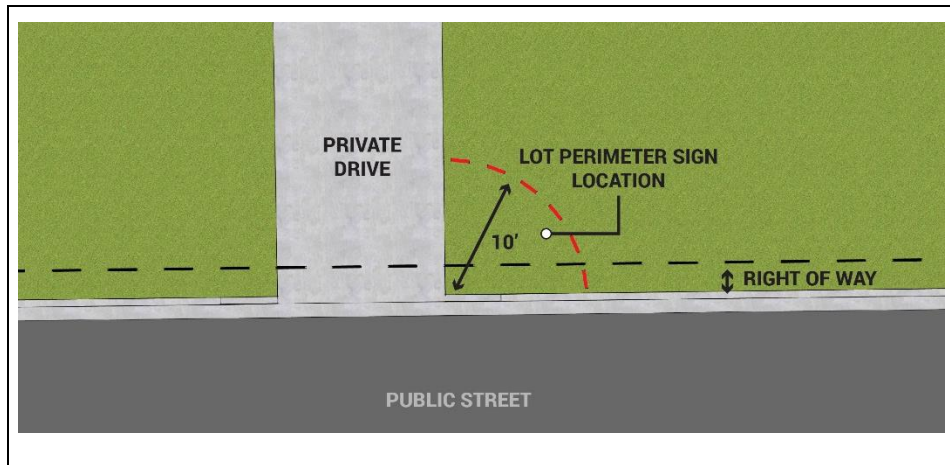


18.03.12.5 Signs Not Requiring Permits

- A. Signs not requiring permits are not considered in calculating the total area of signs under these provisions.
- B. All Zones. The following signs may be erected and maintained, subject to stated restrictions, without a permit in all zones as defined in the zoning ordinance of the City:
1. Official signs. To the maximum extent possible, *official signs* in the downtown zone shall meet the guidelines herein.
 2. Street and lodging room numbers.
 3. *Temporary Signs*.
 - a. Up to two freestanding *temporary signs* per parcel provided they do not exceed six (6) square feet per side and do not obstruct or impair the safety of pedestrian or vehicular traffic. A 30-day limit for display applies to these two (2) *temporary signs*.
 - b. One additional *freestanding sign* per parcel that does not exceed six (6) square feet per side and does not obstruct or impair the safety of pedestrian or vehicular traffic. This *sign* is not subject to the 30-day display limitation for other *temporary signs*.
 4. Vehicle signs on vehicles operated in the normal course of operations is allowed without a permit, subject to the following limitations:
 - a. The vehicle shall have all required state licenses, license plates and inspection stickers and shall be operable.

- b. The vehicle shall be regularly operated, which means that the vehicle shall leave the property on a regular basis for an operational purpose and shall not be parked in excess of twelve (12) continuous hours at the *occupant's* location. This subsection does not apply to a vehicle used on a regular basis for the *occupant's* operational purpose that is taken home during nonworking hours and parked or stored on a private residential lot during nonworking hours.
 - c. The primary purpose of the vehicle shall not be for the display of signs. In determining whether the primary purpose of such vehicles is for the display of signs, the City shall consider the following criteria:
 - i. Whether the vehicle is regularly operated as set forth in paragraph (4)(b) hereof.
 - ii. The location of the vehicle when it is parked on or near the property of the *occupant* for which the *sign* is provided. The purpose of this subparagraph shall be to prevent the vehicle from being displayed on or near a major street or *public right-of-way*, unless no other alternative parking area is available.
 - iii. Whether the vehicle is parked in a location that is not on or near the property of the *occupant* for which the *sign* is provided in a manner so as to constitute a sign. The purpose of this subparagraph is to prevent the vehicle from being displayed on or near a major street or *public right-of-way* without a valid operational purpose, such as deliveries or repair work.
 - d. Vehicle signs shall be magnetic, have vinyl graphics or be painted directly on the vehicle.
- C. Downtown and Commercial Zones. The following signs may be erected and maintained, subject to the stated restrictions, without a permit in the downtown and *commercial* zones as defined in this Chapter.
- 1. Lot perimeter signs. A lot perimeter *sign* is a *sign* located outside the right-of-way and within 10 feet of an entrance to a private drive or parking area for a lot. *Occupants* generally use these signs to direct motorists to parking areas. However, the City does not regulate the content or message of lot perimeter signs.
 - a. Number. An *occupant* may display two lot perimeter signs at each access to a private drive or parking area from a public street.
 - b. Area. Lot perimeter signs may have a maximum *sign* area of three-square feet per sign.
 - c. Location. Lot perimeter signs are only allowed outside the right-of-way and within 10 feet of an entrance to a private drive or parking area from a public street.

Figure 18.03.12.05-1: Perimeter Sign Locations



2. *Sandwich board signs*, are subject to the following limitations:
 - a. The *sign* shall not constitute a hazard to pedestrian or vehicular traffic, such as blocking site lines, obstructing the free flow of pedestrian or vehicular traffic, or presenting a tripping hazard.
 - b. The *sign* height shall be no more than four feet, and the total square footage no more than eight square feet per side. The *sign* shall be constructed in a manner that assures safety for pedestrian traffic and stability in all weather conditions.
 - c. *Sandwich board signs* may only be placed directly on the sidewalk in front of an *occupant's* location related to the *sign*, unless permitted pursuant to an approved planned *sign* program. No *occupant* shall have more than one *sandwich board sign*.

18.03.12.6 Signs Subject to Permits

- A. Permit Required. Subject to the stated restrictions, the signs allowed in this Section require a *sign permit* under this Chapter. The standards in Table 18.03.0-2 and the additional *sign* standards in this Section apply to all signs controlled by this Section.

Table 18.03.0-2: Standards for Signs Requiring a Permit

Sign Type	Standard	Downtown	Commercial	Residential
Cumulative Limit (per street-level occupant)	Number	3 4 for corner lots ¹	3 4 for corner lots ¹	1 per non-residential occupant
	Area	3 s.f. per 1 ft. of façade not to exceed 100 sf. ²	3 s.f. per 1 ft. of façade not to exceed 150 sf. ²	20 s.f.
Window & Door Signs	Number	3 window, 2 door	3 window, 2 door	N/A
	Area	25% max.	25% max.	N/A
Wall Signs	Area	Cumulative maximum applies	Cumulative maximum applies	N/A

Sign Type	Standard	Downtown	Commercial	Residential
Hanging Signs	Number	1 per occupant	1 per occupant	1 per occupant
	Area	8 s.f.	8 s.f.	20 s.f. ³
Freestanding Signs	Number	2 per occupant	2 per occupant	1 per non-residential occupant
	Area	50 s.f.	150 s.f.	20 s.f. ³
	Height	15 ft.	25 ft.	8 ft.
Roof Signs	Number	1 per occupant	1 per occupant	N/A
	Area	18 s.f.	Cumulative maximum applies ⁴	N/A
	Height	1 ft. below highest point of the roof	No more than 10 s.f. of sign area can be above the highest point of the roof ⁴	N/A
Temporary Signs	Number	1 per 20 ft. of façade	1 per occupant	N/A
	Area	8 s.f.	32 s.f.	N/A

Key: Cumulative limit = the cumulative area and number of all signs requiring a permit under this Section; Number = number of signs per occupant of a lot; Area = sign area in s.f.; Height = height from grade measured in linear feet; façade = the side of building fronting a public street; s.f. = square feet; ft. = linear feet.

Notes:

- ¹. Additional standards in Paragraph 18.02.3.1.1.B.1. apply to lots with multiple frontages.
- ². Additional standards in Paragraph 18.02.3.1.1.B.2 apply to occupants on upper levels.
- ³. Additional setback and area standards in Paragraph B.8 apply to signs for nonresidential uses in residential zones.
- ⁴. Additional limitations in paragraph B.7 apply to the dimensions of a roof sign.

B. Additional Sign Standards.

1. Total Number.

- a. Lots with a Single Frontage. For each *occupant* of a lot with a single *frontage* on a public street, the standards of Table 18.03.0-2 apply to the cumulative number of signs requiring a permit.
- a. Lots with Multiple Frontages.
 - i. For each *occupant* of a lot with two or more adjacent *frontages*, including corner lots, the cumulative number of permitted signs shall not exceed two

signs per *frontage*, excluding temporary and *off-premises signs*. Distinct *occupants* of lots with adjoining but separate *frontages* may choose to be classified under the provisions of paragraph a, above for *occupants* having a single *frontage* so that one frontage may have the number of signs allowed by Paragraph a, above and one frontage is allowed no signage. For lots with non-adjacent *frontages*, such as lots with street *frontages* at the front and back of the lot, the total number of signs subject to permit shall not exceed three signs per *frontage*, excluding temporary and *off-premises signs*.

- b. Exceptions.
 - i. Signs that do not require a permit under this Chapter are not included in the cumulative number of signs allowed.
 - ii. In the downtown zone, window and door signs requiring a permit under this Section count cumulatively as one *sign* for calculation of the number of signs allowed.
 - iii. *Temporary signs* requiring permits under this Section are not counted in the cumulative number of signs allowed.
- 2. Area.
 - a. Street-Level Occupants. Cumulative sign area per *occupant* on the ground floor is allowed at the rate of three square feet of *sign* area per foot of building façade width facing a public street *frontage*, subject to the district maximum in Table 18.03.0-2.
 - b. Upper-Level Occupants. Cumulative maximum *sign* area per *occupant* above the ground floor is one square foot of *sign* area per foot of building façade width facing a public street *frontage*, subject to an overall maximum *sign* area of fifty square feet.
 - c. The sum of the areas of all window, wall, hanging, roof, and *freestanding signs* for an *occupant* shall not exceed the maximum *sign* area allocated to that *occupant*.
- 3. Window and Door Signs.
 - a. Area. Total *sign* area shall not exceed twenty-five percent of glass area.
 - a. Number. Excluding *temporary signs*, the total number of signs on windows and doors shall not exceed three *window signs* or two door signs per façade with a *frontage* on a public street.
- 4. Wall Signs.
 - a. Location. Signs on wall areas visible from the *public right-of-way* shall be located a minimum of one foot inward from perimeter edges of walls and shall not project outward from walls more than eight inches.
 - b. Area. The cumulative area limitations for all signs applies.
- 5. Hanging Signs.

- a. Location. Signs shall not extend outward more than four feet from a building wall.
 - b. Area. *Sign* area shall not exceed the district standard stated in Table 18.03.0-2 (exclusive of brackets).
 - c. Awnings. Awnings shall not be counted as signs. Lettering (in addition to the allowable *sign* area under the façade *frontage* ratio in this Section) may be applied to a fabric *awning* surface; however, this additional lettering may not increase the allowable *sign* area by more than twenty-five percent. The calculation for the additional *sign* area includes a single rectangle, parallel with the ground, that contains all *sign* copy and decorative embellishments and not the whole surface of the *awning*.
 - d. Number. The number is limited to one per façade with a *frontage* facing a public street. Signs with multiple sides count as one *sign*.
 - e. Liability. If a *hanging sign* is in the *public right-of-way*, the *occupant* or property owner shall assume full liability for any damages incurred due to the positioning of the *sign*. The *occupant* or property owner may be required to agree to this condition in writing before a permit is issued.
6. Freestanding Signs.
- a. Location.
 - i. In the Downtown District, freestanding signs less than eight square feet in size shall be set back from side lot lines a minimum of six feet. Signs more than eight square feet in size shall be set back from all property lines a minimum of six feet. For each additional foot in height over eight feet, there must be an additional one-foot setback. No portion of any *sign* shall extend into the six-foot setback area.
 - ii. In all other *commercial* districts, freestanding signs shall be set back from all property lines a minimum of ten feet. For each additional foot of height over ten feet, there must be an additional one foot of setback from the adjacent property line(s). No portion of any *freestanding sign* shall extend into the setback area. Signs less than forty feet from any street corner shall be set back at least ten feet from the *public right-of-way*.
 - b. Area. *Sign* area shall not exceed the district standard stated in in Table 18.03.0-2.
 - c. Height. *Sign* height shall not exceed the district standard stated in in Table 18.03.0-2.
 - d. Number. The number shall not exceed the district standard stated in in Table 18.03.0-2. Signs with multiple sides count as one *sign*.
7. Roof Signs.
- a. *Roof signs* must comply with the district standards stated in in Table 18.03.0-2.

- b. *Roof signs* in *commercial* zones other than the downtown zone are allowed if not more than ten square feet of the total *sign* area is above the highest point of the roof. The cumulative limit for *sign* area also applies.
8. Signs in Residential Zones.
- a. A *sign* for a nonresidential use in a residential zone, except those allowed in this Chapter and those allowed for home occupations, require a permit and must comply with the standards in Table 18.03.0-2.
 - b. The area allowance for a *sign* for a nonresidential use in a residential district varies based on the setback from the front property line. Individual *sign* area shall not exceed twenty square feet at a distance of fifty feet or greater from the front property line and shall decrease in area one and one-half square feet for each ten feet or increment thereof toward the front property line as shown in Table 18.03.0-3: Residential Zone Sign Area Based on Setback.

Table 18.03.0-3: Residential Zone Sign Area Based on Setback

Setback from the Front Property Line	Sign Area
50 ft. or greater	20.0 sq. ft.
40 - 49.9 ft.	18.5 sq. ft.
30 - 39.9 ft.	17.0 sq. ft.
20 - 29.9 ft.	15.5 sq. ft.
10 - 19.9 ft.	14.0 sq. ft.
0 - 9.9 ft.	12.5 sq. ft.

- c. Signs for a nonresidential use in a residential zone require review and approval of a planned sign program permit as part of the conditional use application, subject to the requirements of the following criteria:
 - i. The number and size of signs shall be accessory and subordinate to and consistent with the design of the main structure.
 - ii. Wall and *hanging signs* shall be placed to enhance architectural features.
 - iii. *Sign* materials shall be of wood, painted metal or stained glass or equivalent durable material.
 - iv. Typefaces shall be simple, uniform and readable with logos, symbols and borders.
 - v. *Sign* location and typeface shall take into account and be of consistent character to the structure and street and adjacent residential structures.
 - vi. *Sign* area shall be of a size and scale compatible with the neighboring residential area.
9. Temporary Signs.

- a. *Temporary signs* must comply with the district standards stated in Table 18.03.0-2.
 - b. Location.
 - i. In the downtown zone, temporary signs shall be displayed within window areas or on walls located along building's *facade*, or freestanding and set back a minimum of six feet from the property lines.
 - ii. In other *commercial* zones, *temporary signs* shall be displayed within window areas or on walls located along building's *facade*, or free-standing and set back a minimum of ten feet from the property lines.
 - c. *Sandwich board signs* are exempt from this Section.
10. Neon Lighting. In the downtown zone, a *neon sign* greater than six square feet in area requires approval by the Historic Preservation Commission. A sign will be reviewed by the Historic Preservation Commission under the criteria of [Section 18.03.12.9](#) in reaching a determination.
11. Historic Signs.
- a. In the downtown zone, *historic signs* are permitted regardless of size, height, and obsolescence if approved by the City Council upon recommendation by the Historic Preservation Commission.
 - b. In other *commercial* zones, historic signs are permitted regardless of size, height, or obsolescence if approved by the Planning Commission upon recommendation by the Historic Preservation Commission.

18.03.12.7 Off-Premises Signs

- A. Only *freestanding signs* are permitted as *off-premises signs*. The total area of all *off-premises signs* per *occupant* of a lot shall not exceed thirty-two square feet.
- B. No *occupant* of a lot shall erect, install, or maintain more than two *off-premises signs* within the City limits.
- C. *Off-premises signs* are permitted only in *commercial* zones outside the downtown zone.
- D. Only one *off-premises sign* is permitted on each property.
- E. An *off-premises sign* must be at least one hundred fifty feet from another existing *off-premises sign* along the same street *frontage*.
- F. No *off-premises sign* shall be allowed in the *public right-of-way*, except as allowed for *sandwich board signs* or pursuant to a Planned Sign Program.

18.03.12.8 Trailblazer signs.

- A. No *occupant* of a lot located on Manitou Avenue, Park Avenue, Canon Avenue or through the 100 block of Ruxton Avenue, or with other usable sign readily visible from these areas shall be allowed a *trailblazer sign*.

- B. *Trailblazer signs* shall be reflective white on green with the total area, shape and placement to be determined by the City.
- C. A maximum of three *trailblazer signs* will be allowed per use within the City limits, only upon demonstration of need.
- D. Upon request for *trailblazer signs* the City will determine locations and placement. Criteria will be number of visitors/customers, distance from major streets, clarity of route and safety.
- E. *Trailblazer signs* may be installed, removed or altered by the City at any such time as recommended by the planning department and approved by the Planning Commission.
- F. Application for *trailblazer signs* may be initiated by the *occupant* of a lot to the planning department for consideration by the Planning Commission through the *sign permit* process. Upon approval of these applications, costs for installation will be the responsibility of the applicant.
- G. *Trailblazer signs*, if approved, are allowed in any zone district.
- H. The content of *trailblazer signs* shall be limited to the name of the *occupant* or specific attraction, graphic indication of direction to be taken and the City logo.

18.03.12.9 Design Standards for Signs

- A. Signs permitted within the downtown zone shall meet the following standards:
 - 1. Signs shall not overpower the façade of the building or streetscape. Signs should be subordinate elements of the entire façade. The City may reduce the number and size of signs permitted under this Chapter when the signs do not meet this standard.
 - 2. Primary signs should be placed flush on the building to be visible for both vehicle and pedestrian traffic and approximately seven to nine feet above the ground. The lower edge of hanging or perpendicular signs should be at least seven feet above grade. *Window sign* should be between four and six feet above the sidewalk.
 - 3. Signs related to building uses on upper floors shall attempt to make use of lower floor space for signs. However, upper floor *window signs* are acceptable but must conform to the standards for lower floor signs.
 - 4. When available, *sign bands* on *buildings* should be utilized for compatibility with the building façade. Traditional *sign* placement locations are considered more favorable than non-traditional *sign* placement.
 - 5. *Sign* placement should be balanced with structural details like doors and windows so that the building characteristics are dominant over the signage.
 - 6. *Sign* materials should be compatible with the building façade and other signs and *buildings* in the vicinity.
 - 7. *Sign* typeface should be of one type of lettering, easily readable, subdued and not overly decorative. The character height of all *sign* copy shall be nine inches or less.

- B. Signs may not obstruct scenic views from public rights-of-way, residential *dwelling*s, or *occupants'* establishments.
- C. Utilities to signs shall be concealed whenever possible.
- D. Methods of illumination shall be provided where allowable in a manner which shields light sources from rights-of-way and adjacent properties, to prevent adverse brightness and glare.

18.03.12.10 Design guidelines for signs

- A. The use of symbols and awnings is encouraged.
- B. The use of vegetation in conjunction with signs is encouraged, i.e., hanging plants, vines, flower boxes, planters, etc.
- C. *Freestanding signs* accompanied by landscaping bases which consist of well-maintained planters, ferns, rock outcroppings, shrubbery, flowers, waterscapes, or any combination thereof, are encouraged.

18.03.12.11 Planned Sign Program

- A. The intent of this program is to permit flexibility in the location, design, and materials permitted for signs for business, commercial, institutional, and planned development uses and to allow for flexibility in the size of certain conditional signs within residential districts.
- B. Planned *sign* programs shall substantially comply with the general regulations contained in this Chapter. These provisions do not alter the permitted *sign* area for any of these uses, or allow *prohibited signs*.
 - 1. Approval Required. *Buildings*, *commercial* centers, institutions, allowed *businesses* in residential areas and planned *developments* may obtain approval of a planned *sign* program from the City Planning Director or his/her designee prior to the erection of any signs. All signs erected or maintained within the structure or property shall conform at all times to the planned *sign* program. Any deviation from an approved planned *sign* program is unlawful unless and until a revised planned *sign* program is approved by the Planning Director. The Planning Director may require Planning Commission or City Council review of any *sign* program which may result in a significant visual impact or is located in an area which has a significant impact upon the image of the City.
 - 2. Planned *Sign* Program Application. An application for a planned *sign* program shall be filed with the planning department. The application shall include all applicable fees. The applicant shall submit the required number of copies as noted on the application form of the following information:
 - a. A copy of the approved site plan, or in the case of redevelopment or change of use, a plan showing all existing or approved *buildings* with the dimensions of building *frontage* and square footage for each building on site.
 - b. Building elevation drawing or sketches indicating the exterior surface design details of all *buildings* on the site.

- c. Drawings or photo simulation, to scale, indicating the size, materials, method, and intensity of illumination, height, color, *sign* area, and general location of all signs proposed to be included within the planned *sign* program.
 - d. For buildings whose tenants have not been determined, the location, materials, method and intensity of illumination and maximum area for each sign that an individual occupant is allowed to display.
- 3. Failure to comply with an approved planned *sign* program. A permit for a new planned *sign* program shall be obtained within ninety days of receipt of notice from the City that:
 - a. An existing *sign* program for any structure does not satisfy the terms of the approved planned *sign* program, or
 - b. *Signs* displayed in or upon any structure do not comply with the provisions of this Section.
- 4. The following signs are allowed when approved as part of a planned *sign* program:
 - a. Signs or building accents, which use exposed neon.
 - b. Illuminated *window signs*.
 - c. Illuminated awnings, canopies, and marquees.
 - d. The additional *freestanding signs* permitted under Section B.8.
 - e. Any *sign* located within utility or access *easements*, on public property, or within public rights-of-way, whether public or private except as allowed elsewhere in this Chapter for *sandwich board signs*.
- 5. The Planning Director or his/her designee shall approve a planned *sign* program only upon finding all of the following criteria are met:
 - a. The proposed signs will be constructed in a quality manner and of durable, quality materials.
 - b. The value and qualities of the neighborhood are not substantially impacted because of *sign* size, appearance, location, illumination or quality.
 - c. The planned *sign* program application is compatible with the architectural and historical qualities and character of the community.
 - d. The proposed planned *sign* program is compatible in function, scale and design with surrounding land uses.
 - e. That the proposed *sign* will not create a visual distraction or traffic or safety hazards.
- D. Any decision of the Planning Director may be appealed to the Planning Commission and Planning Commission decisions may be appealed to the City Council pursuant to the provisions in [Chapter 6](#) of this LUDC.

18.03.12.12 Obsolete and Deceptive Signs

- A. *Obsolete* and *deceptive signs* are prohibited. *Obsolete signs* are prohibited after thirty days of discontinuance of the subject entity, *business*, service, attraction or event that owned or operated the *sign*. *Business* or property owners are responsible for the removal of obsolete and *deceptive signs*.
- B. This Section does not prohibit historic signs as defined by this Chapter.
- C. Before any *sign* within the City is determined to be deceptive or obsolete, City Council shall first conduct a hearing on the question, for which notice shall be provided in advance to the owner of the *sign* and, if other than the owner of the *sign*, and to the owner of the property on which the *sign* is placed. The notice shall be sent by regular mail at least fourteen days prior to the date of the hearing. At the hearing, in deliberating on the question of whether or not the *sign* in question is obsolete, City Council shall consider relevant factors, including the following:
 - 1. Is the *business*, service, organization or attraction advertised by the *sign* still open?
 - 2. If the *business*, service, organization or attraction advertised by the *sign* has customarily only been open for *business* seasonally, has it been open for *business* within the proceeding twelve months?
 - 3. If the *business*, service, organization or attraction advertised by the *sign* changed either its name or its address more than twelve months previously, has the *sign* stated either the former name or the former address for more than twelve months?
 - 4. If the *business*, service, organization or attraction advertised by the *sign* is required by law to pay tax on articles sold in the *business*, has it paid any sales taxes to the City or county within the preceding twelve months?
 - 5. If the *business*, service, organization or attraction advertised by the *sign* is required by law to have a *business* license, does it currently have a *business* license?
 - 6. If the *business*, service, organization or attraction operates as a corporation or a limited liability company, does it have a current certificate of good standing from the office of the Secretary of State for Colorado?
 - 7. The owner of the *sign* or the property on which the *sign* is situated shall show cause by whatever relevant proofs he or she may select, including the forgoing factors, why the *sign* should not be deemed obsolete or deceptive.

18.03.12.13 Nonconforming Signs

- A. *Nonconforming signs* in existence on the effective date of this Chapter will be identified by the City. Owners of these signs will be notified of the existence of the regulations in this Chapter and the provisions thereof within one hundred eighty (180) days upon passage of this Chapter. The notice shall also include a description of the *sign* or signs that have been identified as nonconforming.
- B. The right to retain any *nonconforming sign* is terminated by any one of the following:

1. Abandonment of the *nonconforming sign* for a continuous period of thirty days;
 2. Any dimensional changes of the *nonconforming sign* after the effective date of this Chapter; or
 3. Damage to or destruction of the *nonconforming sign* from any cause in which the cost of repair exceeds seventy-five percent of the replacement cost of the *sign* on the date of damage or destruction. In determining the replacement cost of any *nonconforming sign*, the cost of the land, or the cost of renting the land, or any factor other than the *sign* itself, is not included.
- C. All *nonconforming signs* must conform with the construction and maintenance standards. Obsolete or *deceptive signs* are not entitled to continue in existence as *nonconforming signs*.

Chapter 4. Use Regulations

18.04.1 Purpose and Organization

18.04.1.1 Purpose

- A. This chapter describes and regulates the uses allowed within all base zoning districts in this LUDC.

18.04.1.2 Organization

- A. This chapter is organized in the following manner.

[18.04.1 – Purpose and Organization](#)

[18.04.2—Table of Allowed Uses](#)

[18.04.3 – Residential Uses](#)

[18.04.4 – Group Living Uses](#)

[18.04.5 – Lodging Uses](#)

[18.04.6 - Micro-Agricultural Uses](#)

[18.04.7 – Commercial Uses, Animal Services](#)

[18.04.8 – Commercial Uses, Auto Related](#)

[18.04.9 – Commercial Uses, Eating & Drinking Establishment](#)

[18.04.10 – Commercial Uses, Entertainment](#)

[18.04.11 – Commercial Uses, Office](#)

[18.04.12 – Commercial Uses, Retail Sales & Personal Service](#)

[18.04.13 – Marijuana Uses](#)

[18.04.14 – Industrial Services, Manufacturing & Production Uses](#)

[18.04.15 – Institutional & Public Uses, Assembly](#)

[18.04.16 – Institutional & Public Uses, Medical & Emergency Services](#)

[18.04.17 – Institutional & Public Uses, Death Care Services](#)

[18.04.18 – Institutional & Public Uses, Educational](#)

[18.04.19 – Institutional & Public Uses, Government & Non-Profit](#)

[18.04.20 – Civic & Outdoor Recreation Uses](#)

[18.04.21 – Infrastructure Uses, Transportation & Parking](#)

[18.04.22 – Infrastructure Uses, Communications](#)

[18.04.23 – Infrastructure Uses, Waste-Related Uses](#)

[18.04.24 – Accessory & Temporary Uses](#)

18.04.2 Table of Allowed Uses

18.04.2.1 Applicability

- A. Approval of a use listed in the Table of Allowed Uses, and compliance with the applicable use-specific standards for that use, authorizes that use only. *Development* or use of a property for any other use not specifically allowed in the Table of Allowed Uses and approved under the appropriate process is prohibited.

18.04.2.2 Explanation of Table

- A. Use Table Key. The uses permitted in each of the zoning districts established in the Use Table are defined as follows:

Table 4.01-1 Use Table Legend		
Symbol	Meaning	Description
P	Permitted by-Right	A “P” in a zoning district column indicates that a use is permitted by-right, provided that it meets the supplementary use standards referenced in the far right “Standards” column of the use table, if applicable. These uses are subject to all other applicable regulations of this LUDC.
C	Conditional Use	A “C” in a zoning district column indicates that a use requires conditional use review and approval by the City Council per Section 18.06.4.4 .
	Use not Permitted	A “blank cell” in a zoning district column indicates that a use is not permitted as a primary use in the zoning district.
A	Accessory Use	An “A” in a zone district column indicates that a use is permitted as accessory to a permitted or conditional principal use. If the principal use is permitted, then the accessory use shall also be permitted by right. If the principal use is conditional then the accessory use shall also adhere to the requirements of a Conditional Use Permit per Section 18.06.4.4 .
T	Temporary Use	A “T” in a zone district column indicates that a use requires a Temporary Use Permit per Section 18.06.4.8 .

The existence of these use-specific standards is noted through a cross-reference in the last column of the table. Cross-references refer to Definitions and Use-Specific Standards in § [18.04.03](#) – [18.04.23](#).

18.04.2.3 Classification of New and Unlisted Uses

The City recognizes that new types of land use will develop not anticipated in this LUDC. When application is made for a use category or use type that is not specifically listed in the Table of Allowed Uses, the Planning Director shall determine the appropriate classification of any new or unlisted form of land use in the following manner:

- A. Interpretation. The Director shall provide an interpretation that determines the appropriate zoning classification for the use. The Director shall consider:
1. The nature of the use and whether it involves *dwelling* activity; sales; processing; type of product, storage and amount; enclosed or open storage; anticipated employment; transportation requirements;

2. The amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and
 3. The general requirements for public utilities such as water and sanitary sewer.
- B. Standards for new and unlisted uses may be interpreted as those of a similar use.
- C. If Not Authorized Then Prohibited. If the Planning Director determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, accessory, or conditional use, then the use is a prohibited use.
- D. Appeal of the Planning Director's decision shall follow [Section 18.06.3.10 Appeals](#).

18.04.2.4 Table Organization

- A. In the Table of Allowed Uses, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one (1) category when they may reasonably have been listed in one (1) or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.
- B. The sections following the Table of Allowed Uses include definitions and use specific standards for each use type

18.04.2.5 Table of Allowed Uses

Table 18.04.2.5-1: Table of Allowed Uses

Use Category	Use Type	GR-General Res	LDR-Low Density Res	HDR-High Density Res	HLDR-Hillside Low	DWTN-Downtown	C-Commercial	MUC-Mixed Use	OS-Open Space	P-Park	PF-Public Facilities	Use Specific Standards
RESIDENTIAL USES												
Household Living	Dwelling, Single- Household Detached	P	P		P							
	Dwelling, Two-Household Duplex	P						P				
	Dwelling, Single- Household Attached	P		P				P				
	Dwelling, Mixed-Use					P	P	P				Y
	Dwelling, Multi- Household, Small (up to 8 units)	P		P		P	P	P				
	Dwelling, Multi- Household, Large (more than 8 units)			P			P	P				

Use Category	Use Type	GR-General Res	LDR-Low Density Res	HDR-High Density Res	HLDR-Hillside Low	DWTN-Downtown	C-Commercial	MUC-Mixed Use	OS-Open Space	P-Park	PF-Public Facilities	Use Specific Standards
	Mobile or Manufactured Home Park						P	C				Y
Group Living	Continuing Care Retirement Community			P			P	P				
	Long-term Care Facility			P			P	P				
	Group Home, Large (more than 8 persons ¹)	C	C	P	C	P	P	P				
	Group Home, Small (up to 8 persons ¹)	P	P	P	P	P	P	P				
LODGING USES												
	Bed & Breakfast Inn	C	C	C	C	P	C	C				
	Boarding House	C				P	P	P				
	Hotel, Motel, and Multi-Use Inn					P	P	P				Y
	Short-Term Rental	P	P	P	P							Y
AGRICULTURAL USES												
Micro-Agriculture	Apiculture	P	P	P	P	P	P	P	P		P	Y
	Community Garden	P	P	P	P	P	P	P	P	P	P	
	Community Supported Agriculture (CSA) Farm	P	P						P			Y
	Community Supported Agriculture (CSA) Distribution Site	C	C			P	P	P	P			Y
	Crop Production Farm	C	C		C		C	C	P			Y
	Farmers' Market					P	P	P	P	P	P	Y
	Produce Stand, Permanent					P	P	P	P	P	P	Y
	Stable	P	P		P					P	P	Y
COMMERCIAL / OFFICE USES												
Animal Services	Kennel						P					Y
	Veterinary Facility						P	P				Y
Automotive & Repair	Auto Dealership or Rental						P	C				Y
	Auto Repair, Light						P	C				Y
	Auto Repair, Heavy						C	C				Y
	Auto Storage Yard						C	C				Y
	Service Station						P	P				
Eating & Drinking Establishment	Bar, Tavern, or Nightclub					P	P	P				
	Brewpub					P	P	P				
	Restaurant					P	P	P				Y
Entertainment	Recreational Entertainment, Indoor					P	P	P			P	
	Recreational Entertainment, Outdoor					P	P	P	P	P	P	
Office	Office, General/Coworking Space					P	P	P				
	Office, Medical or Clinic					P	P	P				
	Art Gallery or Studio	P	P	P	P	P	P	P				

Use Category	Use Type	GR-General Res	LDR-Low Density Res	HDR-High Density Res	HLDR-Hillside Low	DWTN-Downtown	C-Commercial	MUC-Mixed Use	OS-Open Space	P-Park	PF-Public Facilities	Use Specific Standards
Retail Sales and Personal Service Retail	Bakery, Pastry, Coffee or Candy Shop					P	P	P				
	Bicycle-Share Business					P	P	P		P	P	
	Child Care Center						P	P			P	
	Financial Institution					P	P	P				Y
	General Retail Store					P	P	P				
	Grocery Store					P	P	P				
	Health Club/Fitness Center					P	P	P				Y
	Home Improvement Center						P	P				
	Liquor Store					P	P	P				
	Nursery						P	P				
	Personal Services					P	P	P				Y
	Sexually Oriented Business						P	P				Y
MARIJUANA USES												
Marijuana	Dual Operation						P	P				Y
	Marijuana Club											Y
	Marijuana Testing Facility						P	P				Y
	Medical Marijuana Center ⁴						P	P				Y
	Retail Marijuana Establishments ⁴						P	P				Y
INDUSTRIAL USES												
Industrial Services, Manufacturing, and Production	Brewery, Distillery, or Winery					P	P	P				Y
	Contractor Office and Contractor Storage						P	C				Y
	Equipment Repair Services						C	C				Y
	Light Manufacturing or Industry						P	C				Y
	Makerspace and/or Artisan Manufacturing					P	P	P				
	Mini Storage Facility						C					Y
	Warehouse						C				P	
	Workshop						P	C				Y
INSTITUTIONAL & PUBLIC USES												
Assembly	Club					P	P	P				
	Religious Land Use	P	P		P		P	P			P	
Medical & Emergency Services	Emergency Service Facility					P	P	C			P	
	Health Care Support Facility						P	C				
	Medical Care Facility						P	C				
Death Care Services	Cemetery										P	
	Funeral Service						P	P				
Education	Library or Museum					P	P	P			P	
	School						P	P			P	
	University						P	P			P	
	Government Use										P	

Use Category	Use Type	GR-General Res	LDR-Low Density Res	HDR-High Density Res	HLDR-Hillside Low	DWTN-Downtown	C-Commercial	MUC-Mixed Use	OS-Open Space	P-Park	PF-Public Facilities	Use Specific Standards
Government & Non-Profit	Public Service and Safety										P	
	Public Utility Facility										P	
CIVIC AND OUTDOOR RECREATION USES												
	Active Recreation Space									P	P	
	Campground						P		P			Y
	Common Open Space						P	P				
	Civic Space					P			P	P	P	
	Community Space					P	P	P	P	P	P	
	Nature Preserves								P	P	P	
	Park or Plaza Space					P	P	P		P	P	
	Passive Recreation Space								P		P	
	Urban Deck					C	C	C		C	C	
INFRASTRUCTURE USES												
Transportation & Parking	Docking Hub or Station					P	P	P	P	P	P	Y
	Parking Facility					P	P	P	P		P	
	Transit Facilities					P	P	P	P	P	P	
Wireless Communications Facilities	Broadcasting Tower					C	C	C			P	
	Collocation on Eligible Facilities	P	P	P	P	P	P	P	P	P	P	
	New Freestanding Wireless Facility					C	C					
	New Roof or Building Mounted Wireless Facility					C	C	C				
	Small Cell Facility	P	P	P	P	P	P	P	P	P	P	
Waste-Related	Junkyard						C					Y
	Recycling Facility						C					Y
	Solid Waste Facility						C					Y
ACCESSORY & TEMPORARY USES												
	Accessory Use or Structure	A	A	A	A	A	A	A	A	A	A	Y
	Art and Craft Fair					T	T	T		T		
	Home Daycare	A	A	A	A							
	Home Occupation	A	A	A	A			A				Y
	Kiosk					A	A	A	A	A		Y
	Mobile Food Cart or Mobile Vending Unit ²					T	T	T		T	T	Y
	Outdoor Display					A	A	A				Y
	Outdoor Storage						A	A				Y
	Pop-up Shop or Restaurant					T	T	T				Y
	Portable-on-Demand Storage Container	T	T	T	T							
	Produce Stand, temporary	T	T	T	T	T	T	T		T	T	
	Special Event					P		P	P	P	P	Y

¹ “Persons” means persons with intellectual and developmental disabilities, persons sixty years of age or older, or persons with behavioral or mental health disorders as defined by C.R.S. § 31-23-303.

² This use may require approval of a Conditional Use under certain circumstances or conditions. Reference the applicable use’s Use Standards for specifics.

³ All permitted uses in the Open Space Zone District, except Nature Preserve and Passive Open Space, shall require review and approval by the Open Space Advisory Committee.

⁴ Per Municipal Code [Section 5.09.60](#), neither a medical marijuana center nor a retail marijuana store may operate as a stand-alone establishment.

18.04.3 Residential Uses

18.04.3.1 Dwelling, Single-Household Detached

- A. Defined. A single *dwelling* unit in a single building not attached to any other *buildings* other than those accessory to the *dwelling*.

18.04.3.2 Dwelling, Two-Household Duplex

- A. Defined. A single building on a single lot, designed for occupancy by two separate *dwelling* units in a side-by-side or stacked configuration attached by a party wall, and not attached to any other *buildings* other than those accessory to the *dwelling*s.

18.04.3.3 Dwelling, Single-Household Attached

- A. Defined. Two or more *dwelling* units where each unit is attached to other units by party walls, and where *habitable spaces* of different units are arranged in a side-by-side, rather than in a stacked configuration, with each unit located on its own lot.

18.04.3.4 Dwelling, Mixed-Use

- A. Defined. A building or lot containing residential and non-residential uses, as allowed by the applicable zone district. *Long-term occupancy* lodging in hotels shall not be considered as a type of residential use that is permitted under this definition.
- B. Use Standards.
 - 1. In the Downtown District, the residential use shall be located above the one-hundred-year flood elevation and such that the primary entrance to the building is to a commercial use. *Long-term occupancy* lodging in hotels shall not be considered a residential use permitted under this subsection.

18.04.3.5 Dwelling, Multi-Household

- A. Defined. A building on one lot with three or more independent *dwelling* units where each unit is attached to other units by shared common walls arranged in a side-by-side or stacked configuration. This use includes condominiums and apartments. In no event shall the term *multi-household* be interpreted to include hotels, motels, or inns, regardless of the length of stay of customers of such motels, hotels, or inns. Two types of *multi-household buildings* or complexes are defined as follows:
 - 1. Small *multi-household* shall mean *multi-household buildings* containing between three and eight *dwelling* units per building intended for either sale or rent.

2. Large multi-household shall mean multi-household buildings containing more than eight dwelling units per building for either sale or rent.

18.04.3.6 Mobile or Manufactured Home Park

- A. Defined. A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile or manufactured homes for *dwelling*, whether or not a fee is charged for use of the property, and which is operated and maintained by a person holding a mobile home park license (the "licensee").
- B. Use Standards.
 1. All streets shall be a minimum width of twenty-two (22) feet from back of curb to back of curb, including the width of gutter pans.
 2. The *developer* shall provide for covenants or other mechanisms, which shall be approved by the City, ensuring that streets are maintained and replaced as required.
 3. All streets within the mobile or manufactured home park shall be constructed and maintained to the City standards.
 4. Each mobile or manufactured home space shall have its own meter for water and electrical service.

18.04.4 Residential, Group Living Uses

18.04.4.1 Continuing Care Retirement Community

- A. Defined. A facility providing a continuum of residential and health care services to persons, meeting provisions of federal and state Fair Housing laws, as amended, allowing residents to continue living in the same complex as their housing and health care needs change. Continuing care retirement communities may offer a variety of services such as congregate care, skilled nursing, rest home, health and wellness, recreational facilities, transportation, support services and entertainment and social uses, as well as offer a range of residential options, such as apartments, townhouses, and cottages.

18.04.4.2 Long-Term Care Facility

- A. Defined. A facility for individuals who need full-time assistance and supervision. The focus is on individuals who cannot live independently and require full-time nursing assistance, and on individuals who have physical or mental handicaps.

18.04.4.3 Group Home, Large

- A. Defined. Any residence for more than eight (8) unrelated individuals, including but not limited to, any of the following facilities that meet this definition:
 1. A secure residential treatment center, as defined in § 26-6-102(9), et seq., C.R.S., as amended;
 2. A shelter for homeless persons; or
 3. A dormitory.

18.04.4.4 Group Home, Small

- A. Defined. A residence for up to eight (8) unrelated individuals, none of whom are receiving on-site medical or psychological treatment, but some or all of whom may be receiving on-site physical assistance with day-to-day living activities, including but not limited to:
1. A state-licensed group home for the exclusive use of developmentally disabled persons, which are known as community residential homes, as defined in § 27-10.5-102(4), C.R.S., accommodating at least four (4) but no more than eight (8) persons; or
 2. A facility where independent residential support services, as defined in §27-10.5-102(19), C.R.S., are provided to no more than three (3) persons with developmental disabilities, which is not required to be licensed by the state; or
 3. A group home for the aged for the exclusive use of up to eight (8) persons sixty (60) years of age or older per home, as defined in § 31-23-303(2)(B)(II), C.R.S.; or
 4. A state-licensed group home for the exclusive use of up to eight (8) persons with mental illness, as that term is defined in § 27-10-102(8.5) and 31-32-303(2)(b.5), C.R.S.; or
 5. A foster care home, as defined in § 26-6-102(4.5), C.R.S., for up to eight (8) children; or
 6. A state-licensed assisted living residence, as defined in § 25-27-102(1.3), C.R.S., for three (3) or more but no more than eight (8) adults.

18.04.5 Lodging Uses

18.04.5.1 Bed and Breakfast Inn

- A. Defined. A private home, converted multifamily *dwelling*, or other such similar land use operated on a fee basis as a *business* by providing overnight lodging for a period of less than thirty days and provide any food service for guests only. An innkeeper shall be in residence or on reside on adjacent property to the bed and breakfast. Bed and breakfasts require approval as a conditional use in residential zones.

18.04.5.2 Boarding House

- A. Defined. A building where meals and long-term (thirty days or more) residential tenancy is regularly furnished for four or more persons, not members of the household, but not exceeding twelve persons, for compensation and in which no continuous medical or personal care is provided by the operators of the home. This establishment is not open to transient customers.

18.04.5.3 Hotel, Motel, and Multi-Use Inn

- A. Defined. A permanent building or group of *buildings* containing sleeping rooms or suites for residents generally staying less than thirty days, with the majority of such rooms accessed from an interior hallway. A hotel/motel may have *accessory uses* such as restaurants or conference space.
- B. *Long-term occupancy* may be permitted under the following regulations:

1. Intent and Purpose. To protect the health, safety and welfare of the general public, including the residents of hotels and motels in the City. The long-term habitation in facilities not designed for long-term residential living is unhealthy and unsafe due to numerous hazards such as lack of adequate cooking, food-storage and sanitary facilities, lack of adequate lighting, living and storage space, and lack of ventilation.
2. Minimum Standards. In addition to complying with all laws, and all other requirements of this LUDC, including building and fire regulations, every *long-term occupancy* unit shall meet, at a minimum, the following standards:
 - a. No more than twenty percent (20%) of available room rental days in an establishment may be used for long-term occupancy lodging during a calendar year. The number of available room rental days for *long-term occupancy* shall be listed in the hotel or motel's *business* license.
 - b. It shall be unlawful for a hotel or motel owner, operator, manager, or person in charge of a hotel or motel to permit occupancy at the hotel or motel for more than thirty days within any sixty-day period unless otherwise meeting the provisions of this chapter or except in circumstances where there is a written contract between the hotel and:
 - i. A governmental, charitable, or insurance agency to house families in crisis;
 - ii. A relocation service as part of a business relocation; or
 - iii. a specific business entity for a business purpose which requires extended temporary occupancy.
 - c. For both subsections ii. and iii. of this subsection, the occupancy shall not exceed a period of one hundred eighty (180) days in any three hundred sixty-five (365) day period.
 - d. The units available for *long-term occupancy* shall be designated for such use on a *development*. The standards for a *dwelling* unit including kitchen and *sanitary facilities*;
 - e. Occupancy of a unit shall be no more than two occupants per bedroom;.
 - f. The unit shall have a living room of not less than one hundred ten (10) square feet of floor area per occupant;
 - g. Natural light. The minimum net glazed area shall not be less than four percent of the floor area of the room served;
 - h. Compliance with this LUDC including without limitation any applicable building and fire codes adopted by the City.
 - i. No unit shall be rented to more than one party within a thirty (30) day period and total rentals shall not exceed more than thirteen (13) unique leases per year.
3. Permit Required. It is unlawful for any person, either directly or indirectly, to conduct or provide any *long-term occupancy* lodging without first obtaining a permit. Said permit

must be kept current at all times during which *long-term occupancy* lodging is provided or available. *Long-Term Occupancy* Permit procedures are outlined in [Section 18.04.6.7](#).

18.04.5.4 Short-Term Rental

- A. Defined. The rental of a *dwelling* unit, or a portion thereof, that is rented for purpose of lodging for terms of not less than one day and not more than twenty-nine days also known as a vacation rental.
- B. The maximum number of short-term rentals shall not exceed two percent (2%) of the City's residential structures based on the most recent numbers from the State of Colorado Demography Office in existence at the beginning of each calendar year (2,800 in 2013). No applications for a short-term rental will be accepted if the maximum number has been met. Permitted short-term rentals in existence at the time of the adoption of this chapter shall be considered in the calculation of the maximum number of short-term rentals allowed.
- C. Use Standards. In addition to complying with all other requirements of this LUDC, every short-term rental unit shall meet, at a minimum, the following standards. Failure to comply with the standards in this section may constitute grounds for revocation of the Short-Term Rental Permit under [Section 18.06.4.5. Revocation](#) may be appealed to the Planning Commission within ninety (90) days of notice of failure to comply.
 - 1. It shall be unlawful for any person to operate any short-term rental unit use without a valid short-term rental unit permit.
 - 2. The short-term rental unit permit does not run with the property but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property, change of personal guarantors constitutes transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.
 - 3. The short-term rental unit permit is valid for one year from the date of issuance. The permit may be renewed for additional one-year periods if in compliance with this LUDC.
 - 4. The short-term rental shall be the property owner's primary residence for one hundred eighty five (185) or more days of the calendar year.
 - 5. The short-term rental must be occupied by renters for a minimum of twenty-one days per calendar year.
 - 6. Individual rooms in a *dwelling* unit shall not be available for short-term rental unless the owner of the property resides on the property.
 - 7. At least one fire extinguisher must be provided on each floor level unless more are required per the *International Fire Code (IFC)* and the location clearly marked on each floor level of the *dwelling* unit. The short-term rental must be equipped with carbon monoxide alarms installed within fifteen feet of the entrance to any bedroom or other room that is lawfully used for sleeping.
 - 8. Occupancy of the short-term rental shall not exceed occupancy load pursuant to the City's duly adopted building code.

9. Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door that includes the following. This information shall also be listed within the rental contract for the property:
 - a. An evacuation route and emergency instructions.
 - b. The maximum number of occupants permitted to stay in the short-term rental.
 - c. The maximum number of vehicles allowed for the occupants of the short-term rental per Section 18.03.8.3.
 - d. Trash pickup day and the notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out.
 - e. The name, address, and phone number of the owner and/or property manager.
 - f. The location of the fire extinguishers and carbon monoxide alarm.
 - g. The owner or manager shall ensure that the occupants and/or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this LUDC pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and responding by telephone or in person when notified that occupants are violating law regarding their occupancy.
10. Short-term rentals shall be separated by a minimum of a five hundred (500) foot radius measured from each of the property's corners.
11. The owner must provide the City with updated contact information for either the owner or property manager within twenty-four (24) hours of the change.
12. Listing Requirements. At the time of listing the short-term rental with any lodging or booking agency or website designed to find customers, a copy of the listing ad must be provided to the City for each booking agency or website where the owner is advertising for renters. Each listing must contain the Short-Term Rental Permit number in the advertisement and a statement that unit is in compliance with all LUDC requirements. The sole act of advertising a property as a short-term rental requires approvals as outlined in this LUDC, failure to comply with this requirement, and to include this information in all advertised listings is a violation of this chapter.
13. Existing Permitted Short-Term Rentals. Permitted short-term rentals in existence as of June 7, 2016 may continue to operate subject to their previously issued use permits until the use is terminated or revoked in accordance with this section. Permits for short-term rentals in existence prior to June 7, 2016, may be amended and renewed as per the Short-Term Rental Permit procedure set forth in [Section 18.06.4.5](#) without regard for the five hundred-foot (500') distance limitation set forth in this Section and shall meet all other standards of this Section.
14. Abandonment and Revocation of Existing Permitted Short-Term Rentals. Use of property for short-term rental shall be deemed abandoned upon delivery to the City of written notice by the property owner, operator, or its representative that units previously approved for occupancy short-term rental will no longer be used for that purpose. Once the use of property for short-term rental occupancy is abandoned,

approval of a new application under the provisions of this chapter shall be required before the property may be used again for a short-term rental. The short-term rental shall also be considered abandoned if the property owner discontinues use of the property for short-term rental for a period of twelve (12) continuous months.

15. Inspection. The owner shall permit the City to inspect the short-term rental dwelling unit or individual rooms with property owner permission and twenty-four (24) hour notice for compliance with the provisions of this chapter and other provisions of this LUDC. The permittee shall maintain records of occupancy for each short-term rental unit, which shall be made available to the City, upon request, for review and inspection at any time.
16. Violation and Penalties. A violation of this chapter may subject the short-term rental to revocation. Any person or entity that fails, violates or refuses to comply with any requirement of this chapter shall be punishable as provided in [Section 18.06.4.27](#).

18.04.6 Micro-Agricultural Uses

18.04.6.1 Generally

- A. In order to mitigate the impacts on neighborhoods, the City of Manitou Springs has specific requirements to manage community agricultural operations. The City of Manitou Springs Municipal Code governs these requirements and conditions.
 1. All permanent Agricultural Use Types. A minor development plan shall be submitted for administrative review. This does not supersede other City permits as required such as the need for a business license if you are selling products more than seven days within the year in the City of Manitou Springs. Applications that are determined by the Planning Director to be inconsistent with general restrictions and use requirements or locations that have potentially inadequate access will be required to process a conditional use permit per [Section 18.06.4.4](#).
 2. All temporary or accessory Agricultural Use Types. Temporary agricultural uses shall be subject to the approval of Temporary Use Permit. All accessory agricultural use types shall meet the *development* standards of the zone district and be recorded as part of a *development* plan when such an application is required by other means.
- B. General Restrictions Applicable to all Micro-Agricultural Operations. Other restrictions may apply to mitigate potential negative impacts on surrounding properties at the discretion of the Planning Director:
 1. Limits on Operating Hours. Activities associated with agricultural uses shall occur during daylight hours (dawn to dusk).
 2. Limits on Outdoor Lighting. Outdoor lighting for growing areas, farmers markets and for temporary produce stands is not allowed.
 3. Sound Amplification. Outdoor sound amplification is not allowed.
 4. Sale of any other retail products is prohibited in residential zone districts.

18.04.6.2 Apiculture

- A. Defined. The raising and care of bees for agricultural or *commercial* purposes.

B. Use Standards.

1. Private beekeeping is allowed on any land in Manitou Springs, regardless of the zoning, as long as it follows the requirements found below:

Table 18.04.5.9.1 – Maximum Number of Colonies Allowed Per Tract

Size of Tract	Maximum Number of Colonies Allowed
One quarter acre and smaller	Two (2) colonies
More than one-quarter acre up to and including one-half acre	Four (4) colonies
More than one-half acre up to and including one acre	Six (6) colonies
More than one acre	Eight (8) colonies

2. Hives shall be kept in the rear or side *yard*;
3. Beekeepers shall follow sound and responsible beekeeping practices, including without limitation the following:
 - a. Flyway barriers shall be located within five feet of the hive, extending at least two feet on either side, and at least six feet in height and placed in front of hive entrance. No flyway barrier is required if beehives are located at least twenty-five feet from all *property lines* and for beehives that are relocated on porches or balconies at least ten feet above grade and more than five feet from a property line.
 - b. A fresh supply of water must be maintained on the property to prevent bees congregating in neighboring water sources.
 - c. Africanized bees are prohibited.

18.04.6.3 Community Garden

- A. Defined. A parcel of land where plants are grown and harvested by an organization or by a group of individuals. A community garden grows produce and ornamental plants for use by the organization or individuals who operate and maintain the garden.

18.04.6.4 Community Supported Agriculture (CSA) Farm

- A. Defined. A CSA consists of a community of individuals who pledge support to a farm operation so that the farmland becomes, either legally or in spirit, the community's farm with the growers and consumers providing mutual support and sharing the risks and benefits of food production. Typically, members or "share-holders" of the farm or garden pledge in advance to cover the anticipated costs of the farm operation. In return, they receive shares in the farm's bounty throughout the growing season. CSA's focus is usually on a system of regular pick-up and delivery of vegetables and fruit, or sometimes dairy products or meat.
- B. Use Standards:
 1. Property must be a minimum of two (2) acres in size.
 2. Livestock kept on the farm are subject to Manitou Springs Municipal Code [Section 7.02.010](#).

18.04.6.5 Community Supported Agriculture (CSA) Distribution Site

- A. Defined. A property utilized in support of community supported agriculture where shareholders pick up periodic deliveries of food products provided directly from the grower, which is generally located within one hundred miles of the City. A CSA distribution site does not provide wholesale food distribution for *households* or *commercial* operations.
- B. Use Standards:
 - 1. Distribution of produce to CSA owners of shares in the farm is permitted. It is the responsibility of the farm to manage and limit any impacts to the surrounding community during distribution.
 - 2. At CSA distribution sites, the frequency of deliveries shall be no more than once a week, between the hours of 7:00 a.m. and 7:00 p.m. The pick-up window for CSA shareholders shall be limited to once a week, during one consecutive three-hour period between 8:00 a.m. and 8:00 p.m.

18.04.6.6 Crop Production Farm

- A. Defined. A *commercial* operation, growing field crops, flowers and seeds, fruits, grains, melons, ornamental crops, nuts, trees, sod, and/or vegetables which may or may not support a community CSA. This use may include a “you-pick” farm option which is open to citizens and visitors alike.
- B. Use Standards.
 - 1. Minimum lot size shall be a minimum of two (2) acres.
 - 2. *Accessory structures* are limited to a total of two (2) structures and cannot exceed one thousand square feet of aggregate *gross floor area*.

18.04.6.7 Farmers Market

- A. Defined. A seasonal open-air market where local fresh fruits, produce, flowers and value-added food products like jams, jellies, pickles, sauces or baked goods, in addition to arts and craft items are sold directly to consumers. Farmers markets are intended to provide a venue for food producers and artisans to sell directly to consumers. The sale of second hand or any commercially produced goods is prohibited.
- B. Use Standards.
 - 1. A *Minor Development Plan* or Temporary Use Permit, depending on the duration of the Farmers Market, shall be submitted to the Planning Department for review. Applications determined by the Planning Director to be inconsistent with established restrictions or locations that have potentially inadequate access will be required to submit for a conditional use permit per [Section 18.06.4.4](#).

18.04.6.8 Produce Stand, Permanent

- A. Defined. A permanent *structure* where local food producers and artisans sell fresh fruits, produce, flowers and value-added food products like jams, jellies, pickles, sauces or baked

goods, in addition to arts and craft items; provided that no commercially produced or packaged goods are available for sale.

1. Produce Stands may operate year-round, however, when a produce stand is not in use, it must be removed from the front *yard* of the property. Produce stands must not be located within any street *right-of-way*.

18.04.6.9 Stable

- A. Defined. A building and/or area for the purpose of using, housing, or feeding horses, donkeys, llamas, or other similar type animals and for the storage of equipment relating to the care, feeding, maintenance, and operation of these animals; further, any building and/or area where such animals are boarded and owned by the occupants of the premises and are not kept for remuneration, sale, or hire.
- B. Use Standards.
 1. There shall be a minimum of one (1) acre of ground per animal.
 2. The Stable shall be setback at least one hundred fifty (150) feet from any building occupied as a residence or used for human habitation, other than the animal's owner or landowner's residence.
 3. Standards do not apply to private stables in use prior to November 15, 1978. See Ordinance No. 1878.

18.04.7 Commercial Uses, Animal Service

18.04.7.1 Kennel

- A. Defined. A *commercial* establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
- B. Use Standards:
 1. All operating kennels shall get a license from the City of Manitou Springs per Manitou Springs Municipal Code [Section 7.07.030](#), in addition to State regulations.

18.04.7.2 Veterinary Facility

- A. Defined. A facility where animals or pets are given medical or surgical treatment and the boarding of animals, typically dogs or cats, is limited to short-term care associated with the hospital.
- B. Use Standards.
 1. In the *Commercial* and Mixed-Use Zone Districts, the establishment shall be soundproofed and have no outside runs.

18.04.8 Commercial Uses, Auto Related

18.04.8.1 Auto Dealership or Rental

- A. Defined. Any facility where cars are rented for short-term of limited duration, or for the display and sale or long-term lease of new or used automobiles generally but may include

trucks or vans, trailers or recreational vehicles and including any vehicle preparation or repair work conducted as an *accessory use*.

B. Use Standards:

1. Vehicles shall not be displayed in areas designated for landscaping unless otherwise shown on an approved *Development Plan*. Vehicles shall not block *right-of-way*, drive aisles, or other maneuvering areas.

18.04.8.2 Auto Repair, Light

- A. Defined. An establishment that offers only general maintenance activities including engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing, replacement of filters, fluids, light bulbs, belts, fuses, oil, and tires, emissions testing, and similar activities.

B. Use Standards:

1. All work on vehicles shall be done entirely within an enclosed building; and
2. Automotive parts or vehicles awaiting repair may not be stored outside unless screened from public view and adjacent properties with a six foot (6') opaque fence.

18.04.8.3 Auto Repair, Heavy

- A. Defined. An establishment that offers mechanical and body work on motor vehicles including straightening of body parts, body repairs, battery rebuilding, painting, welding, on-premises and short-term storage of automobiles not in operating condition, and similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

B. Use Standards:

1. All work on vehicles shall be done entirely within an enclosed building; and
2. Automotive parts or vehicles awaiting repair may not be stored outside unless screened from public view and adjacent properties with a six foot (6') opaque fence.

18.04.8.4 Auto Storage Yard

- A. Defined. Any building, premise, or land in which automobiles, RVs, boat, or other similar recreational vehicles, either operable or inoperable, are stored for any length of time.

B. Use Standards:

1. Automotive storage *yards* shall be screened from the *public right-of-way* and adjacent properties with a six foot (6') opaque *fence*.

18.04.8.5 Service Station

- A. Defined. An establishment offering for sale gasoline, retail electric vehicle charging stations, prepackaged food products, household items, newspapers, magazines, sandwiches and other freshly prepared foods for off-site consumption.

18.04.9 Commercial Uses, Eating & Drinking Establishment

18.04.9.1 Bar, Tavern, or Nightclub

- A. Defined. An establishment selling and dispensing liquor by the drink for onsite consumption and which may or may not serve food as accessory to the sale of liquor and which does not qualify as a restaurant. Music, dancing, or entertainment may, but need not, occur on the premises.

18.04.9.2 Brewpub

- A. Defined. A specific type of establishment, as regulated by § 44-3-417, Colorado Revised Statutes, as amended, containing a facility at which beer, wine, or liquors are manufactured on the premises, bottled, and sold on the same premises as where the eating and drinking services are provided.

18.04.9.3 Restaurant

- A. Defined. A *business* that is kept or maintained for the purpose of serving food and drink, typically containing a *commercial* kitchen, and which may also serve alcoholic beverages as accessory to the service of food; a restaurant does not include:
 - 1. Automated food merchandising enterprises which supply and dispense only prepackaged, nonperishable food or drink.
 - 2. Food or beverage manufacturing, processing or packaging plants, the primary purpose of which is not to serve food for immediate consumption on the premises;
 - 3. Service stations or convenience stores which include the operation of a food service establishment and which are otherwise regulated by other codes.
- B. Use Standards:
 - 1. Drive-through facilities are not permitted in the Downtown Zone District;
 - 2. Restaurants with a drive-through facility shall be required to receive approval of a Conditional Use Permit

18.04.10 Commercial Uses, Entertainment

18.04.10.1 Recreational Entertainment, Indoor

- A. Defined. A place where recreational activities occur completely within an enclosed *structure*, including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors, movies and/or the live performance of plays, operas, music, and similar events.

18.04.10.2 Recreational Entertainment, Outdoor

- A. Defined. A place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks.

18.04.11 Commercial Uses, Office

18.04.11.1 Office, General/Coworking Space

- A. Defined. An establishment engaged in professional, semi-professional, business, government, philanthropic institutions, or client-oriented services. Workers of different companies may share an office space, allowing cost savings and convenience through the use of common infrastructure, such as equipment, utilities, receptionist, and custodial services. Offices do not include retail or wholesale activities which require the receiving, stocking, storing, displaying, manufacturing, selling, or renting of merchandise or equipment, except where specifically permitted as an accessory use. Offices include the administrative, clerical or public contact offices of a government agency. All services are rendered within the principal building, and no outside areas are used to perform services. Examples of offices include law firms, publishers, business services, sales, marketing, interior decorators, employment agencies, security systems services, and studios for professional work or teaching.

18.04.11.2 Office, Medical Office or Clinic

- A. Defined. A specific type of office establishment where the primary service is the treatment of patients or clients for physical or mental ailments and disorders. Examples of medical offices include doctor, physician, dentists, clinics and similar uses for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises. This use excludes hospital and animal hospital uses.

18.04.12 Commercial Uses, Retail Sales & Personal Services

18.04.12.1 Art Gallery or Studio

- A. Defined. A place where artists develop their craft or a room or series of rooms where works of art are exhibited and which may or may not be for sale to the public. Art Studios may be permitted in Residential Zone Districts without public sales.

18.04.12.2 Bakery, Pastry, Coffee, or Candy Shop

- A. Defined. A retail establishment primarily engaged in preparing and/or serving a specialty snack, such as ice cream, coffee and/or pastries, frozen yogurt, cookies, or popcorn, or serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. A Food Sales establishment may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and has a limited seating area which serves as an informal place for conversation or lounging. The products may be prepared either on or off site.

18.04.12.3 Bicycle-Share Business

- A. Defined. Any *business* owning, managing, or making available *bicycle-share bicycles* for hire.

18.04.12.4 Child Care Center

- A. Defined. An establishment licensed by the State of Colorado which provides for the care, supervision and protection of children, enrolling six children or more for whose care, tuition, fees or other forms of compensation are charged. May include nursery schools or other facilities for which the purpose is primarily educational, recreational or medical in nature.

18.04.12.5 Financial Institution

- A. Defined. A *business* where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, credit and mortgage loan companies, insurance services, or brokerage firms, which are classified as “office”.
- B. Use Standards.
 - 1. Drive-up Facilities are not permitted in the Downtown Zone District.
 - 2. Standalone walk-up automated teller machines (ATMs) are allowed in the Downtown, Commercial, and Mixed-Use Zone Districts.
 - 3. Standalone drive-up ATMs are allowed in the Commercial and Mixed-Use Zone Districts and shall be located such that there is clear space for three (3) vehicles to queue at the drive-up window.

18.04.12.6 General Retail Store

- A. Defined. Includes but is not limited to convenience stores; apparel and accessories stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; hobby; office supplies; stationery and gift stores; specialty stores; sporting goods; used merchandise stores, and similar types of stores selling merchandise.

18.04.12.7 Grocery Store

- A. Defined. A retail establishment primarily selling food, as well as other convenience and household goods.

18.04.12.8 Health Club/Fitness Center

- A. Defined. An establishment that is open only to members and guests and that provides facilities for any of the following: aerobic exercises, dancing, running and jogging, exercise equipment, game courts and swimming facilities, and that also includes amenities such as spas, saunas, showers and lockers.

18.04.12.9 Home Improvement Center

- A. Defined. A retail store that combines the functions of a hardware store with those of a lumber *yard* typically selling building supplies, light fixtures, ceiling fans, home appliances, plumbing fixtures, garden supplies, and similar goods.

18.04.12.10 Liquor Store

- A. Defined. A retail establishment licensed by the state, per § 44-3-409, Colorado Revised Statutes, as amended, to primarily engage in the sale of alcoholic liquors, including beer, wine, and distilled spirits, for off-premises consumption. Other items like dry goods and food products may be sold per state statute. Drive-thru facilities are not permitted in the Downtown Zone District

18.04.12.11 Nursery

- A. Defined. A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to *businesses* such as other nurseries and to *commercial* gardeners, and private nurseries which supply the needs of institutions or private estates.

18.04.12.12 Personal Services

- A. Defined. Establishments primarily engaged in providing specialized goods and services purchased frequently by the consumer. Typically, this includes beauty and barber shops, clothing rental, cleaning, and garment services, copy center, coin-operated laundries, carpet and upholstery cleaning, diaper service, dry cleaning establishments, linen supply, locker rental, locksmith shop, massage facilities, opticians, photographic studios, porter services, psychic readers, repair services (not otherwise listed), shoe repair, steam baths, reducing salons and health clubs, tailors, and travel agents.
- B. Use Standards.
 - 1. Dry Cleaning or Laundry Services in the Downtown District shall comprise a collection office only.
 - 2. Dry Cleaning establishments in the *Commercial* District shall use only nonflammable materials.

18.02.3.1.2. Sexually Oriented Business

- A. Defined. As defined in [Section 5.12.020](#) of the Municipal Code.
- B. Use Standards.
 - 1. Sexually Oriented *Businesses* shall be allowed as a Permitted Use and only be located within the Commercial and Mixed-Use Zone Districts under the location criteria provided below.
 - 2. The following regulations shall apply to sexually oriented *businesses*:
 - a. Sexually Oriented *Businesses* shall be located a minimum of seven hundred fifty feet from any property on which there is a:
 - i. Residentially zoned parcel of real property or a residence;
 - a) Public Park;
 - b) City trail (designated by the City for pedestrian or non-motorized vehicular use, such as *bicycle* paths and hiking trails);

- c) House of Religious Worship, such as but not limited to, a church, synagogue, or temple;
 - d) Public library;
 - e) State-licensed child day care facility;
 - f) School or educational facility, whether public or private, serving persons under eighteen years of age;
 - g) School or educational facility owned or controlled property with playing courts (such as but not limited to tennis or basketball courts) or playing fields (such as but not limited to soccer, baseball, or football fields);
 - h) Retail or medical marijuana establishment;
 - i) Liquor store; or
 - j) Any other sexually oriented *business*.
- b. No sexually oriented *business* shall be located upon any property owned by the City of Manitou Springs.
 - c. The distance separation described in this section shall be computed by direct measurement in a straight line without regard to intervening structures, from the nearest property line of the land used for the above purposes to the nearest property line of the property upon which the sexually oriented *business* is located.
 - d. Each sexually oriented *business* shall be operated from a permanent location. No sexually oriented *business* shall be permitted to operate from a moveable, mobile, or transitory location.
 - e. Sexually explicit advertisements or promotional displays for sexually oriented *businesses* shall not be visible from pedestrian ways, walkways, or other public areas.
 - f. Sexually oriented *businesses* shall obtain a license pursuant to [Chapter 5.12](#) of this LUDC.

18.04.13 Marijuana Uses

18.04.13.1 Dual Operation

- A. Defined. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.
- B. Use Standard. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.

18.04.13.2 Marijuana Club

- A. Defined. A place not used for residential purposes where individuals gather to consume, grow, or distribute or otherwise use marijuana, regardless of whether such place calls itself private or public or charges an admission, membership, or similar fee. A marijuana establishment with a valid license under Article XVIII, Section 16 of the Colorado Constitution (recreational marijuana establishments) or under Section 14 of Article XVIII to the Colorado Constitution (medical marijuana establishments) and their accompanying State of Colorado regulations and this LUDC, shall not constitute a marijuana club.

B. Use Standards.

1. Marijuana Clubs are prohibited in all zone districts in the City. Clubs existing prior to the effective date of this LUDC may continue to operate.

18.04.13.3 Marijuana Testing Facility

A. Defined. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.

B. Use Standard. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.

18.04.13.4 Medical Marijuana Center

A. Defined. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.

B. Use Standard. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.

18.04.13.5 Retail Marijuana Establishment

A. Defined. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.

B. Use Standard. Refer to [Section 5.09.100](#) of the Manitou Springs Municipal Code.

18.04.14 Industrial Services, Manufacturing & Production

18.04.14.1 Brewery, Distillery, or Winery

A. Defined. As defined by § 44-3-103, C.R.S., as amended. The facility is used primarily for the on-site manufacturing of beer, malt liquors, or wine which may include a tasting room associated with and on the same premises as a brewery, distillery, or winery, at which guests may consume and purchase, for on or off premises consumption, the manufacturer's products and other nonalcoholic beverages.

B. Use Standards:

1. A tasting room shall be less than or equal to thirty percent (30%) of the facility's total floor area, including any outdoor seating or accessory sales areas.

18.04.14.2 Contractor Office and Contractor Storage

A. Defined. The offices, sales, rental, and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. Includes storage *yards* for equipment, materials (including sand, road-building aggregate, or lumber), supplies and/or vehicles owned or rented by the establishment; roofing and sheet metal, fabrication of cabinetry and related millwork and carpentry, elevator maintenance and service, and venetian blind and metal *awning* fabrication and cleaning. Incidental sales of materials are included within this definition.

B. Use Standards:

1. All outdoor storage shall be fully screened from adjacent properties and rights-of-way. Screening is considered adequate if it includes a screening wall or an opaque *fence* that is at least seven feet in height. Materials and merchandise may not be stacked or stored higher than the wall or *fence*.

18.04.14.3 Equipment Repair Services

- A. Defined. Maintenance, repair, and/or overhaul for large construction equipment, including high-capacity mechanical devices such as earth movers, dump trucks, tractors, augers, bulldozers, concrete mixers and similar type devices, when out of order or broken. Includes performing routine actions which keep the machines in working order or to prevent issues. All actions which have the objective of retaining or restoring an item in or to a state in which the item can perform the required function. The actions include the combination of all technical and corresponding administrative, managerial, and supervision actions.
- B. Use Standards:
 - 1. This use shall be entirely contained within a building or within a *yard* enclosed on all sides by a screening wall or an opaque *fence* at least seven feet in height.

18.04.14.4 Light Manufacturing or Industry

- A. Defined. Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. Goods or products manufactured or processed on-site may be sold at retail or wholesale locations on or off the premises.
- B. Use Standards:
 - 1. This use shall be entirely contained within a building or within a *yard* enclosed on all sides by a screening wall or an opaque *fence* that conforms with Type C Buffer per [Section 18.03.6.10](#).
 - 2. This use shall abide by the noise standard set forth by Ordinance No. 2817.

18.04.14.5 Makerspace or Artisan Manufacturing

- A. Defined. A place in which people with shared interests, especially in computing, technology, micromanufacturing, and the creative industries can gather to work on projects while sharing ideas, equipment, and knowledge. Studios may or may not accommodate retail sales. Small-scale manufacturing may take place on site for the creation of products and goods for sale either on or offsite.

18.04.14.6 Mini Storage Facility

- A. Defined. A facility containing separate, individual, private storage spaces, which may be of various sizes and which are rented pursuant to individual leases for varying periods of time
- B. Use Standards:
 - 1. All storage shall be kept within an enclosed building except recreation or other oversized vehicle which shall be stored only in exterior areas screened with a type “C” buffer per [Section 18.03.6.10](#).
 - 2. Mini-Storage Facilities shall provide drive aisles between all buildings with a minimum width of twenty (20) feet for vehicle circulation and fire and emergency access.

3. No Mini-Storage unit shall be used for the storage of explosives, ammunition, hazardous, or flammable materials.
4. Mini-Storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit. The use of storage spaces to conduct or operate a business is prohibited.
5. The Mini-Storage Facility may include an accessory on-site office.

18.04.14.7 Workshop

- A. Defined. A facility where goods are produced or repaired on a small scale by hand, using hand tools or small-scale equipment, including pottery, furniture making and restoring, upholstery, or other similar uses.
- B. Use Standards:
 1. This use shall be entirely contained within a building or within a *yard* enclosed on all sides by a screening wall or an opaque *fence* at least six feet in height.

18.04.15 Institutional & Public Uses, Assembly

18.04.15.1 Club

- A. Defined. Any membership organization including a lodge catering exclusively to the members and their guests and whose facilities are limited to meeting, eating and recreational use and whose activities are not conducted principally for monetary gain, but to pursue common goals, interests or activities. "Club" shall not include night clubs, bars, taverns or other institutions operated as a *business* and open to the general public.

18.04.15.2 Religious Land Use

- A. Defined. A *structure* or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated *accessory uses*. Associated *accessory uses* may include religious instructional classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

18.04.16 Institutional & Public Uses, Medical & Emergency Services

18.04.16.1 Emergency Service Facility

- A. Defined. A publicly or privately owned safety and emergency service, including, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

18.04.16.2 Health Care Support Facility

- A. Defined. A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions, such as

medical or dental laboratories, blood banks, oxygen and miscellaneous types of medical supply and services facility.

18.04.16.3 Medical Care Facility

- A. Defined. An establishment, whether or not licensed or required to be licensed by the State, or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, treat human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled. This use includes an intermediate care facility, mental retardation facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis. This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit. This use includes any hospital, defined as any licensed and State of Colorado accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock, whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services (such as emergency care).

18.04.17 Institutional & Public Uses, Death Care Services

18.04.17.1 Cemetery

- A. Defined. A place, either public or private, dedicated to, used and intended to be used for the permanent interment of the dead, and shall include a burial plot for earth interments, a mausoleum for vault or crypt interments, a crematory, or a crematory and columbarium for cinerary interments, or a combination of one or more of the above.

18.04.17.2 Funeral Service

- A. Defined. An establishment used primarily for funeral services, which may or may not include facilities on the premises for embalming and, performing of autopsies or other surgical procedures. Examples include funeral parlors, mortuaries, crematoriums, or columbaria.

18.04.18 Institutional & Public Uses, Educational

18.04.18.1 Library or Museum

- A. Defined. A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value or containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to.

18.04.18.2 School

- A. Defined. Any building or group of *buildings*, the use of which meets State of Colorado requirements for preschool, elementary, secondary, or higher education..

18.04.18.3 University or College

- A. Defined. An institute of higher education authorized by the state to award associate, baccalaureate, or higher degrees, which may include on-site student, faculty, and/or employee housing facilities.

18.04.19 Institutional & Public Uses, Government & Non-Profit

18.04.19.1 Government Use

- A. Defined. Any building open to the general use, participation or enjoyment of the public and owned by the City, county, state, or federal government, or a *public utility* corporation.

18.04.19.2 Public Service and Safety

- A. Defined. Services provided by a governmental entity for the health, safety, and welfare of the community, such as public works, police, fire, or other similar services.

18.04.19.3 Public Utility Facility

- A. Defined. An electricity substation, a gas regulator station, a telephone exchange, a water or sewer pump station, a water reservoir, water and sewer main lines, stormwater facilities, and the accessories used to provide the service.

18.04.20 Civic & Outdoor Recreation Uses

18.04.20.1 Active Recreation Space

- A. Defined. Recreational uses requiring constructed facilities for activities, including but not limited to playing fields, ball courts, skate parks, and playground. May provide a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

18.04.20.2 Campground

- A. Defined. A plot of ground for rent or lease upon which any campsites or recreational vehicles (RVs) are located, established, or maintained for occupancy by camping units such as tents, cabins, lean-to, recreational vehicles or similar structures as temporary living quarters for recreation, education or vacation purposes.
- B. Use Standards.
 - 1. The *long-term occupancy* of camp site is prohibited without an approved license and Conditional Use Permit per the *long-term occupancy* requirements for hotels/motels within this chapter.

18.04.20.3 Civic Space

- A. Defined. A public or quasi-public use that is accessible to the public and primarily serves as gathering or meeting area for the immediate community, or reserved as *open space* that provides a community amenity or promotes environmental or ecological functions.

18.04.20.4 Common Open Space

- A. Defined. Areas of trees, shrubs, lawns, grass, mulch pathways, and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors, and other persons, unoccupied by buildings or facilities unless related to recreational activities, maintained by the private property owner. Generally, natural areas are intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, natural open space includes active and passive recreation space, common open space, and dedicated open space.

18.04.20.5 Community Space

- A. Defined. Either located in public *buildings*; or as a defined space in residential, *commercial*, or mixed-use *developments*; outdoor space, *buildings*, or facilities that serve as gathering places, such as community centers, property owner association meeting facilities, or neighborhood clubhouses.

18.04.20.6 Nature Preserves

- A. Defined. Wildlife sanctuaries, conservation areas, and game preserves.

18.04.20.7 Park or Plaza Space

- A. Defined. Areas which may be improved or landscaped, usually surrounded by streets or *buildings*. Park or Plaza Space includes parks, squares, plazas, playgrounds, and memorial parks. Park or Plaza Space may include cultural amenities such as fountains, ice rinks, and reflecting pools.

18.04.20.8 Passive Recreation Space

- A. Defined. Nature and recreation trails that do not require infrastructure such as roads or utility services.

18.04.20.9 Urban Deck

- A. Defined. A platform which spans over major roadways. The intent of an urban *deck* is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.
- B. Use Standards.
 - 1. An urban deck shall connect two publicly owned spaces such as parks, open spaces, public plazas, and public facilities.

18.04.21 Infrastructure Uses, Transportation & Parking

18.04.21.1 Docking Hub or Station

- A. Defined. The site of one or more *micromobility vehicle parking spaces* designated for the purpose of parking, storing, and/or recharging *micromobility* vehicles and any kiosks, structures, or signage associated with or under the control of a single *micromobility-share* operation.

B. *Micromobility-Share* and Other Micromobility *Businesses* and Operations Use Standards.

1. Applicability.

- a. The requirements set forth in this chapter shall apply to all *micromobility-share*, *micromobility* vehicle, and *micromobility* applications for the operation of *businesses* providing rental services of any *micromobility* vehicles to the general public within the City limits of the City of Manitou Springs.
- b. The regulations herein shall not inhibit the use of medical *micromobility* devices such as powered wheelchairs and *scooters* nor inhibit the use of manually-powered mobility aids such as wheelchairs, walkers, crutches, and canes by individuals with disabilities and is not intended to limit or regulate the access or free movement of those individuals or transportation vehicles and devices anywhere in the City.

2. Micromobility-share vehicle restrictions.

- a. Electric Bicycles. Class 1 and Class 2 *electric bicycles* are permitted for use in *micromobility-share* operations. Class 3 and Class 4 *electric bicycles* are prohibited for use in any *micromobility-share* operation.
- b. Electric Scooters. Electric *scooters* and *scooter-share* operations are prohibited as *micromobility-share businesses* or operations.
- c. Electric Skateboards. Electric *skateboards* and *skateboard-share* operations are prohibited as *micromobility-share businesses* or operations.

3. Micromobility-share and micromobility business pilot program.

- a. Purpose and intent. The pilot program will allow the City of Manitou Springs to explore new ways of providing flexible, affordable, and accessible multi-modal transportation options and to assess whether these new options are successful in achieving the City's stated mobility goals such as increasing the percentage of individuals who have access to and take public transit, integrating new innovative technologies and practices seamlessly with the City's existing transportation, and reducing the impacts of traffic congestion and parking issues in the City's downtown and *commercial* areas.
- b. The City of Manitou Springs shall allow a total of two operators to be permitted and issued business licenses as part of the pilot program. Applications shall be evaluated and awarded based on the timing and the completeness of application requirements and code compliance.
- c. Eligibility. Any *micromobility-share* operator which is able to satisfy all of the requirements set forth in this Section and is willing to participate in the data collection and pilot program requirements set forth in this section.
- d. Duration of Pilot Program. The pilot program shall last in duration for one year from the approval for operation in the program and upon completion the operation shall be evaluated in terms of effectiveness in reaching the stated goals and objectives of the City as based on the data collected by the operator as part of their operation.

- e. Application. Eligible operators shall complete the *micromobility* share and *micromobility business* pilot program application and provide all information and documentation requested on the application.
 - f. Permit Fees. The fees for application submittal and participation in the pilot program shall be set by City Council.
 - g. Terms of Operation.
 - i. Initial Fleet Size. Initial fleet size shall not exceed twenty micromobility-share vehicles per docking hub or station. Subject to City planning department approval, initial fleet sizes may be adjusted at any point following the first quarter report through a written request justifying the expansion or modification submitted to the City's planning department.
 - ii. Initial Number of Docking Hubs or Stations. Initial participants shall be restricted to no more than three docking hubs or stations. Subject to City planning department approval, initial docking hub or station numbers may be adjusted at any point following the first quarter report through a written request justifying the expansion or modification and the proposal of new docking hubs or station locations for approval to the City's planning department.
 - h. Data Collection. Each permit operator shall provide a quarterly report to the Planning Director, Mobility and Parking Manager, and Traffic Engineer containing the following information:
 - i. User/rider numbers per docking station or hub.
 - ii. Total trips by day, week, and time of day.
 - iii. Origin and destination.
 - iv. Average trip distance.
 - v. Parking compliance and retrieval numbers or percentages.
 - vi. Accident/crash information.
 - vii. Incidents of theft or vandalism.
 - viii. Complaints.
 - ix. Vehicle maintenance information.
 - i. The City of Manitou Springs reserves the right to modify any component of the pilot program or the scope of the program at any time during the pilot period. The City also reserves the right to terminate pilot program operations at any time and may require the operator to remove all fleet vehicles within the *public right-of-way* in no more than five days following notification of termination from the City of Manitou Springs.
4. Micromobility-share vehicles and micromobility-share fleet requirements. Micromobility-share vehicles and micromobility-share fleets shall meet the following requirements:

- a. Unique Vehicle Identification. Each *micromobility-share vehicle* shall display a unique identification number or other unique identifier which is clearly visible to the user, the public, or City representatives.
 - b. Vehicle Stickers. Each *micromobility-share vehicle* shall display a phone number and contact information to file complaints, to report abandoned vehicles, or to report maintenance and safety issues.
 - c. Advertising. Operators shall not display third-party advertising on *micromobility-share vehicles* without the express approval of the City of Manitou Springs and shall be permitted to be displayed only in the following instances:
 - i. The advertisement is for the *micromobility-share* operator or operation itself or a City-approved sponsor subject to City guidelines concerning sponsorship eligibility; or
 - ii. The advertisement is for the City of Manitou Springs itself or a City-approved sponsor subject to City guidelines concerning sponsorship eligibility.
 - d. Maintenance. Operators shall be responsible for maintaining their fleet vehicles and shall remove any inoperable or unsafe vehicle no less than twenty-four hours following notification or awareness of any suspected issue.
 - e. Global Position Satellite Tracking or Location Devices. *Micromobility-share vehicles* shall have a GPS tracking or location device affixed to the vehicle to track movements, data collection, and parking locations for vehicle retrieval purposes.
5. *Micromobility* vehicle leasing and mobile application requirements.
- a. Leasing/Membership Agreement. Each operator shall be required to establish a membership program or leasing agreement for users through their rental interface platform in which the user is required to acknowledge, sign, and agree to the following:
 - i. The requirement to follow the Model Traffic Code set forth in Chapter 10.04 of the Municipal Code;
 - ii. A statement of user liability;
 - iii. An agreement to follow specific user regulations regarding proper parking locations, safe vehicle usage, and City of Manitou Springs penalties for violations such as misuse, improper parking, and/or vehicle theft/abandonment; and
 - iv. An agreement regarding the use or non-use of safety equipment such as helmets or other equipment meant to protect the renter and a statement of user injury liability which may result from use of the *micromobility-share vehicle* under their lease.
 - b. Privacy. Each operator shall be required to establish a privacy policy which safeguards the renter's personal and financial information which shall be in compliance with the payment card industry data security standards.

- c. Incentives. Operators shall provide incentives and/or penalties for *micromobility-share vehicle* renters which encourage the return of *micromobility-share vehicles* to *docking hubs or stations* to minimize the effects of unused and abandoned vehicles impeding pedestrian traffic in the *right-of-way*, to better ensure *micromobility-share vehicle* availability to other users, and to reduce the impact on operator resources in terms of vehicle retrieval and redocking.
- 6. Geofencing requirements. Any and all *micromobility* vehicles in live operation and available for lease or rental as part of a *micromobility fleet* or *micromobility* operation shall be restricted to powered operation as follows:
 - a. *Micromobility* vehicles shall be subject to the City's regulations governing their use or operation on sidewalks or pedestrian walkways within the City limits of the City of Manitou Springs.
 - b. *Micromobility* vehicle renters shall be prohibited from operation of *micromobility-share vehicles* except within the *edge of pavement* of the permitted rights-of-way.
 - c. Operators shall demonstrate the *micromobility-share* vehicles in the fleet are capable of navigating under the specific geofencing requirements set forth in this section
- 7. *Micromobility-share vehicle* parking, *micromobility-share racks*, and *docking hubs or stations*. *Micromobility-share* operations and infrastructure shall be evaluated, reviewed, and approved based on the following criteria and requirements:
 - a. A *property improvement permit* shall be required under the requirements set forth under [Chapter 18.06](#). The following materials shall be submitted for permitting:
 - i. A completed property improvement permit application
 - ii. A *site plan* in compliance with the requirements set forth in [Section 18.16.020](#) of the Municipal Code and containing the following information:
 - 1) The location and dimensions of the proposed site and features; and
 - 2) The configuration of micromobility vehicle parking spaces or micromobility-share racks proposed; and
 - 3) The setbacks labelled, if applicable; and
 - 4) The location of any wayfinding or informational signage; and
 - 5) The location, dimensions, and height of rental kiosks or stations; and
 - 6) The total number of micromobility vehicle parking spaces or micromobility-share racks proposed; and

- 7) The total number of micromobility-share vehicles proposed for use at the specific location.
 - iii. Cut sheets, specifications sheets, visual representations, and/or drawings of the proposed *micromobility-share* site and features with dimensions and heights labelled.
 - iv. Any required encroachment licenses or agreements, as may be required under [Section 12.04.050](#) of the Municipal Code for *development* and minor encroachments in the *public right-of-way* under the ownership, authority, or control of the City of Manitou Springs.
 - v. Any written permissions or approvals from any outside entities which have authority or jurisdiction over a given *public right-of-way*, such as the Colorado Department of Transportation or any other public transportation authority.
 - vi. Any filed or proposed *easements* or agreements between private property owners and the *micromobility-share business* to allow this specific use on the private property.
- b. Location.
- i. The use of public property and public space is encouraged. This includes locating *micromobility-share* parking, *micromobility* racks, and *docking hubs or stations* on public sidewalks, preferably adjacent to existing public transportation features such as bus stops and shelters, in public parking lots, and City parks.
 - ii. The City also encourages the use of private property and private parking lots, particularly in the Urban Renewal Areas. A written *easement* or other agreement filed with the El Paso County Clerk and Recorder between the property owner and the *micromobility* operator shall be required as part of the *property improvement permit* and plan review process as set forth under [Section 18.91.100A](#) of this chapter.
- c. *Micromobility-Share* Parking and Docking Hub/Station Requirements.
Micromobility-Share Parking spaces shall meet the following requirements:
- i. A single parking space shall measure no less than six feet by three feet in size and be able to accommodate the length and width of the *micromobility-share vehicle* deployed by the *micromobility* operation.
 - ii. Each parking space shall contain, at minimum, one *micromobility* rack in which two *micromobility-share vehicles* may be docked, stored, or locked in an upright position; one vehicle per each side of the rack in an upright position.
 - iii. A single parking space shall not accommodate more than two *micromobility-share vehicles* regardless of whether the *micromobility* rack is configured in the center of the parking space or at the ends of the parking space.

- d. *Docking hubs or stations* shall meet the following requirements:
 - i. *Docking hubs or stations* sited in the *public right-of-way* shall be located a minimum of one foot six inches from the back of the curb or flowline.
 - ii. *Docking hubs or stations* sited in the *public right-of-way* shall be located to provide a minimum of six feet of clear walkway for pedestrian traffic on sidewalks.
 - iii. *Docking hubs or stations* sited in the *public right-of-way* shall not be located within the *vision clearance triangle* set forth in [Section 18.02.1.4](#).
 - iv. Rental Kiosks and Other Rental Interface Structures. *Micromobility-share* operators are encouraged to develop, establish, and provide a secondary method for supplying rental services to individuals who are unable to access or use the mobile device application utilized as the primary method of leasing *micromobility-share vehicles* from a *micromobility-share* operator such as a kiosk or other physical rental interface.
- e. Wayfinding and Other Signage.
 - i. All wayfinding and informational signage shall be limited to one free-standing sign per *micromobility-share* hub or station location provided they do not exceed six square feet per side and do not obstruct or impair the safety of pedestrian or vehicular traffic.
- 8. *Micromobility-share vehicle* retrieval. *Micromobility-share* operators shall be required to retrieve all fleet vehicles from the *public right-of-way* which were abandoned or not returned to a permitted docking station or hub within no more than twenty-four hours following the time the vehicle was last rented by a user. Repeated failure to comply will result in termination of program participation.
- 9. Electric scooters and electric scooter-share businesses and operations. Electric scooter-share businesses and operations shall be prohibited from operation in the City of Manitou Springs. The City cites the following findings as just cause for this prohibition:
 - a. The recent introduction of electric *scooter-share* rental operations and *businesses* in various municipalities has created significant public health, safety, and wellness hazards which require specific infrastructure and management not currently suitable or feasible in the City of Manitou Springs considering the existing geographic constraints, enforcement resources, and infrastructure in place; and
 - b. The recent introduction of electric *scooter-share* rentals in various municipalities has created significant vehicle and pedestrian safety hazards by cluttering sidewalks, impeding pedestrian traffic, and causing vehicular accidents where not properly regulated or provided a designated space for use; and
 - c. The recent introduction of electric *scooter-share* operations and *businesses* in various municipalities has created challenges when enforcing existing

regulations which restrict or prohibit wheeled vehicles on pedestrian sidewalks; and

- d. The City of Manitou Springs is committed to the safe operation and regulation of electric *micromobility-share* operations and *businesses* and desires further study and cases in other municipalities as these operations are more widely implemented and more successful regulatory resolutions and solutions are publicly known to determine the feasibility and potential of electric *scooter-share* operations in the City in the future

10. Electric skateboard and electric *skateboard-share businesses* and operations. Electric *skateboard-share businesses* and operations shall be prohibited from operation in the City of Manitou Springs. The City cites the following findings as just cause for this prohibition:

- a. The recent introduction of electric *skateboard-share* rental operations and *businesses* in various municipalities has created significant public health, safety, and wellness hazards which require specific infrastructure and management not suitable or feasible in the City of Manitou Springs considering the existing geographic constraints, enforcement resources, and infrastructure in place; and
- b. The recent introduction of electric *skateboard-share* rentals has created significant vehicle and pedestrian safety hazards by cluttering sidewalks, impeding pedestrian traffic, and causing vehicular accidents where not properly regulated or provided a designated space for use; and
- c. The recent introduction of electric *skateboard-share* operations and *businesses* in various municipalities has created challenges when enforcing existing regulations which restrict or prohibit wheeled vehicles on pedestrian sidewalks; and
- d. The City of Manitou Springs is committed to the safe operation and regulation of electric *micromobility-share* operations and *businesses* and desires further study and cases in other municipalities as these operations are more widely implemented and more successful regulatory resolutions and solutions are publicly known to determine the feasibility and potential of electric *skateboard-share* operations in the City in the future.

11. Penalties and violations. Violations of this chapter shall subject the violator to loss of the business license pursuant to the provisions of [Section 5.04.090](#) of the Manitou Springs Municipal Code and to the penalties set forth in [Chapter 1.16](#).

18.04.21.2 Parking Facility

- A. Defined. A *structure*, either publicly or privately owned, that is enclosed or open, with a hard surfaced area (other than a public street or private road), designed, arranged, and made available for parking vehicles, where such use may be operated as a *business* enterprise with a service charge or fee being paid by the vehicle operator. Off street parking facilities may include, but not be limited to, a commercial parking lot and public *garage*.

18.04.21.3 Transit Facilities

- A. Defined. Transit or bus shelters, bus terminals, stations, and associated *right-of-way*. A "transit shelter" means a roofed *structure* on or adjacent to the *right-of-way* of a street, which is designed and used primarily for the protection and convenience of bus passengers.

18.04.22 Infrastructure Uses, Communications

18.04.22.1 Wireless Communications Facilities

- A. Defined. A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A *wireless facility* does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the LUDC. A *wireless facility* includes an *antenna* or *antennas*, including without limitation, directional, omni-directional and parabolic *antennas*, *base stations*, support equipment, and *towers*. It does not include the support *structure* to which the *wireless facility* or its components are attached if the use of such structures for *wireless facilities* is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting *antennas*, nor does it include other facilities specifically excluded from the coverage of this chapter. For the purposes of the Use Table, Wireless Communications Facilities have been broken out into the following categories:

1. Broadcasting Tower
2. Collocation on Eligible Facilities
3. New Freestanding Wireless Facility
4. New Roof or Building Mounted Wireless Facility
5. Small Cell Facility

- B. Use Standards.

1. Purpose. To accommodate the communication, need of residents and *businesses* while protecting the public, health, safety, and general welfare the City council finds that these regulations are necessary to:
 - a. Provide for the managed *development* and installation, maintenance, modification, and removal of *wireless facilities* infrastructure in the City with the fewest number of *wireless facilities* to complete a network without unreasonably discriminating against wireless communications providers, including all of those who install, maintain, operate, and remove *wireless facilities*;
 - b. Promote and protect the public health, safety, and welfare by reducing the visibility of *wireless facilities* to the fullest extent possible through techniques

including but not limited to *camouflage design techniques* and undergrounding of the equipment associated with *wireless facilities*;

- c. Encourage the deployment of smaller, less intrusive *wireless facilities* to supplement *existing* larger *wireless facilities*;
- d. Encourage design and locations standards so that facilities have a negligible impact to the community;
- e. Encourage the location of *towers* in non-residential areas in a manner that minimizes the total number of *towers* needed throughout the community;
- f. Encourage the collocation of wireless facilities on new and existing sites;
- g. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively and efficiently;
- h. Effectively manage wireless facilities in the right-of-way;
- i. Implement state and federal law relating to the siting and processing of *wireless facilities*, including Colorado Revised Statutes §§ 29-27-401 - 29-27-404); and
- j. Manage amateur radio facilities and over-the-air devices in the City.

2. Applicability.

- a. The requirements set forth in this section apply to all *wireless facility* applications for *base stations*, *alternative tower structures*, *towers*, micro cells, and small cell *wireless facilities*, all as defined in [Title 18, Chapter 7](#) of this LUDC and further addressed herein, and all other *wireless facilities* unless exempt under subsection B. If more than one standard in this subsection applies to a proposed *wireless facility*, the most restrictive standard governs.
- b. The requirements set forth in this section do not apply to:
 - i. Federally licensed amateur radio *antenna*, over-the-air receiving device (OTARD), and residential television reception/*antenna towers* if the height is no more than the distance from the base of the *antenna* to the property line.
 - ii. Pre-existing *wireless facilities*. Any *wireless facility* for which a building permit or other use approval was properly issued prior to [October 6, 2019], is not required to meet the requirements of this section, other than the requirements of [Section 18.06.4.24](#). Changes and additions to *pre-existing wireless facilities* (including trading out of *antennas* for an equal number of *antennas*) shall meet applicable requirements of this chapter.
 - iii. Miscellaneous antennas. *Antennas* used for reception of television, multi-channel video programming and radio such as OTARD *antennas*, television broadcast band *antennas*, and broadcast radio *antennas*, if the height is no more than the distance from the base to the property

line and any generally applicable requirements contained in this section are met.

- iv. A temporary *wireless facility* serving the general health, safety and welfare of the residents of the City of Manitou Springs installed upon the declaration of a state of emergency by the federal, state, or local government or other written determination of need by the federal, state or local government.
- v. A temporary *wireless facility* installed to provide sufficient coverage for a local special event, subject to administrative approval by the City through the local event permit process in Chapter 12.24.
- c. No provisions of this chapter create a vested right to the placement of a facility in the permitted location and the City may, in the future, require modifications, relocation, or removal of *wireless facilities* in their permitted locations to the extent permitted by applicable law, including without limitation any amendments to the Federal Communications Commission regulations or other laws relating to the City's authority to regulate such facilities based on human health effects (including the health effects of radiofrequency energy or radiation).

3. Standards for all *wireless facilities*.

- a. Federal Requirements. All *wireless facilities* shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC) and any other agency of the federal government with the authority to regulate *wireless facilities*. If those standards and regulations change, the owners of the *wireless facility* shall bring the facility into compliance with the revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet the revised standards and regulations is grounds to remove the facility at the owner's expense.
- b. Operation and Maintenance. To ensure the structural integrity of *wireless facilities*, the owner of a *wireless facility* shall ensure it is maintained in compliance with the standards contained in the international *building codes* and national electric code, as applicable and adopted by the City from time to time. The owner of a *wireless facility* shall ensure ongoing compliance, operation and maintenance consistent with the City's approval, including but not limited to the upkeep of site landscaping, paint and surface treatments, litter removal, *fence* or screening repair, and general maintenance to assure a clean, well-kept *wireless facility*.
- c. Abandonment and Removal. If a *wireless facility* has not been in use for a period of three months, the owner of the *wireless facility* shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any *wireless facility* that is not operated for a continuous period of six months is considered abandoned. The City, in its sole discretion, may require an abandoned *wireless facility* to be removed. The owner shall remove the *wireless facility* within thirty days of receipt of written notice from the City. If the *wireless facility* is not removed within this time,

the City may remove it at the owner's expense and any approved permits for the *wireless facility* are deemed to have expired. Additionally, the City, in its sole discretion, shall not approve any new *wireless facility* application until the applicant who is also the owner or operator of any the abandoned *wireless facility* removes that *wireless facility* or payment for the removal is made to the City. Nothing in this subsection limits an applicant from applying for an eligible facility request on an *existing eligible support structure*.

- d. Order of Preference. All *wireless facilities* shall be located in the following order of preference:
 - i. First: Collocated on existing structures such as *buildings*, communication towers, flagpoles, church steeples, cupolas, ball field lights, non-ornamental/antique street lights such as highway lighting, etc.
 - ii. Second: In locations where the existing topography, vegetation, *buildings* or other structures provide the greatest amount of screening.
 - iii. Least: On vacant ground or highly visible sites without significant visual mitigation and where screening/buffering is difficult.
Before a location of lesser preference is permitted, the applicant shall provide evidence satisfactory to the City that a more preferred location is not available or feasible from a technology standpoint.
- e. Collocation. No *wireless facility* owner or operator shall unreasonably exclude a wireless competitor from using the same facility or location. Upon request by the *City Administrator*, the owner or operator shall provide evidence explaining why *collocation* is not possible at a particular facility or site.
- f. Undergrounding Utilities. All utilities serving *wireless facilities* shall be underground, unless the applicant demonstrates that it is not feasible from a construction, design, and engineering perspective.
- g. Lighting. *Wireless facilities* shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the *wireless facility* is mounted on a light pole or other similar *structure* primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. The City shall have the right to require the applicant to install an LED streetlight on the small cell pole and operate and maintain that street light.
- h. Eligible Facilities and Small Cell Facilities. In all zoning districts, *eligible facilities requests* and *small cell wireless facilities* are considered a use by right subject to *administrative review* pursuant to [Section 18.06.4.24](#). All *eligible facilities request* applications shall be reviewed and approved in compliance with federal rules in effect at the time the application is received.
- i. Historic District. All *wireless facilities* within a *historic district* or within two hundred fifty feet of the boundary of a historic district must be located or

camouflaged so that they are not *readily apparent* from any *public right-of-way* or residential property; nor shall new installations be located on a *structure* that is designated as a contributing *structure* pursuant to the City's historic preservation regulations or as a National Historic Landmark listed in the National Register.

- j. Buffering and Landscaping. All *wireless facilities* shall meet the following requirements:
 - i. Sited in a manner that does not reduce the *landscaped areas* for the other principal uses on the parcel.
 - ii. Landscaped with a buffer of plant materials that effectively *screen* the view of the facility from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 - iii. Located where the visual impact of the facility is minimal.
 - iv. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as *wireless facilities* sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
 - v. No trees larger than four inches in diameter measured at four and one-half feet high on the tree may be removed, unless authorized by the *City Administrator*. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed, and any trees removed are replaced at a ratio of two to one.
 - k. Antenna Limitations. No *antenna* for any *wireless facility* shall be located:
 - i. Lower than twenty feet above existing grade on or adjacent to sidewalks, trails, walkways, paths, or similar routes upon which pedestrians or cyclists travel; or
 - ii. Closer than fifty feet without City approval to the exterior of any residence or *business* unless the facility is roof or wall-mounted.
 - l. Alternative Energy Sources. All *wireless facilities* shall be powered by alternative sources of renewable energy (such as solar or wind) when reasonably feasible and when those requirements do not materially inhibit an operator's ability to deploy such facilities. Applicants shall provide the City with a description of the power sources used for all *wireless facilities* and shall provide a basis for not using alternative sources of renewable energy when those forms of energy will not be used.
4. *Wireless facilities* in the *right-of-way*. *Wireless facilities* may be permitted within the *public right-of-way*, after submittal of an application from an applicant, review and approval pursuant to [Section 18.06.4.24](#) by the City and adherence to the following standards:

- a. Non-small cell facilities are discouraged in the *right-of-way*. Applicants requesting approval of a new non-small facility shall obtain approval pursuant to this chapter and demonstrate that:
 - i. There are no exceptional circumstances which prohibit installation of a small cell facility; and
 - ii. There are no feasible alternatives to locate the *wireless facility* outside of the *right-of-way*.
- b. Attachment of small cell facilities on an existing or replacement traffic light pole, street light standard, or other vertical infrastructure shall be permitted following *administrative review* by the *City Administrator* for conformance with this chapter, and provided that:
 - i. The facility utilizes camouflage and concealment design techniques; and
 - ii. The facility does not exceed the height of the existing infrastructure on which it is mounted by more than five feet.
- c. A new *alternative tower structure* shall be permitted for non-small cell facilities following *administrative review* by the *City Administrator* for conformance with this chapter, provided that:
 - i. The new *structure* is architecturally compatible with the surrounding area through application of *camouflage and concealment design techniques*; and
 - ii. The facility height is not more than:
 - iii. Thirty feet when the facility is within two hundred fifty feet of a property, as measured from the property line, containing a single-family or multi-family residential use, or the facility is within two hundred fifty feet of the boundary of a historic district or a *structure* that is designated as a National Historic Landmark or listed or eligible for listing in the National Register;
 - iv. Thirty-five feet when the facility is within two hundred fifty of a property, as measured from the property line, zoned *open space*; or
 - v. Forty feet in all other areas.
 - vi. The facility is separated from all other freestanding *wireless facilities* within *right-of-way* by a distance of at least six hundred feet, unless the facility replaces an existing traffic signal, street light pole, or similar *structure* as determined by the *City Administrator*.
 - vii. When placed near a residential property, the facility shall be placed adjacent to a common property line between adjoining residential properties, such that the facility minimizes visual impacts equitably among adjacent properties, unless landscaping, topography, other structures, or other considerations minimize visual impacts to a greater extent at a different location.
 - viii. The facility does not alter vehicular circulation or parking within the *right-of-way* or impede vehicular, *bicycle*, or pedestrian access or

visibility along the *right-of-way* or interfere with the Americans with Disabilities Act regulations.

- ix. No *alternative tower structure* may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the *right-of-way* that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the *right-of-way*, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the *right-of-way* that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.
- d. All ground based *accessory equipment* shall be installed in an underground vault, collocated within a traffic cabinet, or integrated into an alternative *tower*, unless the applicant demonstrates that it is not feasible. If applicant demonstrates that such installations are not feasible, ground based *accessory equipment* may be installed above ground with nothing projecting more than thirty-six inches above grade; provided that ground based *accessory equipment* shall meet the requirements for alternative *towers* set forth in subsections (C)(5) and (C)(6) above. All above grade ground based *accessory equipment* shall be setback from trails and sidewalks a minimum of two feet.
- e. Any necessary wiring or cabling shall be located within the pole or located within a fully enclosed sheathing attached to the pole. Such sheathing shall be the same color as the pole and may not extend out from the pole more than four inches.
- f. The *City Administrator* may allow a reduction in the separation requirement or an increase in the maximum height requirement if the applicant demonstrates through technical network documentation that the requirement cannot result in a feasible network. The City may require that a City-retained technical consultant complete a study at the applicant's expense to evaluate the applicant's technical network documentation and provide an independent opinion regarding the impact on network feasibility. The request must also result in a facility that meets the following criteria:
 - i. The request will not alter the essential character of the neighborhood or district in which the facility is located, nor substantially or permanently impair the appropriate use or *development* of adjacent property.
 - ii. Approval of the request is warranted by the design incorporated in the proposal and the benefit provided to the City.
- g. License Agreement. At the City's option, the applicant may be required to execute a license agreement before the installation of a *wireless facility* within the *right-of-way*. The *City Administrator* shall be authorized to execute said license agreements on behalf of the City.
- h. Approval Expiration. Unless otherwise set forth in the license agreement between the City and applicant, a permit for a *wireless facility* in the *right-of-*

way shall expire twelve months after approval unless construction of the permitted *structure* has been initiated. The applicant shall have sixty days from start of construction to complete installation of the small cell. If not installed the City can stop any work and require the removal and restoration of the site. The applicant will be required to reapply for a permit and pay a new permit fee and all restoration fees.

5. *Wireless facilities* not in the *right-of-way*. *Wireless facilities* may be permitted outside of the *public right-of-way*, after submittal of an application from an applicant, review, and approval pursuant to [Section 18.88.060](#) by the City and adherence to the following standards:

- a. In residential zone districts or on residentially developed property, *wireless facilities* are permitted only on institutional structures or multi-family structures containing eight or more *dwelling* units and shall not be located on a *tower*. *Towers* are prohibited in residential zone districts.
- b. Design Standards. All *wireless facilities* shall be located and designed to be compatible and blend in with surrounding *buildings* and existing or planned uses in the area through the use of *camouflage and concealment design techniques*.
 - i. Wall-Mounted Communication Facility.
 - a) Such facilities shall be architecturally compatible with and textured and colored to match the building or *structure* to which they are attached.
 - b) The *antenna* shall be mounted as flush to the wall as technically possible. The maximum protrusion of such facilities from the building or *structure* face to which they are attached shall be two feet.
 - c) Panel *antenna* shall not extend above the building wall or parapet to which they are attached.
 - d) Wall-mounted *antenna* are not subject to a maximum mounting height above grade, if they meet the standards above.
 - e) Wall-mounted facilities meeting the standards above meet the camouflage and concealment design requirement.
 - ii. Roof-Mounted Communication Facility.
 - a) All roof-mounted *wireless facilities* and *accessory equipment* shall be fully screened from view with existing parapets or with the addition of architecturally compatible screening walls or other structures as viewed at ground level at all adjacent property boundaries, including *property lines* across adjacent rights-of-way.
 - b) Any screening walls shall be set back from the parapet or roof edge so that visibility from the street or adjacent residential properties is minimized to the greatest extent possible.

- c) Roof-mounted communication facilities and *accessory equipment* shall not be permitted on a sloped roof, unless it can be demonstrated that it is not visible from the street or adjacent residential areas.
 - d) Roof-mounted communication facilities are subject to the following height regulations:
 - Roof-mounted antenna and equipment are not subject to a maximum height when proposed on an existing structure, if the applicant demonstrates that all roof-mounted antenna and accessory equipment can be located behind an existing parapet or existing screen wall that is at least as tall as the antenna and accessory equipment. Expansions to existing screen walls may be authorized by the *City Administrator*, if the applicant can demonstrate that any expansion does not result in any additional height and is in compliance with the design standards above.
 - Roof-mounted antenna and accessory equipment not meeting the standard above are subject to the maximum building height for the zoning district or applicable design standards, whichever is stricter.
 - Roof mounted panel antenna shall not extend more than six feet above the roof parapet.
 - Roof-mounted whip antenna shall not extend more than ten feet above the building to which they are mounted
- iii. Freestanding and alternative *tower* communication facilities.
- a) The applicant shall demonstrate that freestanding *wireless facilities* are necessitated by exceptional circumstances which prohibit the installation of a wall or roof mounted *structure* or *alternative tower structure* and that the visual impact of a *freestanding wireless facility* is negligible from surrounding properties and streets.
 - b) *Freestanding wireless facilities* shall not be permitted between the principal *structure* and the street.
 - c) The minimum setback from *property lines* for freestanding and *alternative tower structures* shall be the lesser of the following:
 - The facility height, when the facility is within two hundred fifty feet of an existing residential *structure*;
 - The setback applicable to principal structures in the zoning district; or
 - An alternative setback, approved by the *City Administrator*, for *alternative tower structures* where the facility replaces or proposes an *accessory structure* to an established principal use, to include, but not limited to, signs, and light poles, where it is

evidenced that the siting and location of the *alternative tower structure* allows for *camouflage and concealment design techniques* to a greater extent than would be achieved by application of the principal *structure* setback.

- d) Freestanding and *alternative tower structures* are subject to the maximum *building height* for principal structures for the zoning district or applicable *design standards*, whichever is stricter.
- iv. Ground based *accessory equipment*. All ground based *accessory equipment* that is associated with freestanding, *alternative tower structures*, roof-mounted or wall-mounted facilities are subject to the following requirements:
 - a) Ground based *accessory equipment* shall be subject to the *accessory structure* setback requirements in the underlying zone district or the applicable *design standards*, whichever is stricter.
 - b) Ground based *accessory equipment* or *buildings* constructed for the primary purpose of containing *accessory equipment* shall not exceed twelve feet in height.
 - c) Ground based *accessory equipment* not fully enclosed in a building shall be fully screened from adjacent residential property and public rights-of-way with a Type C Buffer per [Section 18.03.6.10](#).
 - d) *Buildings* containing ground based *accessory equipment* shall be architecturally compatible with the existing structures on the property and character of the neighborhood.

18.04.23 Infrastructure Uses, Waste-Related Uses

18.04.23.1 Junkyard

- A. Defined. A building or *structure* or parcel of land or a portion thereof used for the collecting, storage, or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery, or other materials and including the sale of whole or parts thereof.
- B. Use Standards:
 - 1. The *yard* shall be kept in good repair and be maintained to prevent nuisances and avoidable adverse impacts on abutting properties at all times.
 - 2. This use shall be entirely contained within a building or within a *yard* enclosed on all sides by a screening wall or an opaque *fence* at least six feet in height.

18.04.23.2 Recycling Facility

- A. Defined. A facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or *buildings*, shall be considered a warehouse.

B. Use Standards:

1. Recycling activities shall be conducted in an enclosed *structure* or container in an area enclosed on all sides by a wall or solid *fence* at least seven feet in height and kept in good repair at all times. No materials shall be stored or kept at a level higher than the surrounding wall or *fence*.

18.04.23.3 Solid Waste Facility

- A. Defined. A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal *solid waste* landfill, private or public *solid waste* management facility, recovered materials processing facility, sanitary landfill, or *solid waste* management facility.

B. Use Standards:

1. The use shall be entirely enclosed within a building or *yard* enclosed on all sides by a wall or solid *fence* at least seven feet in height and kept in good repair at all times. No waste shall be stored or kept at a level higher than the surrounding wall or *fence*.

18.04.24 Accessory & Temporary Uses

18.04.24.1 Generally

- A. *Accessory structures* are permitted on private property within the City of Manitou Springs in accordance with the *setbacks* outlined in the dimensional standards table and the following:
1. The *gross floor area* of the cumulative total of *accessory structures* on a lot shall not exceed the *gross floor area* of the primary *structure*.
 2. No *accessory structure* shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal *structure* to which it is an accessory.
 3. Intermodal shipping containers and portable-on-demand storage containers are prohibited for use as *accessory structures* in all zoning districts.
 4. *Accessory structures* must be prefabricated or constructed using a rigid framework of wood, inflexible clear glass or plexiglass. No plastic sheeting, corrugated or reusable steel walls, fabric walls, or tarps are permitted in connection with these structures.
 5. *Accessory structures* may not include any sanitary or kitchen facilities.
 6. *Accessory structures* shall comply with the requirements of the Regional Floodplain Regulations as amended, and [Chapters 6.16](#) and [6.18](#) of the Municipal Code.

18.04.24.2 Art and Craft Fair

- A. Defined. A booth-style convention exhibition that hosts various galleries, collectives, curators, independent artists, and craftspeople to showcase artwork to collectors and buyers for purchase, typically lasting multiple days.

18.04.24.3 Home Daycare

- A. Defined. A family child care home, as defined in §§ 26-6-102(4), C.R.S., for two (2) or more but no more than six (6) children.

18.04.24.4 Home Occupation

- A. Defined. An incidental and secondary use of a *dwelling* unit for minor *business* purposes to include low-intensive types of activity, which are not detrimental to the residential character of the neighborhood.
- B. Use Standards.
 - 1. Permitted Home Occupations. The following home occupations are permitted, provided the Conditions and Requirements and Specific Exclusions and Limitations are met:
 - a. Craft work, such as the making of pottery and jewelry;
 - b. Garment work, such as tailoring, dressmaking, millinery work, ironing and garment repair;
 - c. Online sales of merchandise or products;
 - d. Personal Services, such as Hair and Nail Salons, Beauty and Barbershops, and Workshop shall be permitted as a conditional use permit only.
 - e. Office facilities for sales representatives, professional consultants, and professional services;
 - f. Repair services for small electronic, electrical, and mechanical appliances;
 - g. Tutoring, music lessons, dance lessons, and similar specialized tutorial or instructional endeavors provided no more than four students are present at a time;
 - h. Artistic endeavors, such as art studios, portrait studios, photography studios, writing and lithography;
 - i. Daycare homes for children and adults. Attendance is limited as follows:
 - i. In a small home day care, up six children or adults receiving full-time care and two children receiving part-time care. This use shall be allowed in all residential zone districts as accessory to the residential use.
 - ii. In a large day care, more than six and less than twelve (12) children or adults receiving care (fulltime or part-time). This use shall require approval of a Conditional Use in all residential zone districts.
 - 2. Conditions and Requirements. Home occupations shall be operated subject to the following:
 - a. Such home occupation shall be in conformance with other existing laws and regulations of the City;

- b. Such home occupation shall be conducted entirely within a lot, parcel or tract of land and carried on by the inhabitants living there, plus one additional employee;
- c. Such home occupation shall be clearly secondary to the use of the lot, parcel or tract of land for residential purposes and shall not change the character thereof;
- d. The total area used for such home occupations shall not exceed twenty-five percent of the *gross floor area* of the primary residential *structure*;
- e. The home occupation shall be conducted only within an enclosed *dwelling*, *accessory structure*, or attached or detached *garage*, excluding porches, except that plants that are part of the home occupation may be grown anywhere on the premises, and daycare homes may utilize outdoor play areas;
- f. In addition to any signs permitted pursuant to Chapter 15.16 of this LUDC, home occupations may have one additional wall or hanging sign affixed to the primary *structure*. The sign shall be limited to a maximum of two square feet and shall have no exterior, interior or neon lighting;
- g. All incidental storage of stock, supplies or products shall be contained within the total area used for the home occupation;
- h. There shall be no outside storage of materials or equipment on the lot, parcel or tract of land used as a part of the home occupation;
- i. No alterations to or construction of physical structures or storage *buildings* shall be permitted which makes the existence of the home occupation apparent beyond the boundaries of the site or which detracts from the residential character of the neighborhood;
- j. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond any boundary line of the lot, parcel or tract of land due to the conduct of the home occupation;
- k. No electronic nuisances as defined in [Section 6.08.020, Unnecessary Sound Prohibited](#), of the Manitou Springs Municipal Code, as amended, shall be created;
- l. No adverse health or safety conditions shall be created;
- m. The home occupation may increase vehicular traffic flow and customer parking, to be accommodated on-site, by no more than two additional vehicles at a time, except for day care homes and classes or group sessions offered by professionals not more than one time per week, for not more than four persons;
- n. Off-street parking as required for the residential use shall be maintained as required by these regulations per in [Section 18.64.030](#), Development and Parking Standards;

- o. Normal *business* license requirements shall be met.
 - 3. Specific Exclusions and Limitations.
 - a. Exclusions. In no event shall any of the home occupations listed above be interpreted to include the following commercial activities:
 - i. Body or mechanical repair, modification, or painting of motor vehicles and repair of internal combustion engines;
 - ii. Animal hospital or kennel;
 - iii. Medical/dental facilities other than office consultation services;
 - iv. Health care facility providing residential services.
 - b. Limitations. There shall be no more than two home occupations operated in/on one unit, lot, parcel, or tract of land.

18.04.24.5 Kiosk

- A. Defined. A small, free-standing digital display or building with open-air sides, either temporary or semi-permanent in nature, used for providing information, selling, or renting merchandise, or displaying advertisements on either private property or public rights-of-way.
- B. Use Standards.
 - 1. Kiosks proposed within the *public right-of-way* shall meet the standards set forth in [Title 12 – Streets and Other Public Places](#).

18.04.24.6 Mobile Food Cart or Mobile Vending Unit

- A. Defined. Peddling, vending, selling, serving, displaying, offering for sale or giving away services, goods, wares, merchandise, food, or beverages from a location without a fixed *structure*, regardless of whether the activity occurs on public or private property. Mobile Vending includes, without limitation, offering services and goods from a mobile vending unit, a mobile food cart, tables, mats, or blankets.
- B. Use Standards
 - 1. Licensed restaurants may conduct outdoor sales from mobile food carts on private property.
 - 2. Mobile food carts must be inspected and licensed by the El Paso County Health Department.
 - 3. A minimum of one garbage receptacle must be provided near the mobile vendor. Provision of recycle containers is encouraged.

18.04.24.7 Outdoor Display

- A. Defined. A product or group of products displayed and offered for sale outdoors and is subordinate to a principal commercial use. A display shall not impede the use of the *public right-of-way* or pedestrian flow and may include but is not necessarily limited to a wide

variety of styles such as a cart, clothing rack, specialized display rack, table, shelf, mannequin or freestanding product display such as a piece of art or furniture.

B. Use Standards.

1. Placement of outdoor displays or seating on public property shall be governed by [Chapter 12.04](#) of the Manitou Springs Municipal Code.
2. Each *business* may have one outdoor display not to exceed a fifteen square foot footprint.
3. The *business* owner is responsible for the cleanliness and maintenance of the outdoor display area.

18.04.24.8 Outdoor Storage

- A. Defined. An unroofed area, or a roofed *structure* enclosed on not more than three sides, for the keeping of any goods, materials, or merchandise in the same place for more than twenty-four hours. All outdoor storage shall be Screened with a Type C Buffer per [Section 18.03.6.10](#). Storage of materials shall not be stacked higher than the *fence* or wall height.

18.04.24.9 Pop-Up Shop

- A. Defined. A retail *business* that is deliberately temporary, that “pops-up” for a limited period of time.
- B. Use Standards.
1. Placement of pop-up shops and shall be governed by [Chapter 12.04](#) of the Manitou Springs Municipal Code.

18.04.24.10 Portable-on-Demand Storage Container

- A. Defined. 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.
- B. Use Standards:
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.

3. A single portable-on-demand storage container may be placed in the public right-of-way for the purposes of loading or unloading goods subject to a revokable Temporary Use Permit.

18.04.24.11 Produce Stand, Temporary

- A. Defined. A temporary structure where local food producers and artisans sell fresh fruits, produce, flowers and value-added food products like jams, jellies, pickles, sauces or baked goods, in addition to arts and craft items.

18.04.24.12 Special Event

- A. Defined. Temporary activity open to the general public, whether by general admission or through ticketed access, and occurring on public or private property, including without limitation, *block* parties, parades, soap box derbies, rallies, walks, running or *bicycle* races, fundraisers, picnics, or sports tournaments.
- B. Use Standards.
 2. Refer to [Title 12 – Streets and Other Public Spaces](#) for standards, process, and procedures related to Special Events in the public right-of-way.
 3. There shall be no more than one major Special Event on any property in one calendar year. Major events shall be defined as having two hundred fifty or more attendees and/or amplified sound.

Chapter 5. Subdivision Regulations

18.05.1 General Provisions

18.05.1.1 Purpose

- A. These Subdivision Regulations are designed and enacted for the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of Manitou Springs (the City) by:
 - 1. Ensuring that land is subdivided into lots that are of adequate size and configuration for the purpose for which they are intended to be used;
 - 2. Ensuring that streets will be laid out in relation to existing streets and that said streets will be built to adopted City construction standards to facilitate safe, efficient, and pleasant walking, biking, and driving;
 - 3. Promoting neighborhoods that enhance the City's character and are compatible with adjoining lands;
 - 4. Ensuring the necessary *open spaces* for, traffic, utilities, public protection, light, air, recreation and any other community facilities;
 - 5. Implementing the adopted comprehensive plan;
 - 6. Allowing for a variety of lot sizes and housing types that fit into the existing neighborhood character and in compliance with the associated Zone District;
 - 7. Ensuring design that mitigates impacts in *natural hazard* and flood prone areas;
 - 8. Protecting the natural and historic resources of the community; and
 - 9. Encouraging imagination and innovation in the design of *subdivisions*.

18.05.1.2 Organization

- A. This chapter is organized into the following sections:

[18.05.1- General Provisions](#)

[18.05.2- Design and Improvement Standards](#)

[18.05.3- Dedications](#)

18.05.1.3 Applicability

- A. This Article applies to any *subdivision* of land within the municipal boundaries of the City.
- B. No *plat* of any *subdivision* within the application of these regulations shall be entitled to be filed or recorded or have any validity until such *plat* has been prepared, approved, and acknowledged in the manner prescribed by these regulations.

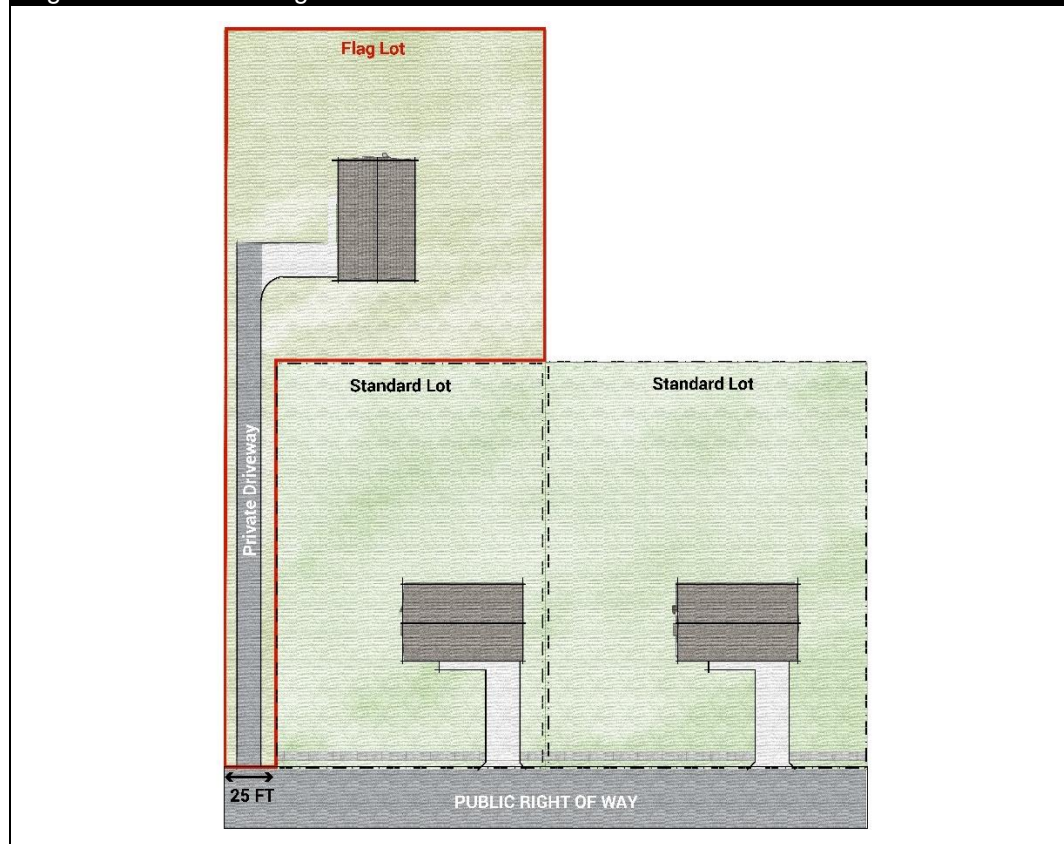
- C. No building permits shall be issued by PPRBD for the construction or reconstruction of *structures* upon any land or the addition to any building or *structure* situated on any land, unless such land has been subdivided and platted in accordance with the procedures set out in these regulations. A *whole platted lot* is required to comply with this part.

18.05.2 Design and Improvement Standards

18.05.2.1 Lot Standards

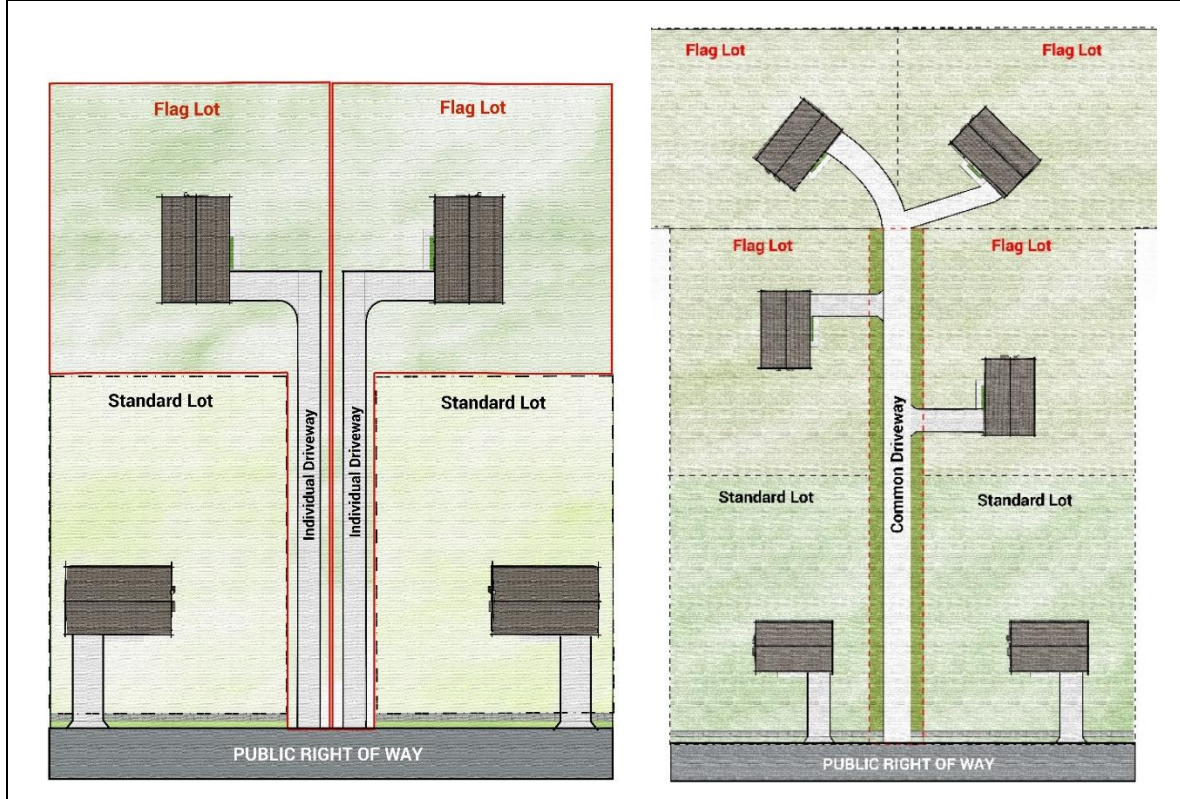
- A. Shape and orientation. The shape and the orientation of lots should be appropriate for the location of the *subdivision* and for the type of *development* proposed. The governing factor should be usability of the lot.
- B. Area, *lot coverage*, and setback dimensions. The minimum area and dimensions of lots shall conform to the requirements of [Chapter 18.02](#), Zone Districts for the district in which the *subdivision* is located.
- C. Flag lots:
1. *Flag lots* shall have at least twenty-five feet of *frontage* on the *public right-of-way* or private roadway.

Figure 18.05.2.1-1: Flag Lot Illustration



2. Individual driveways may be used by two lots, however where three or more *flag lot* stems front on a *public right-of-way* or private roadway side by side, a common driveway shall be used.

Figure 18.05.2.1-1: Flag Lot Illustration, Multiple Lots



3. The front of the parcel for a *flag lot* is the portion of the lot that is parallel to the primary *public right-of-way* or private roadway from which the lot is accessed.
- D. Corner Lots. For a *corner lot*, the front of the lot is defined as the side with primary building entry and both sides abutting a street shall maintain a front *yard* setback.
 - E. Double Frontage Lots. The front of the lot is defined as the side where primary entry is located, and the rear of the lot shall be most opposite the front lot line along the street frontage from which access is not gained.

18.05.2.2 Blocks

- A. *Blocks* in residential subdivisions shall not be less than four hundred feet long and not more than one thousand four hundred feet long except where topography and other similar conditions justify variations.
- B. *Blocks* in *commercial* and industrial subdivisions shall be designed with the purpose of the lot specifically in mind and with adequate space set aside for off-street parking and loading purposes as required by the LUD.

- C. When *blocks* exceed one thousand feet in length, a mid-block walkway and/or pedestrian crosswalk of not less than ten feet wide shall be required to provide access to community and other facilities.

18.05.2.3 Remnants of Land

- A. No subdivision shall create parcels of land that do not meet the standards for a developable lot in the zone district where the property is located, unless those parcels are designated as “tracts” or are to be dedicated to the City for park and open space purposes.

18.05.2.4 Improvement Standards

- A. Developers' responsibilities. It shall be the responsibility of the *developer* or *subdivider* to install the required *improvements* outlined below in accordance with plans, specifications and data approved by the City Engineer.
- B. Required improvements. *Improvements* are required according to the following:
 - 1. Streets. The *subdivider* is responsible for improving all *streets* by paving, installing curbs and gutters and sidewalks as per [Title 12, Streets and Other Public Places](#). Before any improvement is installed a grading permit shall be issued by the City Planning Department. If *improvements* will disturb existing pavement in the *public right-of-way*, a permit shall be issued by the Public Works Department.
 - 2. Lot Pins. Lot pins shall be installed at each corner of all lots as required by state law.
 - 3. Monuments. *Monuments* shall be placed at all *block* corners, angle points, points of curves in streets, and at intermediate points as required, and consist of material and at a depth as required by state law.
 - 4. Stormwater and Drainage. Storm drainage shall be provided for the *development* by the *subdivider* based on plans submitted and approved by the City Engineer. All storm drainage *improvements* shall be designed to withstand a one-hundred-year storm. The *developer* shall install all storm drainage *improvements* required per [Section 18.03.11](#) that is supported by a drainage plan and report.
 - 5. Lot Drainage. The *developer* shall ensure that all lots drain away from any proposed *structures* and that such drainage does not interfere with adjoining properties or other lots in the *subdivision* or does not impede functionality of City infrastructure.
 - 6. Water Fire Suppression. For all new *subdivisions*, an adequate water supply for fire suppression services for new *buildings* shall be provided based on the standards in the adopted *International Fire Code*.
 - 7. Utilities. The *subdivider* shall pay for the design, installation, and construction of all the required electric, gas, water, and wastewater necessary to serve the *development*. Water and sewer lines shall be installed as per the requirements of [Title 13, Utilities](#), of the Manitou Springs Municipal Code.
 - 8. Fire Hydrants. Fire hydrants shall be installed at locations and at an interval as required by the *International Fire Code* and [Chapter 15.12](#) of the Municipal Code.

9. Dedication of Land for Public Purposes. Land shall be dedicated by the subdivider for parks, schools, *open space* and other public purposes in accordance with [Section 18.05.3](#).
10. Cuts and Fills. All cuts, fills and any other area disturbed during construction shall be treated to prevent erosion and sedimentation, whether by planting or other methods, according to an approved grading and erosion control plan as part of a required grading permit. The *subdivider* shall prepare said plan in accordance with [Section 18.06.4.19](#) requirements for drainage plans and reports and submit it to the planning department for evaluation and approval.
11. Other Utilities. All other utilities (i.e., electrical, natural gas, cable television, etc.) as necessary shall be installed to service the development. New electrical service, fiber optic lines, telephone lines, or transmission lines shall be provided underground.

18.05.2.5 Improvement Guarantee Standards

- A. The *subdivider* shall not install any public *improvements*, and private *improvements*, or begin any construction prior to approval of a final *plat*.
- B. The final *plat* shall contain the following statement:
 1. “No building permits shall be issued for building sites within this *plat* until all required fees have been paid and all required public and private *improvements* have been installed as specified by the City of Manitou Springs, Colorado Springs Utilities or alternatively until acceptable assurances guaranteeing the completion of all required public *improvements* have been placed on file with the City of Manitou Springs.”
- C. Guarantee to install *improvements*—Required. The *subdivider* shall furnish a letter of credit, *subdivision* bond, or evidence of cash held in escrow by the City for all public *improvements* required along with the Final *Plat* for final signature prior to recordation. A financial assurance will be required for private site improvements, such as landscaping and irrigation, if Certificates of Occupancy are sought prior to installation. Such assurance shall be determined by a Development Agreement.
- D. Guarantee to install improvements—Amount of surety. The amount of the guarantee for public improvements shall be based on a cost estimate prepared by a registered Professional Engineer and approved by the City Engineer. The amount of the guarantee for private improvements shall be based on a cost estimate prepared by the development plan’s Designer of Record. The actual security shall be one hundred twenty-five percent (125%) of the cost estimate reviewed and approved by the City.
- E. Improvement installation timeframe. All required public improvements shall be installed and accepted by the City prior to the issuance of any Certificate of Occupancy or release of held funds.
- F. Guarantee to install *improvements*—Security release. Subject to the requirements of [Section 18.05.2.4](#), when the required *improvements* on a *plat* are completed, the *subdivider* may apply in writing for a partial or full release of the security. Upon receipt of such application, the City shall inspect the completed *improvements* to ensure that they have been made in

accordance with the *plat*, any design drawings and the requirements of these regulations. If satisfactory, the security in sufficient amount to cover the cost of the *improvements* will be released. When all the *improvements* have been completed, the full security shall be released. If, however, the *improvements* are not properly installed, the City at its discretion shall have the power to use any of the security held to install the required *improvements*.

18.05.2.6 Inspection and Dedication of Improvements.

- A. Inspection of underground installations shall be made by the City, or appropriate agency, prior to any backfilling.
- B. Prior to acceptance of streets, drainage facilities and water and sewer mains, the City shall cause the installations to be inspected for compliance with the approved *plat* and any design drawings. The City shall notify the *subdivider* in writing of any changes or *improvements* required for such compliance. The required changes and *improvements* shall be completed within sixty (60) days of notification, subject to weather conditions.
- C. The City shall then formally accept the installation of any improvements and so notify the *subdivider* in writing. The *subdivider* shall be held responsible for any repairs necessary for one year after acceptance.

18.05.3 Land Dedications

18.05.3.1 Purpose

- A. To ensure that new *subdivisions* designate sufficient land in appropriate areas for schools, *open space*, and parks. This land will be dedicated to the City, or at the option of the City, cash will be paid in lieu of dedication.
- B. It shall be the option of the City to evaluate the *development* and determine which land areas within a particular *development* are most suitable for the stated public purposes.

18.05.3.2 Applicability

- A. Existing subdivisions shall be exempt from these requirements.
- B. New subdivisions or re-subdivision.
- C. The proposed land dedication shall further the goals and policies of the Parks, Open Space, and Trails Master Plan.

18.05.3.3 Dedication Amount

- A. The amount of land to be dedicated shall be based on the following formulas:
 - 1. Schools. Land shall be dedicated for the purpose of developing schools per the table below:

Dwelling Units per Acre	Dedication Amount
Three (3) dwelling units per gross acre or less	seven hundred twenty (720) square feet per dwelling
Over three (3) dwelling units per gross acre	Four hundred eighty (480) square feet per dwelling unit.

2. Parks. Land shall be dedicated for parks and recreation purposes as follows based on *gross acreage* of the area to be platted or *replatted*:

Size of Property	Dedication Amount
Properties under fifty thousand (50,000) square feet	Four percent (4%) In most cases the City will take cash-in-lieu from this size development (see below).
Properties fifty thousand (50,000) square feet or greater	Nine percent (9%)

3. Open Space. In addition to the Parks dedication, land shall be dedicated to provide *open space* on the basis of five percent (5%) of the *gross acreage*, plus six hundred (600) square feet per *dwelling* unit, up to a maximum of twenty-five percent (25%) of the gross area.

18.05.3.4 Cash in Lieu of Dedication

- A. Cash in lieu of dedication shall be paid in the amount of the fair market value of the undeveloped land, but not less than twenty thousand dollars per acre, that would have been dedicated under other circumstances. If fair market value cannot be agreed upon, the subdivider and the City shall each appoint a certified appraiser who shall appoint a third certified appraiser whose fee shall be shared equally by the subdivider and the City. The decision of a majority of these appraisers shall be final and shall be binding on all parties.
- B. Cash paid in lieu of land dedication shall be for the purposes paid either to the school district and/or to the City. Cash in lieu paid to the City shall be used for the acquisition of land for parks and *open space* or capital *improvements* and maintenance for existing parks and *open space* to benefit the general public.
- C. The arrangements for dedication or payment cash in lieu shall be made before the final *plat* is signed and listed on the final *plat*.
- D. The dedication of any lands to the City shall require approval by the City Council. For applications that do not otherwise require City Council approval, the dedication portion of the application shall still require City Council approval.

18.05.4 Easements

- A. Except as otherwise provided by *plat* note or as provided in any *easement* granted to the City by separate instrument, the property owner shall be responsible for the maintenance of all *easements* granted or dedicated to the City, and all *easements* granted or dedicated to Colorado Springs Utilities for public utilities. Drainage *easements* that are of major concern to the City shall be maintained by the City.
- B. Utility *easements* shall be provided in cases of existing utility installations. Where no utilities currently exist standard *public utility easements* shall be provided on both side and rear *lot lines*, or as determined to be necessary by the City. The utility *easements* shall generally be a total of six feet along the side *lot lines* and ten feet along rear *lot lines*; that is, three feet on each side lot line and five feet on the rear lot line.
- C. Where a *subdivision* is traversed by a watercourse, drainageway, channel, or stream, either natural or manmade, a drainage easement shall be provided at an adequate width for both water flow and maintenance operations.
- D. *Easements* may also be required by other public agencies for a variety of purposes. Such items as scenic *easements*, conservation and public access *easements* and other methods of protecting the environment may be required by the Planning Director, Planning Commission, or City Council from the *developer* or *subdivider* at any point when such *easements* are necessary.

Chapter 6. Application Procedures

18.06.1 Purpose and Organization

18.06.1.1 Purpose.

- A. This Chapter describes the review procedures for land use applications and *development* activity in Manitou Springs (The City). This chapter ensures consistency and efficiency of the administration of the City's land use regulations.

18.06.1.2 Organization.

- A. This chapter is organized into the following sections:

[18.06.1 – Purpose and Organization](#)

[18.06.2 – Procedure Table](#)

[18.06.3 – General Application Procedures](#)

[18.06.4 – Specific Application Procedures](#)

18.06.2 Procedures Table

- A. The following table summarizes the major review procedures for land use applications in the Manitou Springs. Not all procedures addressed in this chapter are summarized in this table (see subsequent sections of this chapter for additional details on each procedure).

Table 18.06.2-1: Procedures Table

Application Type	Pre-application Meeting	Body of Authority			Submittal Notice	Public Hearing Notice
		Staff Review	Planning Commission	City Council		
	X- Required (May be waived by Planning Director)	R- Recommendation Body D- Decision Body				
LUDC Amendments	X		R	D	X	X
Variances	X		D		X	X
Rezoning	X		R	D	X	X
Conditional Use Permit	X		R	D	X	X

Application Type	Pre-application Meeting	Body of Authority			Submittal Notice	Public Hearing Notice
	X- Required (May be waived by Planning Director)	Staff Review	Planning Commission	City Council		
		R- Recommendation Body D- Decision Body				
Short-term Rental Permit	X	D – For renewal of application	D – For initial application		X	
Long-term Occupancy Permits	X	D – For renewal of application	D – For initial application			
Temporary Use Permit- Minor	X	D				
Temporary Use Permit- Major	X	R	D			
Property Improvement Permit	X	D				
Concept Plan	X		D		X	X
Minor Site Plan	X	D				
Minor Development Plan (MNR)	X		D		X	X
Major Development Plan (MJR)	X	R	R	D	X	X
Minor Subdivision	X	D ^[2] With ability to refer to Planning Commission			X	X* If not administratively approved
Major Subdivision – Preliminary- Plat	X	D ^[2] With ability to refer to Planning Commission			X	X* If not administratively approved
Major Subdivision- Final Plat	X	D ^[2] With ability to refer to Planning Commission			X	X* If not administratively approved

Application Type	Pre-application Meeting	Body of Authority			Submittal Notice	Public Hearing Notice
	X- Required (May be waived by Planning Director)	Staff Review	Planning Commission	City Council		
		R- Recommendation Body D- Decision Body				
Waiver	X		D if approval authority for the plat	D if approval authority for the plat	X	X
Waiver of Replat	X	D				
Vacations-Easements	X	D				X
Vacations-Rights-of-way	X		R	D	X	X
Boundary Adjustment	X	D ^[2]			X	
Revised Final Plat	X	R	R	D		X
Sign Permit	X	D				
Grading Permit		D			X	
Wireless Facility Permit	X	D				
Hillside Development Plan	X	D			X	
Minor Modifications	X	D ^[1]	D ^[1]	D ^[1]		

^[1] Minor modifications are approved by the original approval body pursuant to [Section 18.06.3.9](#).

^[2] If a waiver is requested for an administrative review plat, then the review authority shall be referred to the City Planning Commission.

18.06.3 General Application Procedures

- A. The general application procedures in this Section provide a foundation for the specific review and approval procedures in [Section 18.06.4](#). See [Section 18.06.4](#) to determine which of these general application procedures apply to an individual application for development review.

18.06.3.1 Planning Permission

- A. Planning permission. Planning Permission shall be obtained from the City of Manitou Springs prior to beginning any *development activities*. The specific type of planning permission and procedures for such permissions shall be pursuant to the specific applications in subsequent chapters of this LUDC and in Chapter 5, Subdivision Regulations.

18.06.3.2 Pre-application meetings

- A. Purpose. The purpose of a pre-application meeting is to provide an opportunity for informal evaluation of the applicant's proposal and to familiarize the applicant and City staff with the applicable provisions of this LUDC, the Comprehensive Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.
- B. Applicability. A pre-application meeting is required for all application types per [Table 18.06.2-1](#) unless waived by the Planning Director. These types of applications shall not be accepted until after the pre-application conference is completed. The meeting should take place prior to any substantial investment, such as land acquisition for a proposed *development*, site and engineering design, or the preparation of other data.
- C. Optional for all other applications. A pre-application meeting is optional, upon the request of either the applicant or the Planning Director, prior to submission of any other application under this LUDC not listed within the Procedures [Table 18.06.2-1](#).

18.06.3.3 Neighborhood Meeting

- A. Purpose. The purpose of a neighborhood meeting is to provide the applicant with an informal opportunity to discuss the application with residents and landowners of the surrounding neighborhood(s) where the applicant can provide details of the proposed *development*, how they intend to meet the standards of this LUDC, and to encourage dialogue at an early stage in the review process. No decision regarding the application will be made at the neighborhood meeting.
- B. Applicability. Neighborhood meetings may be required with any application type, and whether a neighborhood meeting is required before an application's submittal shall be determined in the pre-application meeting. A neighborhood meeting may be deemed necessary and held at any point in the *development* review process.
- C. Notice of neighborhood meeting. An applicant holding a neighborhood meeting is required to provide mailed and posted notice of the meeting in the same manner that

would be required for an application's submittal and/or public hearings as indicated in [Section 18.6.3.7](#) (Public Notice).

- D. Attendance at neighborhood meeting. The applicant is responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. Meetings shall be in-person with the option for an optional additional online format.
- E. Time and Location. Neighborhood meetings shall be held during the regular business week and no earlier than 5:30 p.m. An alternative may be approved by the Planning Director for good cause. The neighborhood meeting shall take place at a location that is accessible to persons with disabilities within the City of Manitou Springs.
- F. Summary of neighborhood meeting. If a neighborhood meeting is held, the applicant shall designate a moderator to provide a written summary of the meeting for the associated application. The written summary shall be included in the complete application submittal.

18.06.3.4 Application Submittal Requirements

- A. Purpose. Describe general requirements for a submittal. Specific requirements may vary by the specific application type pursuant to [Section 18.06.4](#) of this LUDC.
- B. Applicability. These requirements shall be applicable to all planning submittals unless otherwise noted within this LUDC.
- C. Procedure.
 - 1. Electronic submission of the completed application form and accompanying information are required unless otherwise waived by the Planning Director.
 - 2. Submittal deadlines are per the schedule published by the Planning Department.
- D. Submittal Materials.
 - 1. Application. An application for planning permission shall be made on forms provided by the Planning Department.
 - 2. Fees. Each application shall be accompanied by the corresponding fee as established in the City Fee Schedule as adopted by resolution of the City Council.
 - 3. Checklist. A submittal checklist as provided for each application type shall accompany each submission unless otherwise noted. The checklist includes the various relevant documents that are to be included with the submittal and indicates the minimum requirements for each document.
 - 4. Letter of Intent. A letter of intent meeting the specifications of the checklist for the corresponding application type is required.
- E. Application Fees. Purpose. In order to help the City recover the cost of processing and reviewing submittals the City Council has adopted a Fee Schedule for various submission types.
- F. Applicability. All applications require an associated fee at the time of application unless otherwise specified herein. Any property owner submitting a land *development* application shall be responsible for paying all costs and fees incurred by the City in

reviewing and processing such application, including, but not limited to: attorney fees; engineering fees; surveying fees; consulting fees; recording fees; and legal publications and notice expenses.

- G. Refunds. All fees assessed pursuant to Title 18 of the Manitou Springs Municipal Code shall be non-refundable.
- H. Contingency. Final approval of any application submitted pursuant to Title 18 shall be contingent upon payment of all fees and expenses to the City. The City is not obligated to record documents, allow for the issuance of building permits, or process any applicant submittals until all outstanding costs and fees have been paid.
- I. Delinquency. In the event the City must pursue collection of an applicant's outstanding fees or costs, an applicant shall be responsible for the payment of all attorney fees and costs incurred in such collection efforts. The City reserves the right to suspend an application, withhold approval or postpone public hearings if an applicant fails to pay any fee due under this Title 18. In addition to any other remedy available, any delinquent charges due under this Title 18 may be certified to El Paso County and collected in the same manner as municipal taxes.

18.06.3.5 Application Completeness Review.

- A. Purpose. To ensure reviews are done with all applicable information, an application completeness review will be conducted for each submittal to determine that all required submittal materials are included in the submission.
- B. Applicability. All applications are subject to a completeness review prior to initiation of the review of the application. The Planning Director shall only initiate the review and processing of complete applications.
- C. Procedure.
 - 1. The Planning Director shall make a determination of application completeness within five (5) business days of application filing.
 - 2. If the application is determined to be complete, the Planning Director shall communicate with the applicant, in writing, the timeframe for application review, the application shall then be processed according to the procedures set forth in this Chapter and reviewed for compliance with the applicable regulations of this LUDC.
 - 3. If an application is determined to be incomplete, the Planning Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur and the application shall be considered inactive until such time deficient submittals are provided.
- D. Completeness Criteria. An application will only be considered complete if it includes all required forms, all mandatory information, all supporting materials specified in the associated application checklist, and is accompanied by the applicable fee.
- E. Additional supplementary materials. Additional supplementary materials may be submitted after a completeness review is complete and the application has been accepted

for review. In such events, any additional supplementary materials must be received at least thirty (30) days prior to the first hearing to be held on the application. The City may postpone and reschedule a hearing or approval deadline if such reports and studies are submitted less than thirty (30) days prior to a hearing.

18.06.3.6 Application Review.

- A. The Planning Director shall review the application and determine if it meets the standards and requirements within this LUDC. If adjustments are needed to meet approval, these will be communicated to the applicant in writing. The applicant will have the opportunity to amend the application and resubmit for subsequent review.
- B. As part of the initial review, the Planning Director shall refer the *development* application to the appropriate review agencies and specify the timeframe for comments to be due back to the Planning Director.
- C. Upon an application's resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions. Once the application has been amended to meet the approval of the Planning Director, the initial hearing shall be scheduled, if required, and a staff report prepared. The staff report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The staff report shall indicate whether, upon determination by the Planning Director, the *development* application complies with all applicable standards of this LUDC. If the approval authority lies with Staff, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this LUDC.
- D. No application shall be scheduled for a public hearing without a full review for compliance with the LUDC and applicable regulations.

18.06.3.7 Public Notice

- A. Applications which require public notice upon the application's submittal are outlined in Table 18.06.2-1. Upon submittal, posted notice shall be required on the subject property meeting the sign requirements of subsection D below that provide information about the application and how to contact the Planning Department.
- B. Applications that require a neighborhood meeting or public hearing before the Planning Commission, or City Council shall be subject to the requirements contained in this Chapter to provide for adequate notification ensuring the opportunity for public participation in land use applications within the City.
- C. Written Notice. Written notice shall be sent out twice, first following completeness review of the application to alert the property owners to the application and second, at least eleven (11) calendar days prior to a public hearing. Written notice shall be sent by mail to all property owners within three hundred (300) feet of the external boundaries of the subject site. The Planning Director may require additional mailed notification to property owners beyond the three hundred (300) foot area based upon the scope of the potential external

impacts of the proposed project. A list of property owners notified and a map illustrating the location of those properties within the required notice area shall be prepared prior to the hearing date.

- D. **Posted Notice on Subject Property.** At least eleven (11) calendar days prior to a public hearing, a notice shall be posted on the property for which the land use application is made with verification of posting by affidavit with time-stamped image for public record. The notice shall consist of at least one (1) sign facing an adjacent public right-of-way in a manner which provides the most visibility to the public of the sign. The notice shall be in the form of a sign measuring not less than one and one-half feet by two feet (18-inches by 24-inches); with lettering a minimum of one-half inch (0.5-inch) high. All lettering shall be clearly legible from the *right-of-way* the *sign* faces. The posted notice shall contain the information required in Subsection H.
- E. **Posting of Agenda.** Meeting notice, or posting of agendas, for all Planning Commission public meetings, work sessions and special meetings shall be a minimum of twenty-four (24) hours prior to the meeting, in accordance with C.R.S. § 24-6-401, et seq., the Colorado Open Meetings Law, as it may be amended. Meeting notice shall be posted at City Hall in a location visible to the public at all days and hours prior to the meeting and on the City's website.
- F. **Publication in General Circulation Newspaper.** At least eleven (11) calendar days prior to a public hearing, a notice shall be published by the Planning Department at least one time in the legal notice section of a general circulation newspaper within the City. A publisher's affidavit shall be submitted to the Planning Department prior to the hearing date to verify the publication of the required notice.
- G. In calculating the time period for public notice, the first day of publication, posting or mailing shall not be counted toward the total number of days required, but the day of the hearing shall be counted.
- H. **Required Information.** All notices shall contain, at a minimum, the following information:
 - 1. The name of the owner and the applicant;
 - 2. The property's street address and legal description;
 - 3. A vicinity map showing the subject property;
 - 4. The type of *development* and application approval(s) sought and a brief description of the *development* proposal;
 - 5. The date, time and location of the hearing and name of the decision-making body conducting the hearing;
 - 6. The telephone number and an email contact for the Planning Department; and
 - 7. Indication that more complete information about the application is available at the Planning Department.

18.06.3.8 Public Hearings

- A. No public hearing shall commence, nor testimony taken, until all notice procedures as set forth in [Section 18.06.3.7](#) (Public Notice) are met.
- B. At a hearing to consider an application, the reviewing body shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and take testimony from all interested persons in attendance.
- C. All hearings before the Planning Commission shall be open to the public.
- D. The applicant or their designated agent whose application is before the Planning Commission or City Council shall be present at the meeting.
- E. The applicant shall offer competent evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
- F. During the hearing process on all preliminary and final reviews of applications, the reviewing body may allow for up to three continuances, totaling not more than six months, to hear the matter, so the applicant may make modifications or provide additional information and evidence in support of the application. The Planning Director may provide an exemption to the limitation on continuances when a compelling reason exists as determined by the Planning Director.
- G. Postponement to a Date Certain. Hearings may be continued to a date certain and kept open to take additional information until a final decision is made. The property shall be re-posted for a continued hearing; no further publication or mailed notice for a continued hearing is required.
- H. Postponement with No Date Certain. If an application is not continued to a date certain, the application requires public notice as specified in [Section 18.6.3.7](#) (Public Notice) with payment of a notice fee per the adopted City fee schedule.

18.06.3.9 Post Approval Minor Modifications

- A. If, after planning permission has been granted, it becomes necessary to modify the approved plan, minor modifications may be approved by the original approval body. In no case shall the request for modification exceed what is allowed by zone, to include the result of cumulative requests.
- B. Minor modifications include:
 - 1. Any change in nonresidential floor space up to five percent;
 - 2. An increase in the amount of land area covered by structures up to five percent provided the total *lot coverage* complies with the maximum *lot coverage* requirements of the governing zoning district;
 - 3. Minor changes in the location of streets and utilities for reasons not caused by the applicant.

C. Approval Criteria:

1. The minor modification does not result in an increase in the approved number of *dwelling* units;
2. The minor modification does not result in a change in the housing mix or use mix ratio;
3. The minor modification does not result in a change in the character of the *development*; and
4. Mitigating measures are taken for any adverse impacts of the changes.

18.06.3.10 Appeals

- A. Purpose. This Section sets forth the process for appealing final decisions made under this LUDC.
- B. Appeals. Appeals of land use decisions are available at each level of decision-making bodies. Administrative decisions may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council, as further set forth in this Section.
- C. Standard of Review. All appeals shall be reviewed de novo based upon the criteria applicable to the subject application, which means that a new public hearing shall be held without regard to the previous hearing and decision. The applicant shall present its application and any testimony and evidence in support thereof and members of the public may present any testimony and evidence in support of their position. Planning staff may present any information they deem relevant to the application. The reviewing body shall render its decision based on the information presented during the appellate public hearing without consideration of the prior decision by the lower decision-making body.
- D. Appeals of Administrative Decisions. The Planning Commission shall hear and decide appeals of administrative decisions.
1. Notice of Decision. Notice of final administrative decisions shall be published on the City's official website.
 2. Notice of Appeal. Any person may appeal to the Planning Commission any final administrative decision made under this Chapter by filing a written notice of appeal with the Planning Department.
 3. Submittal Requirements and Review of an Appeal of an Administrative Decision. Appeals made to the Planning Commission must be made in writing and filed with the Planning Department no later than ten (10) calendar days following publication of notice the final administrative decision. The appellant must provide the required fee and a completed application form. Publication and posting shall be pursuant to Section 18.6.3.7 (Public Notice).
 4. Stay of Decision. A perfected appeal shall operate as a stay of the administrative decision unless determined otherwise by the Planning Commission.
 5. Failure to Pay Filing Fee or Meet Submittal Requirements. Any person pursuing an appeal shall be responsible for meeting the submittal requirements and deadline set

forth in Subsection 2, above. Failure to pay any required fee or properly complete and provide any required form or complete information by the appeal deadline shall be deemed a waiver of the right to appeal and a failure to exhaust administrative remedies.

6. Final Decision. Decisions of the Planning Commission shall be appealable to the City Council pursuant to the provisions in Subsection E, below.

E. Appeals of Planning Commission Decisions.

1. Notice of Decision. Notice of final Planning Commission decisions shall be deemed given when the Planning Commission decision is rendered during a public hearing.
2. Notice of Appeal. Any person may appeal to the City Council any decision of the Planning Commission made under this Chapter by filing a written notice of appeal with the City Clerk.
3. Submittal Requirements and Review of an Appeal of a Planning Commission Decision. Appeals made to the City Council must be made in writing and filed with the City Clerk no later than ten (10) calendar days following notice of the final Planning Commission decision. The appellant must provide the required fee and a completed application form. Publication and posting shall be pursuant to Section 18.6.3.7 (Public Notice).
4. Stay of Decision. A perfected appeal shall operate as a stay of the Planning Commission decision unless determined otherwise by the City Council.
5. Failure to Pay Filing Fee or Meet Submittal Requirements. Any person pursuing an appeal shall be responsible for meeting the submittal requirements and deadline as stated in Subsection 2 above. Failure to pay any required fee or to properly complete and provide any required form or complete information by the appeal deadline shall be deemed a waiver of the right to appeal and a failure to exhaust administrative remedies.
6. Final Decision. Decisions of the City Council shall be final and shall be subject to judicial review as provided by law.

18.06.4 Specific Application Procedures

18.06.4.1 Amendments to the Land Use and Development Code

- A. Purpose. The text of this LUDC may be amended pursuant this Section to respond to change in conditions or public policy, or to advance the general health, safety, and welfare of the City.
- B. Applicability. City staff, Planning Commission or City Council may initiate an amendment to the text of this LUDC. Any person may suggest to the Planning Commission that an amendment be given consideration.
- C. Procedure. Amendments to the LUDC shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter. The Planning Commission shall review the proposed change, and shall be required to make a recommendation to the City Council. The City Council may approve, deny, or modify the

proposed amendment, or the City Council may remand the matter back to the Planning Commission.

D. Approval Criteria. Recommendations and approval decisions on applications shall adhere to the following approval criteria:

7. The amendment is not likely to result in significant adverse impacts upon the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be substantially mitigated;
8. The amendment is necessary for, or supportive of, the protection of health, safety, and welfare of the community;
9. The amendment is consistent with the Comprehensive Plan and the intent stated in this LUDC;
10. The amendment is consistent with any prior approvals, official plans or policies that apply; and
11. The amendment will not significantly increase nonconformities.

18.06.4.2 Variance

- A. Purpose. The Planning Commission has the authority to vary or modify the application of the requirements of the LUDC, not related to use, so that the spirit of the LUDC is observed when the strict application of this LUDC will deprive a property of the privileges enjoyed by other properties of the same zoning classification. State and federal laws or requirements may not be varied by the City. State and federal laws or requirements may not be varied by the City.
- B. Applicability. A variance may be initiated only by the property owner or the designated representative. The application must state the relief sought and must specify the facts or circumstances that are alleged to meet the review criteria within this Section.
- C. Submittal Requirements. No application shall be set for a hearing concerning a variance before the Planning Commission until the applicant has completed the submittal requirements as found in the general development review procedures as described in [Section 18.06.3](#) of this chapter.
- D. Procedure. Applications for a Variance follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- E. Approval Criteria. No variance shall be authorized unless the Planning Commission finds that all of the following criteria have been met. The endorsement of the variance by adjacent landowners does not relieve the applicant of the burden of meeting the requirements set forth in this section:
 1. Not result in *development* of areas at risk of *natural hazards*, unless adequate mitigation is provided to the satisfaction of the Planning Director pursuant to the standards in [Chapter 18.03](#); and
 2. No adverse impact will result on adjacent properties;

- F. Additionally, variance requests must meet a minimum of four (4) of the following criteria:
1. The applicant would suffer unnecessary hardship as a result of the application the LUDC, which hardship is not generally applicable to other lands or structures in the same zone district because of the unusual configuration of the applicant's property boundaries, unique circumstances related to the location of existing structures thereon, or the existence of exceptional topographic conditions thereon;
 2. There are no design alternatives or alternative locations for structures that would eliminate the need for the requested variance or would reduce the amount of the variance required. The variance is the minimum variance that will make possible the reasonable use of the land or *structure*;
 3. The enforcement of the provisions of the LUDC deprives the applicant of rights enjoyed by a majority of the other properties in the same zone district;
 4. The need for the variance is not the result of from actions of previous property owners or is a an otherwise self-imposed hardship;
 5. There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property;
 6. The variance request is required in order to preserve a contributing structure in a historic sub district.
- G. The power to grant variances. The Planning Commission may authorize variances from the requirements of this chapter, not related to use. Variances are not available to allow a use that is not permitted in a particular zone district. A variance shall be considered an extraordinary remedy.
- H. Public Hearing and Action on the Variance Request.
1. The applicant has the burden of proof to establish the application meets the criteria set forth in this chapter.
 2. The Planning Commission may impose any conditions related to the impacts created by the variance on the issuance of a variance and may amend the variance from that requested. Such conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the property with the use of the property as contemplated by the requested variance.
 3. No single decision of the Planning Commission sets a precedent. The decision of the Planning Commission shall be made on the particular facts of each case.
 4. At the public hearing, the applicant and members of the public may appear and present such evidence and testimony as they may desire. The Planning Commission may take notice of, and may consider, any relevant facts within the personal knowledge of any member of the Planning Commission which are stated on the record. For requests for variances, the Planning Commission shall make specific findings on the factors set forth in this Section of LUDC.
- I. Issuance of Permit. Where a variance is required, a building permit may not be issued by PPRBD until the variance is approved by the Planning Commission and shall be issued

subject to the conditions imposed by the Planning Commission on the variance. For requests for variances, the Planning Commission shall make specific findings on the factors set forth in this Section of LUDC.

- J. Violation and Enforcement. Violation of an approved variance and its conditions shall be deemed a violation of this Chapter and shall be punishable as provided in [Section 18.06.4.27](#) of the LUDC.
- K. Expiration. Failure to obtain a Building Permit for the construction of a *structure* for which the variance was granted prior to one (1) year from the date of approval of the variance will cause the variance to expire. Requests for an extension of said period shall be presented to the Planning Director in writing at least thirty (30) days prior to the scheduled expiration date. The Planning Director may authorize up to one (1) additional year if cause exists for the extension and there would be no harm to the adjacent property owners or the community. Once a *structure* is completed, the variance may no longer expire and shall be transferable with the land.

18.06.4.3 Rezone

- A. Purpose. The boundaries of any zone district may be changed, or the zone classification of any parcel of land may be changed, pursuant to this Section in order to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the *City*.
- B. Applicability. A proposed change of zone district boundaries or regulations may be initiated by the City Council, Planning Commission, or by the owner of a property subject to the requested zone district boundary to be changed.
- C. Requirements for Change. Whenever the public necessity, safety, general welfare, or good zoning practice justifies such action and after consideration and recommendation by the Planning Commission as provided herein, the City Council may change zone district boundaries after public hearing for which public notice is given.
- D. Zoning Adjacency. Changes in the Zoning Map involving any zone district, except for Open Space, Parks and Public Facilities zones, requires that the area requested for rezoning abuts an existing zone district of the same zone district as that being requested on part of at least one side. The Open Space Advisory Committee shall review all applications requesting rezone to Open Space and the Parks and Recreation Advisory Board shall review all applications requesting rezone to Park.
- E. Approval Criteria. The Planning Commission and City Council shall consider the following criteria in the review of all rezoning applications:
 - 1. General conformance with the goals and policies of the Comprehensive Plan and other plans and policies adopted by the City Council;
 - 2. Compliance with applicable statutory provisions;
 - 3. Whether the rezoning will adversely impact or overburden public facilities and services;

4. Whether the rezoning will result in a higher risk to *natural hazards* and *geologic hazards*; and
5. Whether the proposed rezoning is compatible with the surrounding land uses.
6. Procedure. Applications for a Rezoning shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter except as follows:
 - a. Hearing Schedule. Upon receipt of a complete application for rezoning the Planning Department shall set the application for preliminary consideration at the next regular meeting of the Planning Commission. Public notice of the preliminary hearing and date thereof shall be sent, stating in summary the substance of said application.
 - b. Preliminary Consideration. The Planning Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations. The matter shall be set for public hearing at the next regular or special meeting of the Commission.

Planning Commission Consideration. At the public hearing, the Planning Commission shall consider the approval criteria in this section. The Commission shall either continue the matter for further information and study or shall render its recommendation to the City Council for approval, disapproval, or conditional approval of the application.
 - c. City Council Consideration. The City Clerk, upon receiving the recommendation of the Planning Commission shall set the matter on the agenda of the City Council. At such meeting the Council shall approve, approve with conditions, or disapprove the application for rezoning based on the criteria in this Section. If approved or approved with conditions, the City Council will adopt an ordinance embodying such changes, after the public hearing.
- F. Reconsideration. If a request to rezone is denied, the Planning Commission or City Council shall not reconsider the request for rezoning of the subject property until one of the following:
 1. A minimum of one (1) calendar year has elapsed after the last City Council vote on the matter; or
 2. A substantial change in the nature of the application or circumstances has occurred.
- G. Upon approval of any request for rezoning, the Planning Department shall document the amendment on the official Zoning Map of the City of Manitou Springs and notify the El Paso County Clerk and Recorder of the amendment to the official Zoning Map.
- H. Appeal. In the event that the application is denied by the City Council, or conditionally approved, and the applicant wishes to appeal the decision, the applicant may seek relief pursuant to the requirements outlined in [Section 18.06.3.10](#).
- I. Protest Against Rezoning. When a formal protest of a rezone application is received by the City, the application shall require a supermajority favorable vote of the City Council in order to be approved. A protest may be considered valid if it is supported by property

owners of twenty percent (20%) or more of the area extending a radius of three hundred feet (300-feet) from the land which is subject to the proposed change. The protest must be filed with the City Clerk at least twenty-four hours prior to the City Council's vote on the change and contain the following items:

1. A written protest may be submitted by property owners of lots or land either covered by the proposed change or located within one hundred (100) feet of the area covered by the proposed change.
2. A written protest shall be submitted on a form provided by the *City* and shall contain the following information:
 - a. A description of the zoning case at issue;
 - b. Email and phone number of the protest petitioner(s)
 - c. The names and original signatures of all persons protesting the proposed zoning action; and
 - d. A description or address of the area of lots or land owned by the protesting parties.
3. The written protest form must be signed by the owner of the property, or by their authorized representative. The signature of any one owner of a property with multiple owners shall bind the entire property to the protest.
4. In the case of property owned by a corporation, a general partnership, or a limited partnership, the protest must be signed by the individual duly authorized by the Secretary of the State of Colorado.
5. For condominium lots or land to be included in a valid protest, the written protest form must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to the owner's respective undivided interest in the common elements of the condominium.
6. All signatures on a written protest form shall be notarized or witnessed. The notary requirement is fulfilled if the person who obtains the signatures signs a certification stating that:
 - a. They witnessed those signatures; and
 - b. The signatory represented their authority to sign the petition.
7. In all cases where a written protest form has been properly signed pursuant to this subsection, the City shall presume that the signatures are authentic and that the persons or officers whose signatures appear on the protest form are either owners of the property or authorized to sign on behalf of one or more owners as represented. The City Attorney may advise the City Council that this presumption of validity should not be followed in a specific case based on evidence presented.
8. Withdrawal of Protest Signature(s) or Protest Form(s).

- a. A protest, once filed, remains in effect unless withdrawn in accordance with this subsection, irrespective of any amendments made to the zoning proposal. Requests to withdraw a protest form or individual protest signature(s) that have been filed must be in writing and filed with the City Clerk before the filing deadline.
 - b. The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.
- 9. Conflicting Submissions. If multiple protests and withdrawals are filed on behalf of the same owner, the submission with the most recent date and time of execution controls.

18.06.4.4 Conditional Use Permits

- A. Purpose. The conditional use requirement is intended for certain land uses with unique operating and/or physical characteristics requiring careful consideration of their impact upon the surrounding area and public facilities. The additional consideration allows for recommendations to be imposed by the City Council and Planning Commission.
Applicability. Conditional use approval shall be required for those uses not specifically permitted in the particular zone district.
- B. Submittal Requirements. No application shall be set for a hearing concerning a Conditional Use Permit until the applicant has completed the submittal requirements as found in the Conditional Use Checklist.
- C. Approval Criteria. The Planning Commission and City Council shall consider the following criteria in the review of all Conditional Use Permit applications:
 - 1. That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured, and the request is compatible in function and design with surrounding land uses;
 - 2. Would not create a nuisance or overburden public facilities such as roadways and utility systems, or be a threat to the public health, safety, or welfare of the community;
 - 3. Is not a violation of a any provision of the design guidelines, City, Manitou Springs Municipal Code, State of Colorado law, or other rule or regulation;
 - 4. conditional uses shall not be allowed on properties subject to *natural hazards* unless adequate mitigation is provided pursuant to Chapter 18.03.10: Natural Hazard Risk Reduction and Mitigation;
 - 5. Is consistent with the intent and purpose of this LUDC and does not injure public health, safety and general welfare; and
 - 6. Is consistent with the goals and policies of the adopted comprehensive plan.
- D. Procedure. Applications for a Conditional Use shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#). of this Chapter, except as follows:
 - 1. Submitted materials are reviewed by the Planning Department for completeness and, if complete and found to be compliant with all applicable codes and regulations,

placed on the Planning Commission agenda for public hearing. After consideration of staff, professional/technical agency and public comment, the Planning Commission shall make a recommendation to the City Council of either approval, approval with conditions, or denial of an application based upon the criteria in [Subsection 18.06.4.5.C](#).

2. After the Planning Commission has made its recommendation, the application shall be forwarded to the City Council for consideration. The City Council shall approve, approve with conditions, or deny an application based upon the criteria in [Subsection 18.06.4.5.C](#) and the Planning Commission's recommendation.
 3. Except as otherwise decided by the City Council for conditional use permits, the *development* of a conditional use shall conform to the applicable regulations of the district in which it is to be located.
- E. Revocation. Upon a determination by the Planning Department that there is a failure to comply with a condition of a conditional use permit, the Planning Department shall forward that determination to the Planning Commission for review at a public hearing. The Planning Commission shall consider staff's recommendation and make a recommendation to the City Council regarding whether a failure to comply with a condition of the conditional use permit exists. At a public hearing, the City Council shall determine that either there is no failure to comply with a condition or it shall revoke the conditional use permit if it determines that a violation of a condition has occurred.
- F. Expiration and Discontinuance.
1. Expiration. A conditional use granted pursuant to this part shall expire within twelve months from the date of final approval if action is not taken within that time. An extension may be granted by the Planning Director of one, six-month period for good cause. For purposes of this subsection, "action" means obtaining a building permit, pursuant to the granting of the conditional use, or if a building permit is not required, obtaining a business license associated with the conditional use request, or the right which is granted pursuant to the conditional use is put to use pursuant to the conditional use approval.
 2. Discontinuance and Termination of Right. If a legally established conditional use is *abandoned* or discontinued for a period of twelve continuous months, the Conditional Use Permit shall be considered expired. Prior to expiration of the Conditional Use Permit due to discontinuation, the Planning Director may approve one, six-month extension of the Conditional Use Permit if no major changes to the site design are required. Upon an expiration, the property affected shall be subject to all provisions and regulations of this LUDC applicable to the zone district which such property is classified.
- G. Transferability. Conditional Use Permits shall run with the land.

18.06.4.5 Short-Term Rental Permits

- A. Purpose. The regulations herein establish governing procedures for Short-Term Rental Permits. Use standards related to short term rentals are outlined in [Section 18.04.5.4](#).

- B. Applicability. To operate as a short-term rental, the owner of the property must obtain a Short-Term Rental Permit from the Planning Department pursuant to the criteria in this chapter. The owner must also obtain a business license from the City prior to listing the property as a short-term rental.
- C. Procedure. Applications for a Short-Term Rental Permit follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- D. Submittal Requirements. Applications for Short-Term Rental Permits. Short-Term Rental Permits shall meet the submittal requirements as found in the Short-Term Rental Permit Checklist.
- E. Criteria for approval:
 - 1. Short-term rental does not adversely impact the surrounding uses; and
 - 2. Short-term rental does not encroach upon traditional neighborhood characteristics.
- F. Listing Requirements. At the time of listing the short-term rental with any lodging or booking agency or website designed to find customers, a copy of the listing ad must be provided to the City for each booking agency or website where the owner is advertising for renters. Each listing must contain the Short-Term Rental Permit number in the advertisement and a statement that unit is in compliance with all Manitou Springs Municipal Code requirements. The sole act of advertising a property as a short-term rental requires approvals as outlined in this LUDC, failure to comply with this requirement, and to include this information in all advertised listings is a violation of this chapter.
- G. Transferability. The short-term rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property, including change between private ownership and a corporation or other legal entity. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.
- H. Annual Renewal Required. The short-term rental unit permit is valid for one year from the date of issuance. The permit is required to be renewed for additional one-year periods in order to be in compliance with this LUDC. Short-term rentals which fail to renew the Short-Term Rental Permit terminate their right to operate and forfeit their 500-foot radius from other Short-Term Rental Permit applications.
- I. Existing Permitted Short-Term Rentals. Permitted short-term rentals in existence as of June 7, 2016 may continue to operate subject to their previously issued conditional use permits until the use is terminated or revoked. A short-term rental in existence prior to June 7, 2016, seeking to amend their existing permit shall apply for a new Short-Term Rental Permit per the standards in this Section.
- J. Abandonment and Revocation of Existing Permitted Short-Term Rentals. Use of property for short-term rental shall be deemed *abandoned* upon delivery to the City of written notice by the property owner, operator, or its representative that units previously approved for occupancy short-term rental will no longer be used for that purpose. Permitted owners must notify the City of the closure of the short-term rental within thirty

days. Once the use of property for short-term rental occupancy is *abandoned*, approval of a new application under the provisions of this chapter shall be required before the property may be used again for a short-term rental. In addition to the basis for revocation as described in this section, any violation of this chapter may also be a basis for revocation subject to the procedure in [Section 18.06.4.27](#). The short-term rental shall also be considered *abandoned* if the short-term rental discontinues use for a period of twelve continuous months.

- K. Inspection. The owner shall permit the City to inspect the short-term rental *dwelling* unit or individual rooms at any time for compliance with the provisions of this chapter and other provisions of this LUDC. The permittee shall maintain records of occupancy for each short-term rental unit, which shall be made available to the City, upon request, for review and inspection at any time.
- L. Violation and Penalties. A violation of this chapter is subject to the procedure in [Section 18.06.4.28](#) of this LUDC and may subject the short-term rental to revocation. Any person or entity that fails, violates or refuses to comply with any requirement of this chapter shall be punishable as provided in [Section 18.06.4.28](#) of the LUDC, as amended.

18.06.4.6 Long-Term Occupancy Permits

- A. Purpose. The regulations herein establish governing procedures for hospitality and lodging uses related to Long-Term Occupancy Permits.
- B. Applicability. All *commercial* hospitality establishments, such as a hotel or motel, with occupancy for a period greater than thirty (30) days shall require a *long-term occupancy* permit. The duration of occupancy shall be calculated based upon the number of nights of occupancy of an individual in the establishment as a whole, not the number of nights of occupancy of a single room. The purpose is to prohibit the avoidance of an occupancy being determined to be long-term by moving from one room to another, while remaining at the establishment for a period of longer than thirty (30) days.
- C. Procedure. Applications for a Long-Term Occupancy Permits shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- D. Submittal Requirements. Applications for *long-term occupancy* permits shall meet the submittal requirements as found in the *Long-Term Occupancy Permit Checklist*.
- E. Monthly Reporting. For monitoring purposes, long-term lodging room usage shall be reported to the City quarterly.
- F. Approval Criteria. No license shall be issued unless the *long-term occupancy* permit is approved for each unit. All long-term occupancy permits must meet the criteria of the *long-term occupancy* permit standards in [Section 18.04.5.3](#)
- G. Authority to Impose Conditions. The Planning Department shall have the authority to impose such reasonable terms and conditions on a permit as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this chapter and applicable law, including without limitation, limiting the number of units

that may be used for *long-term occupancy* lodging to less than the number of units sought on the application.

- H. Renewal, Termination and Abandonment. Issuance of a permit to operate units for *long-term occupancy* shall be for a term of five (5) years. Applications for a permit shall be made to the Planning Department on forms provided by the City and subject to any applicable fees. *Long-Term Occupancy* Permits shall be approved or denied by the Planning Department.
1. Alterations to any unit permitted for *long-term occupancy* shall automatically extinguish the permit for such unit unless the alterations are approved in advance by the Planning Department. For purposes of this chapter, the term "alterations" means modifications to any of the items included in the plans included with the application that was approved by the City (such as without limitation, modifications to the floor plan, the parking plan, the window(s), or kitchen appliances).
 2. An application for renewal of an existing permit shall be made to the Planning Department not less than sixty (60) days prior to the date of expiration of the license. The license may be renewed administratively by the Planning Department if no violations of this chapter or the terms of the license have occurred. The Planning Department may forward the renewal application to the Planning Commission if the Planning Director believes a violation has occurred, in which case the renewal shall be set for a public hearing after proper notice.
 3. No *long-term occupancy* unit approved under the provisions of this chapter shall be deemed *abandoned* solely due to the temporary use of the unit for *short-term occupancy*, which shall be permissible. Use of property for *long-term occupancy* shall be deemed *abandoned* under the following conditions:
 - a. Written notice by the property owner, operator, or its representative that units previously approved for *long-term occupancy* will no longer be used for *long-term occupancy*; or
 - b. Cessation of use of the *structure* in which the *long-term occupancy* units exist as a hotel, motel, or similar housing facility, for a duration of ninety (90) consecutive days or for ninety (90) days during any one hundred eighty (180) day period, excluding structures that are actively undergoing repairs during this timeframe. Once the use of property for *long-term occupancy* is *abandoned*, a new application under the provisions of this chapter shall be required to use property for *long-term occupancy*.
- I. Once the use of property for *long-term occupancy* is *abandoned*, a new application under the provisions of this chapter shall be required to use property for *long-term occupancy*. Inspection. The permit shall allow the City to inspect its *long-term occupancy* rooms at any time for compliance with the provisions of this chapter and other provisions of this LUDC. The licensee shall maintain records of occupancy for all rooms licensed for *long-term occupancy*, which shall be made available to the City for City review and inspection at any time.

- J. Suspension and Revocation. The City Council may, after notice and hearing, suspend, revoke or refuse to renew a long-term occupancy permit, or part thereof, for violations of the terms of such permit, or for violations of this chapter, including without limitation, the use of rooms in the same facility for long-term occupancy not permitted for such use, or the failure to pay lodging tax as required by this LUDC.

18.06.4.7 Temporary Use Permit - Minor

- A. Purpose. The Minor Temporary Use Permit procedure is intended to provide a mechanism for enforcement of the temporary use regulations that apply to short-term, seasonal, and/or transient uses such as community events, fresh produce stands, and temporary promotions by permanent *businesses*, but does not apply to short-term rental units. A Minor Temporary Use Permit is required to ensure the public health, safety, and welfare is protected by a review of the proposed temporary use. This process is to identify and mitigate any potential nuisance and minimize impacts on surrounding uses.
- B. Applicability. No minor temporary use shall be placed or established on the property without first receiving a minor temporary use permit, unless exempted from the permit requirements by [Section 18.4 Use Regulations](#). Examples include wedding receptions, or other special events lasting three (3) days or less where a monetary consideration or fees for such use of the property or attendance is involved.
- C. Exemptions. The following uses are permitted and shall not be regulated as temporary uses:
 - 1. Construction Office or Yard, Temporary (included in Building Permit approval); and
 - 2. Garage Sale or Yard Sale, Temporary.
- D. Procedure. Temporary Use Permits shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in set forth in this [Section 18.06.3](#). of this Chapter.
- E. Application Submittal. All applications for temporary use permits shall be filed at least four (4) weeks prior to the date the temporary use will commence.
- F. Action by Director. The Planning Director shall review each application and distribute the application to other agencies for review as they deem necessary. If it's found the request complies with all applicable codes and regulations, the Planning Director shall take final action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria below.
- G. Duration of permit. A temporary use permit shall be valid only for the time period stated on the permit unless otherwise authorized in this LUDC. Duration of permit. A temporary use permit shall be valid only for the time period stated on the permit unless otherwise authorized in this LUDC.
- H. Approval criteria. The Planning Director shall issue a temporary use permit upon finding the proposed temporary use satisfies the requirements set forth in [Section 18.04.24, Accessory and Temporary Uses](#), and:

1. The use will not be detrimental to the public health, safety, and general welfare, and is compatible with the purpose and intent of this LUDC and the zone district in which it will be located; and
 2. If located outside of the Downtown zone district, adequate off-street parking meeting the standards in [Section 18.03.8](#) is provided to serve the use.
- I. Termination of Permit. The temporary use permit shall terminate upon expiration of the time limit specified in the permit.

18.06.4.8 Temporary Use Permit- Major

- A. Purpose. The Major Temporary Use Permit procedure is intended to provide a mechanism for enforcement of the temporary use regulations that apply to more intensive and more complex short-term, seasonal, and/or transient uses such as community festivals, major events, and temporary promotions by permanent *businesses*, but does not apply to short-term rental units. A Major Temporary Use Permit is required to ensure the public health, safety, and welfare is protected by a review of the proposed temporary use. This process is to identify and mitigate any potential nuisance and minimize impacts on surrounding uses.
- B. Applicability. No major temporary use shall be placed or established on the property without first receiving a temporary use permit, unless exempted from the permit requirements by [Section 18.04 Use Regulations](#). Major events are temporary uses such as those in minor events, but in addition propose any of the following:
1. Road closures or detours
 2. Food or alcohol vending (including food trucks)
 3. Medical or security presence will be provided
 4. One hundred (100) or more expected visitors
 5. The use of public property, such as schools, parks, or public rights-of-way.
 6. Events that last more than three (3) days but less than seven (7) days in a thirty (30) day period and are limited to two (2) events per year on the same property.
- C. Exemptions: The following uses are permitted and shall not be regulated as major temporary uses:
1. Construction Office or Yard, Temporary (included in Building Permit approval); and
 2. Garage Sale or Yard Sale, Temporary.
- D. Procedure. Major temporary Use Permits shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- E. Application Submittal. All applications for temporary use permits shall be filed at least six (6) weeks prior to the date the temporary use will commence.
- F. Action by Director. The Planning Director shall review each application and distribute the application to other agencies for review as they deem necessary. If it's found the request complies with all applicable codes and regulations, the Planning Director shall make a

recommendation to the Planning Commission who shall make an action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria below.

- G. Duration of permit. A major temporary use permit shall be valid only for the time period stated on the permit unless otherwise authorized in this LUDC.
- H. Approval criteria. The Planning Commission shall issue a temporary use permit upon finding the proposed major temporary use satisfies the requirements set forth in [Section 18.4.23, Accessory and Temporary Uses](#), and:
 - 1. The use will not be detrimental to the public health, safety, and general welfare, and is compatible with the purpose and intent of this LUDC and the zone district in which it will be located; and
 - 2. If located outside of the Downtown zone district, adequate off-street parking meeting the standards in [Section 18.03.8](#) is provided to serve the use.
- I. Termination of Permit. The major temporary use permit shall terminate upon expiration of the time limit specified in the permit.

18.06.4.9 Property Improvement Permit (PIP)

- A. Purpose. The Property Improvement Permit (PIP) is used to ensure modifications and improvements to existing structures are within the bounds of the applicable zoning regulations.
- B. Applicability. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, alteration, enlargement, extension, or moving of any building, structure or any portion thereof, without first having applied in writing to the Planning Department (for a Property Improvement Permit) or PPRBD (for a Building Permit), as applicable, and until such permit has been granted.
- C. Expiration. Unless construction is begun within a period of six months from the date of approval, such approval shall expire unless good cause can be shown to the Planning Director that the PIP should not expire. A PIP is valid as long as an associated Building Permit is in effect. In the event good cause is shown that a PIP should not expire, the Planning Director may extend the permit for up to one, three-month period. This expiration period shall not apply if it is otherwise specified by a development agreement approved by the City Council.

18.06.4.10 Concept Plan

- A. Purpose. The concept plan allows for an evaluation of the proposed *development* before detailed planning and engineering work is undertaken and before substantial expenses have been incurred by the applicant prior to submission of final application.
- B. Applicability. A *developer* may obtain a concept plan review by the Planning Commission at the *developer's* request. Submittal of a concept plan for review shall be voluntary.

- C. Procedure. Concept Plans shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter, except as follows:
1. The Planning Commission shall not make comments on a concept plan until all agencies that would typically comment on a *development* proposal have had a chance to review and comment on the concept plan.
- D. Submittal Requirements. No application shall be set for a public hearing concerning a Concept Plan until the applicant has completed the submittal requirements as found in the Concept Plan Checklist.
1. If a concept plan is submitted for review, the *developer* shall submit, after preliminary consultation with the Planning Director, a concept plan delineating the basic land use, land use intensity, internal pedestrian and traffic circulation, *open space*, and other *development* patterns.
- E. Approval Criteria. The Planning Commission shall evaluate the concept plan by considering whether or not:
1. The concept plan is consistent with the general purpose and intent of this LUDC;
 2. The proposed land uses, densities, and intensities are consistent with the Comprehensive Plan, and applicable zoning districts;
 3. Whether the conceptual *development* will result in a higher risk to *natural hazards* and *geologic hazards*;
 4. The proposed *development* is consistent with the dimensional, design, *development*, and all other standards of this LUDC; and
 5. The proposed *development* provides adequate mitigation for anticipated adverse impacts to surrounding neighborhoods and the City.
- F. Limitations on Recommendations. Recommendations on the concept plan do not constitute a waiver of any required *development* or *subdivision* process. Comments and recommendations made during the concept plan review process shall not be binding upon the City or any City board, committee, or commission.

18.06.4.11 Minor Site Plans

- A. Purpose. The purpose of the *Minor Site Plan* is to provide a mechanism to ensure that proposed small-scale *development* complies with the standards of this LUDC before issuance of a Building Permit.
- B. Applicability. A *Minor Site Plan* is required before issuance of a Building Permit for:
1. The new construction of a Single-Household Detached dwelling unit;
 2. The new construction of a Two-Household Duplex;
 3. The new construction of accessory structures with a gross floor area of larger than 200 square feet and/or have a building height of taller than eight (8) feet;

4. The construction of an addition onto an existing Single-Household Detached dwelling or Two-Household Duplex dwelling which does not increase the number of dwelling units on the property;
 5. The construction of an addition onto, or conversion of, an existing Single-Household Detached dwelling which adds an additional dwelling unit attached to the primary structure, converting the structure into a Two-Household Duplex dwelling, where permitted by right in the zone district; and
 6. The alteration or installation of minor site or building improvements, or changes to the existing site or building which require documentation, such as the construction or alteration of a trash enclosure, parking lot, required landscaping, or screening.
- C. Exemptions. A *Minor Site Plan* should not be used to document:
1. A change from a residential use category to a nonresidential use category, or a change of a nonresidential use to another nonresidential use;
 2. Additions to nonresidential structures; and
 3. *Improvements* that increase the operational area of the primary nonresidential use, such as an outdoor *patio*.
- D. Procedure. Applications for a *Minor Site Plan* shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- E. Approval Criteria. The Planning Director shall approve the request if:
1. The request complies with all requirements of this LUDC; and
 2. The request does not affect the site's circulation pattern or result in an increase to the site's parking or landscaping requirement, or other dimensional or *development* standard. If so, the request shall be reclassified as a *Minor Development Plan*.
- F. Expiration. If no building permit is issued for an alteration requiring the approval of a Building Permit within twelve months after planning permission has been granted then that permission will lapse, unless good cause can be shown to the Planning Director. In the event that good cause is shown, the permission may be extended by the Planning Director for up to one, twelve-month period. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a building permit was not issued by the deadline. Examples of good cause include delays in building permit review by the reviewing agency, inability to secure financing in a timely manner, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.

18.06.4.12 Minor Development Plans (MNR)

- A. Purpose. The *minor development* plan (MNR) is intended to provide for streamlined review for small scale projects with limited impact. A *Minor Development Plan* (MNR) shall be required prior to issuance of a grading, if applicable, or building permit, or other *minor development* activities.

- B. **Applicability.** A *development* is eligible for *minor development* plans if it meets the below criteria. Should a *development* not meet this criterion, it would follow the *development* process for *Major Development* Plans (MNR):
1. The new construction of more than one (1) but no more than four (4) single *household, detached dwelling* units;
 2. The new construction of more than one (1) but not more than four (4) *Two-Household Duplex dwelling* units;
 3. The new construction of no more than four (4) attached *dwelling* units meeting the definition of *Single-Household Attached dwellings*;
 4. The new construction of a *Small Multi-Household dwelling* containing no more than eight (8) units;
 5. The conversion of an existing *Single-Household Detached dwelling* into *Single-Household Attached dwelling* units, not to exceed three (3) total *dwelling* units, and the conversion of a *Single-Household Detached dwelling* into a *Small Multi-Household Detached dwelling*, not to exceed eight (8) total *dwelling* units, where permitted by right in the zone district;
 6. The conversion of an existing *Two-Household Duplex dwelling* into a *Single-Household Attached dwelling* units, not to exceed three (3) total *dwelling* units, and the conversion of a *Two-Household Duplex dwelling* into a *Small Multi-Household Detached dwelling*, not to exceed eight (8) total *dwelling* units, where permitted by right in the zone district;
 7. The expansion in *gross floor area* of existing nonresidential *development* by thirty percent (30%) or less;
 8. The conversion from nonresidential to mixed-use dwelling, not to exceed three (3) total dwelling units, where permitted in the zone district; or
 9. A change from a nonresidential use to another nonresidential use without significant off-site impacts.
- C. **Exemptions.** A *Minor Development* Plan should not be used to approve a change from a residential use category to a nonresidential use category.
- D. **Procedure.** Applications for a *Minor Development* Plan shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in set forth in this [Section 18.06.3](#). of this Chapter.
- E. **Submittal Requirements.** No application shall be set for a public hearing concerning a *Minor Development* Plan until the applicant has completed the submittal requirements as found in the *Minor Development* Plan Checklist.
- F. **Approval Criteria.** The Planning Commission shall consider the following criteria in the review of all *Minor Development* Plan applications:
1. General conformance with the goals and policies of the Comprehensive Plan and other plans and policies adopted by the City Council;

2. The details of the use, site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood;
3. The project meets dimensional standards applicable to the zone district, such as but not limited to building *setbacks*, *building height*, and *building area*, or any applicable requirement;
4. The project grading, drainage, flood protection, stormwater quality, and stormwater mitigation complies with the applicable Sections of this LUDC;
5. The project complies with all the *development* standards of this section; and
6. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.

G. Expiration.

1. If no building permit is issued on a *Minor Development* within twelve months after approval has been granted by the Planning Commission then that permission shall expire, unless good cause can be shown to the Planning Director. In the event that good cause is shown, the permission may be extended by the Planning Director for up to one, twelve-month period.

H. “Good cause” for purposes of this section shall mean justifiable and reasonable reasons why a building permit was not issued by the deadline. Examples of good cause include delays in building permit review by the reviewing agency, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant’s failure to pursue the *development* with due diligence.

18.06.4.13 Major Development Plans (MJR)

- A. Purpose. The purpose of the Major Development Plan (MJR) is to provide for successful development that benefits the community and is in harmony with the character of the community and its environment. The intent is to ensure that the development is in conformance with the Comprehensive Plan, the Open Space Plan, the Historic Preservation Ordinance and Design Guidelines (as applicable), and this LUDC.
- B. Applicability. A *Major Development Plan* (MJR) shall be required prior to issuance of a grading or building permit, or other *major development* activities. The following types of *development* are eligible for the MJR:
 1. The conversion of vacant privately-owned land to a new use;
 2. The new construction of nonresidential development;
 3. The new construction of five (5) or more Single-Household Detached dwelling units;
 4. The new construction of five (5) or more Two-Household Duplex dwelling units;
 5. The new construction of five (5) or more attached dwelling units meeting the definition of Single-Household Attached;
 6. The construction of a Large Multi-Household dwelling;

7. The conversion of any existing residential use into Single-Household Attached dwelling units, with four (4) or more total dwelling units, where permitted in the zone district;
 8. The conversion of any existing residential use into a Large Multi-Household Detached dwelling where permitted in the zone district;
 9. Expansion in gross floor area of existing nonresidential development by thirty-one percent (31%) or more;
 10. New construction with potential visual impacts from developed rights-of-way or key public places to Pikes Peak and/or Garden of the Gods;
 11. A change from a residential use category to a nonresidential use category, or a change of a nonresidential use to another nonresidential use with the potential for significant off-site impacts;
 12. The conversion from nonresidential to mixed-use dwelling, with four (4) or more total dwelling units, where permitted in the zone district; or
 13. Any other *development* not eligible for the *Minor Development Plan*.
- C. Procedure. Applications for a *Major Development Plan* shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter
1. Submittal Requirements. No application shall be set for a public hearing concerning a *Major Development Plan* until the applicant has completed the submittal requirements as found in the *Major Development Plan Checklist*.
- D. Approval Criteria. Approval Criteria. The Planning Commission and City Council shall consider the following criteria in the review of all *Major Development Plan* applications:
1. General conformance with the goals and policies of the Comprehensive Plan and other plans and policies adopted by the City Council;
 2. The details of the use, site design, building location, scale, and orientation are compatible and harmonious with the surrounding neighborhood, *buildings*, and uses;
 3. The project meets dimensional standards applicable to the zone district, such as building *setbacks*, *building height*, and *building area*, or any applicable requirement;
 4. The proposed grading, drainage, flood protection, stormwater quality, and stormwater mitigation complies with applicable Sections of this LUDC;
 5. The project complies with all the *development* standards of this section;
 6. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site;
 7. The project connects to or extends adequate public utilities to the site as required;
 8. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection *improvements* to provide for safe and efficient movement of multi-modal traffic and pedestrians, meets public safety needs for ingress and egress, and a City accepted traffic impact study, if required; and

9. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable. Impacts may include, but are not limited to scale, shadowing, parking, light, odor, and noise.
- E. Expiration.
1. If no building permit is issued on a *Major Development* within twelve months after planning permission has been granted by the City Council then that permission will expire, unless good cause can be shown to the Planning Director that the permission should not lapse. In the event that good cause is shown, the permission may be extended by the Planning Director for up to one, twelve-month period.
 2. “Good cause” for purposes of this section shall mean justifiable and reasonable reasons why a building permit was not issued by the deadline. Examples of good cause include delays in building permit review by the reviewing agency, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant’s failure to pursue the *development* with due diligence.

18.06.4.14 Minor Subdivisions

- A. Purpose. The minor subdivision process is intended to provide a streamlined review process of a Final *Plat* for minor subdivisions as described in the eligibility section below.
- B. Applicability.
1. No building permits shall be issued for the construction or reconstruction of structures upon any land or the addition to any building or *structure* situated on any land, unless such land has been subdivided and platted in accordance with the procedures set out in these regulations.
 2. Every owner of any lot, tract, or parcel of land within the incorporated City who may create a *subdivision* shall submit a *subdivision plat* to the City in accordance with these provisions.
- C. Eligibility. The *minor subdivision* procedure is allowed for the following:
1. Subdivisions creating four (4) or fewer lots.
- D. Limitations.
1. There shall be no *public right-of-way* dedication allowed with a minor subdivision;
 2. The minor subdivision may not involve any waiver to the regulations of this LUDC; and
 3. If a proposed minor subdivision would result in conditions that do not comply with other conditions whether on another final *plat* or *major development* plan imposed by the City Council, or results in changes affecting parties other than the applicant, the application shall require review and approval through the major subdivision process.
- E. Submittal Requirements. Applications for minor subdivisions shall mean the preparation and review of a Final Plat, as defined, and the application shall meet the submittal requirements as found in the Minor Subdivision Checklist.

- F. Procedure. Applications for a minor subdivision shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- G. Decision. The Planning Director shall approve as requested, approve with conditions, or disapprove the minor subdivision *plat*.
1. Approval. If the Planning Director approves the minor subdivision *plat*, the applicant will be notified in writing. Approval of the minor subdivision *plat* by the Planning Director shall be deemed as its certification.
 2. Approval with Conditions. If the Planning Director approves the minor subdivision *plat* with conditions, the applicant will have ninety days from the date of the receipt of the letter stating the conditions to fulfill the conditions unless otherwise specified by the Director. Failure of the applicant to fulfill all conditions within the ninety-day time limitation shall render the approval void.
 3. Disapproval. The Planning Director shall provide notification to the applicant with all reasons for denial clearly specified in writing.
 4. The Planning Director may, in his or her discretion, refer a minor subdivision to the Planning Commission for review when the scope or nature of the proposed development may substantially impact the neighborhood due to vehicular or pedestrian traffic, parking, views, noise, disruption of natural areas, or similar impacts. The Planning Commission shall review the minor subdivision at a public hearing and shall conduct its review under the same standards set forth for review by the Planning Director in this section.
- H. Recording. Following the approval of a minor subdivision, the *subdivider* or their agent shall submit one copy of the minor subdivision *plat* on suitable drafting film as approved with the notarized signatures of all owners and the surveyor within six months following its approval. The minor subdivision shall be signed by the City's authorized representative. The minor subdivision shall then be recorded in the office of the County Clerk and Recorder within thirty (30) days.
- I. Approval Criteria. The Planning Director shall approve the request if:
1. The minor subdivision is consistent with the Comprehensive Plan and other adopted City plans;
 2. The minor subdivision is consistent with and complies with the requirements specific zoning district in which it is located;
 3. The lots created with the proposed minor subdivision have a buildable area that would not require a future Waiver in order to construct the use the lot is intended for;
 4. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved *plat* or *development plan*;
 5. The minor subdivision exhibits the requirements of a Final *Plat* as defined;
 6. Will not limit the City's ability to effectively provide facilities or services; and
 7. Identifies known *natural hazard areas* and/or *geologic hazard* conditions.

- J. Improvement Guarantee. Approval of a minor subdivision *plat* authorizes the *subdivider* to proceed with the *subdivision*. However, no lot(s) shall be sold unless either the required *improvements* have been installed and accepted by the City or the cost of said *improvements* have been financially assured per [Section 18.05.2.4](#).
- K. Expiration. Failure to submit the approved minor subdivision for recording within six (6) months after the date of the approval letter shall void the approval and the *subdivider* shall be required to submit a new *Minor Subdivision* application for review. Prior to expiration of the six-month period, the Planning Director may grant one (1) extension for a period of not more than six (6) months upon the *subdivider's* request and for good cause.
 - 1. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a minor subdivision *plat* was not approved by the deadline. Examples of good cause include delays in preparation of the minor subdivision *plat*, delays in scheduling a minor subdivision *plat* for the required public hearings, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.

18.06.4.15 Major Subdivisions

- A. Purpose. The major subdivision process provides a procedure for those plats or *replats* which do not qualify as minor subdivisions and consist of both preliminary plats and final plats.
- B. Applicability. The major subdivision procedure is required for a proposed division of land when any one (1) or more of the following conditions exist:
 - 1. Dedication of *public right-of-way* or other public tracts;
 - 2. The resultant *subdivision* will produce five (5) or more lots; or
 - 3. The *subdivision* is not otherwise eligible for the minor subdivision process.
- C. Submittal Requirements. Applications for major subdivisions shall mean the preparation and review of a Preliminary Plat and Final Plat, as defined, and the application shall meet the submittal requirements as found in the Major Subdivision Checklist.
- D. Overview of Procedure. Major subdivisions require two (2) steps.
 - 1. Preliminary *plat*, which requires approval by the Planning Director; and
 - 2. Final *plat*, which requires approval by the Planning Director.
 - a. A Preliminary *Plat* may be substituted with a Major Development Plan if submitted concurrently for review or has received approval within twelve months of the major subdivision's application. An approved Major Development Plan shall not be required to be re-heard by the Planning Commission. A Major Development Plan submitted concurrently for review shall follow its applicable procedure and may align with the Final *Plat* public hearing schedule outlined below or be scheduled for a public hearing ahead of a Final *Plat*. In no instance shall a Final *Plat* be heard before the *Major Development* Plan.

- E. Preliminary Plat Procedure. Preliminary Plats shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter, except as follows:
1. Upon the receipt of all application requirements and consideration of the comments of other agencies, the Planning Director shall approve, conditionally approve, or deny the preliminary *plat* based on the approval criteria in this section.
 2. If the preliminary *plat* is conditionally approved or disapproved the reasons shall be noted in writing and, if possible, recommendations made for the *developer* to obtain *plat* approval.
 3. Upon approval of the preliminary *plat* by the Planning Director, the *subdivider* shall provide any required guarantees for the installation of *improvements* and is then authorized to proceed with the preparation of a final *plat*.
- F. Preliminary Plat Approval Criteria. In reviewing a preliminary *plat* application, the Planning Director shall consider whether the preliminary *plat* meets the following:
1. General conformance with the goals and policies of the Comprehensive Plan and other plans and policies adopted by the City Council;
 2. The preliminary *plat* is consistent with and complies with the requirements specific zoning district in which it is located;
 3. The lots created with the proposed *Major Subdivision* have a buildable area that would not require a future Waiver in order to construct the use the lot is intended for;
 4. As applicable, the preliminary *plat* is consistent with the terms and conditions of any previously approved *development* plan or final *plat*;
 5. The project meets minimum dimensional standards applicable to the zone district, such as lot size and lot frontage;
 6. Provides a layout of lots, streets, *blocks*, driveways, utilities, drainage, and other public facilities pursuant to Chapter 18.05;
 7. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site; and
 8. Will not limit the City's ability to effectively provide facilities or services.
- G. Expiration. Approval or conditional approval of a preliminary *plat* shall be effective for one (1) year following the date of approval. An approved preliminary *plat* shall expire and be of no further force and effect if a complete final *plat* application for the *subdivision* or a phase of the *subdivision* has not been submitted within one (1) year after the preliminary *plat* approval date. In the case of partial final *plat* submission, the approval of the remaining portion of the preliminary *plat* shall automatically gain an extension of one (1) year, up to a maximum number of years specified by the Planning Director at the time of approval of the initial phase. If no Final *Plat* is submitted, an extension may be granted by the Planning Director of one, one year period for good cause.
1. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Final *Plat* was not approved by the deadline. Examples of good cause

include delays in preparation of the Final *Plat*, delays in scheduling a Final *Plat* for the required public hearings, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.

- H. Final Plat Procedure. Final Plats shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) this Chapter.
 - 1. Approval Criteria. Upon receipt of all final application requirements, the Planning Director shall approve, conditionally approve, or deny the final *plat* based on the approval criteria in this section. The Planning Director shall confirm that:
 - a. The Final *Plat* complies with the requirements of this LUDC; and
 - b. The Final *Plat* will comply with the applicable technical standards and specifications outlined in this LUDC.
- I. Recording. Following the approval of a *major subdivision*, the *subdivider* or their agent shall submit one copy of the *major subdivision plat* on suitable drafting film as approved with the notarized signatures of all owners and the surveyor within six months following its approval. The *major subdivision* shall be signed by the City's authorized representative. The Final *Plat* shall then be recorded in the office of the County Clerk and Recorder within thirty (30) days of approval.
- J. Improvement Guarantee. Approval of a Final *Plat* authorizes the *subdivider* to proceed with the *subdivision*. However, no lot(s) shall be sold unless either the required *improvements* have been installed and accepted by the City or the cost of said *improvements* have been financially assured per [Section 18.05.2.3](#).
- K. Expiration. Approval of the Final *Plat* by the City Council shall be deemed as its certification. Failure to submit the approved Final *Plat* for recording within one year after the date of the City Council approval shall void the approval and the *subdivider* shall be required to submit a new *Major Subdivision* application for review. Prior to expiration, the Planning Director may grant one extension for a period of not more than six months upon the *subdivider's* request and for good cause.
 - 1. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Final *Plat* was not approved by the deadline. Examples of good cause include delays in preparation of the Final *Plat*, delays in scheduling a Final *Plat* for the required public hearings, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence

18.06.4.16 Waiver

- A. Purpose. The Planning Commission may approve or recommend to Council waivers from these regulations pursuant to the procedures for the specific application type.
- B. Applicability. This section applies to *plat* applications.
- C. Procedure. Procedure. All applications for a waiver shall follow the General Development Review Procedures as described in [Section 18.06.3](#) of this LUDC.

1. Submittals. Submittal of a request for waiver shall accompany a plat and in accordance with the submittal schedule which applies to the type of *plat* application being submitted.
 2. Approval. Waivers may be approved either by the Planning Commission or City Council depending on the final approval authority of the plat application associated with the waiver request. If the approval authority is administrative for the associated plat application, a waiver request shall raise the approval authority to the City Planning Commission. Approval of the plat associated with the requested waiver shall constitute approval of the waiver. Failure by the subdivider or his agent to submit the plat on a form suitable to the Planning Director following approval, as required by these regulations, shall render approval of the waiver void.
 3. The *subdivider* or their designated agent, shall pay a fee based on the fee schedule to the City upon submittal to the Planning Director a request for waiver of any requirements of these regulations.
- D. Approval Criteria. Waivers shall be approved or recommended for approval only in cases where unique or exceptional site conditions make strict compliance with the *subdivision* standards otherwise impractical, or where a waiver of the standard would result in a greater benefit to the surrounding area or the community at large. Waivers shall not be granted for the following:
1. *Subdivision* approval procedures;
 2. Any rights-of-way required by the City;
 3. Mitigation requirements associated with *natural hazards* and/or *geologic hazard* conditions pursuant to [Section 18.03.10](#);
 4. Such waivers shall not be granted if it would be detrimental to the public good, would result in adverse conditions, or inadequate mitigation of such conditions, on the site or surrounding properties, or would otherwise impair the intent and purpose of these regulations. The conditions of any waiver shall be stated in writing in the minutes of the Planning Commission or City Council with the justifications set forth.

18.06.4.17 Waiver of Replat

- A. Purpose. To allow the requirement for a replat to be waived in certain situations in order to alleviate platting costs in older subdivisions. An approved Waiver of Replat formally recognizes a legal description that meets the criteria below to be considered one whole platted lot for the purposes of this LUDC. It is not the purpose of this Section to promote the subdivision or re-subdivision of lots without filing a Final Plat.
- B. Applicability. This section applies only to land which has been previously platted into lots(s) and/or blocks. This Section authorizes the waiver of a replat only for properties with legal descriptions that meet one of the following criteria:
1. A *Lot of Record* as defined;
 2. The consolidation of multiple whole platted lots;

3. Portions of one or more platted lots and the parcel contains the minimum *lot area* and minimum width for the zone district in which the property is located;
 4. A platted lot and an unplatted portion of vacated *right-of-way* that's been vacated by ordinance.
- C. Limitations.
1. If the legal description of the subject property consists of a portion of one or more platted lots, proof must be provided that any illegal *subdivision* of the property was completed at least 18 years before submission of the waiver of *replat*.
 2. The owner agrees to dedicate any rights-of-way that would normally be required as a condition of a *replat*. If this is required, the owner must dedicate the *right-of-way* by a separate deed and pay for the preparation and recording of the deed after the deed is approved by the City of Manitou Springs.
 3. No major public *improvements* such as drainage structures are required.
 4. Approved direct access to an acceptable, existing public *right-of-way* exists.
 5. The applicant agrees to pay applicable fees that would normally be paid prior to recording of the *replat*.
 6. The applicant agrees to dedicate *easements* required for public use as required by the City of Manitou Springs.
 7. No structures exist across external *property lines* of the ownership configuration.
- D. Procedure. All applications for a revised final *plat* follow the general *development* review procedures as described in [Section 18.06.3](#) of this LUDC, except as follows:
1. Existing *easement(s)* adjacent to the property line shall remain in their original locations as platted or created, unless those *easements* are vacated per a Vacation of Easement process outlined in this Chapter.
 2. Submittal Requirements. Applications for Waiver of Replat shall meet the submittal requirements as found in the Waiver of Replat Checklist.
 3. Decision & Approval Criteria. The Planning Director shall either approve, approve with conditions, or deny the request based upon compliance with the criteria in this Section. If the Planning Director approves the request with conditions, the applicant shall fulfill the conditions of approval prior to the approval of a building permit.
 4. Recording. If the Planning Director approves the request, the *site plan* shall be recorded with the El Paso County Clerk and Recorder's Office within thirty (30) days of approval.

18.06.4.18 Vacation of Easement

- A. Purpose. Dedicated *easements* for utilities and drainage purposes may be vacated, in whole or in part, in the event the City determines that all or a portion of the *easement* is unnecessary or infeasible for future public use.
- B. Applicability. A Vacation of *Easement* is applicable to existing platted easements.

- C. Procedure. Applications for a Vacation of Easement shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter Submittal Requirements. No application shall be set for a public hearing concerning a Vacation of Easement until the applicant has completed the submittal requirements as found in the Vacation of Easement Checklist.
- D. Approval Criteria. *Easements* may not be vacated if such action would deprive abutting properties of adequate, legal access to existing or proposed public utilities or drainage installations. Approval of an ordinance vacating an *easement* by the City Council shall include a finding based on this section of the LUDC and shall be deemed as certification of the *easement* vacation. The Planning Department shall forward a signed copy of the vacation ordinance to the El Paso County Clerk and Recorder for recording.
- E. Expiration. Failure of the applicant to submit any revised information or legal description which enables the ordinance to be processed as approved within three months, shall render such approval void.

18.06.4.19 Vacation of Right-of-Way

- A. Purpose. Dedicated rights-of-way may be vacated, in whole or in part, in the event the City determines that use of all, or a portion, of the *right-of-way* is unnecessary or infeasible for future public access.
- B. Applicability. This Section shall apply to all requests to vacate all rights, interests, or title of the City in and to any *right-of-way* (street, road, *alley*, or other public way), access *easement*, or other *easement* located within the City. Title to vacated roadways shall vest in accordance with C.R.S. § 43-2-302, as may be amended from time to time.
- C. Procedure. Applications for a Vacation of Right-of-Way shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- D. Submittal Requirements. No application shall be set for a public hearing concerning a Vacation of Right-of-Way until the applicant has completed the submittal requirements as found in the Vacation of Right-of-Way Checklist.
- E. Final Approval. Approval of an ordinance vacating the rights-of-way by the City Council shall be deemed as certification of the vacation. With this certification, the Planning Department shall forward a signed copy of the vacation ordinance to the county clerk and recorder for recording. Failure of the applicant to submit any revised information or legal description which enables the ordinance to be processed as approved within three months following approval shall render vacation of rights-of-way approval void.
- F. Approval Criteria.
 - 1. The vacation is consistent with the Comprehensive Plan and other adopted policies and plans, including any adopted transportation plan or streets/roadway plan;
 - 2. The land to be vacated is no longer necessary for the public use and convenience;

3. The *right-of-way* within the *subdivision* is no longer needed for public transportation purposes;
 4. The vacation will not adversely impact use of the *right-of-way* for *public utility* and/or drainage purposes;
 5. Access to lots or properties surrounding the *plat* will not be adversely affected, and the vacation will not leave any land-locked parcels or deprive abutting properties of adequate, legal access;
 6. The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service; and
 7. The vacation is consistent with the purpose of this LUDC.
- G. Recording. Following the approval of a Vacation of Right-of-Way, the subdivider or their agent shall submit one copy of the Vacation of Right-of-Way on suitable drafting film as approved with the notarized signatures of all owners and the surveyor within six months following its approval. The Vacation of Plat shall be signed by the City's authorized representative. The Vacation of Plat shall then be recorded in the office of the County Clerk and Recorder within thirty (30) days of approval.
- H. Expiration. Approval of the Vacation of Plat by the City Council shall be deemed as its certification. Failure by the City to submit one copy of the Vacation of Plat on suitable drafting film as approved with the owner(s)'s and surveyor's signatures notarized within six months following its approval shall render approval void. An extension may be granted by the Planning Director of one, six-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Final Plat was not approved by the deadline. Examples of good cause include delays in preparation of the Final Plat, delays in scheduling a Final Plat for the required public hearings, and similar causes not solely the result of the applicant's failure to pursue the development with due diligence.

18.06.4.20 Boundary Adjustment

- A. Purpose. The purpose of a boundary adjustment is to make minor changes to lots that are of a small, technical nature, but largely do not otherwise affect existing plats.
- B. Applicability. A boundary adjustment may only be made to a previously approved final *plat* and must meet the criteria listed in this section. Only two whole platted lots or a platted lot and a platted tract may be involved in a single action. Neither lot involved may have received a prior Property Boundary Adjustment or approval of a Waiver of Replat. The fifteen percent (15%) limitation in Subsection E below may not be circumvented by submitting a series of Property Boundary/Lot Line Adjustment requests.
- C. Procedure. Applications for a Boundary Adjustment shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.

- D. Submittal Requirements. Applications for Boundary Adjustment shall meet the submittal requirements as found in the Boundary Adjustment Checklist.
- E. Easements. Existing platted *easements* adjacent to boundary being adjusted shall remain in their original locations as platted or shall be relocated through a Vacation of *Easement* application.
- F. Approval Criteria. To be considered a boundary adjustment and not a *replat*, the proposed boundary adjustment must meet all of the following criteria:
 - 1. The property line is not increasing or decreasing an existing lot by more than fifteen percent (15%).
 - 2. The boundary adjustment does not increase or decrease the number of lots, tracts, or parcels or create new lots, tracts, or parcels;
 - 3. The boundary adjustment does not affect a recorded *easement* without the prior approval of the *easement* holder;
 - 4. *Right-of-way* is not affected or changed;
 - 5. The boundary adjustment will not create any nonconformities or increase the degree of nonconformity of any existing *structure* or use;
 - 6. The boundary adjustment shall comply with all other applicable requirements of this LUDC and all other applicable regulations and requirements.
- G. Expiration. Failure to submit the approved Boundary Adjustment for recording within one year after the date of approval shall void the approval and the *subdivider* shall be required to submit a new application for review.

18.06.4.21 Revised Final Plat

- A. Purpose. The purpose of a revised final *plat* is to make minor changes to lots that are of a small, technical nature, but largely do not affect otherwise approved or existing plats. The City Council may allow such modifications according to the criteria within this Section.
- B. Applicability. A revised final *plat* may only be considered on approved final plats.
- C. Criteria. To be considered a revised final *plat* and not a *replat*, the revised plat must meet all of the following criteria:
 - 1. The revised *plat* is in substantial conformance with the original approved *plat*.
 - 2. The revised final *plat* does not increase the number of lots or parcels or create new lots or parcels;
 - 3. The revised final *plat* does not eliminate or move a recorded *easement* without the prior approval of the *easement* holder;
 - 4. The revised final *plat* will not create any nonconformities or increase the degree of nonconformity of any existing *structure* or use;
 - 5. The revised final *plat* is compliant with all other applicable requirements of this LUDC and all other applicable regulations and requirements.

- D. Procedure. All applications for a revised final *plat* follow the general *development* review procedures as described in [Section 18.06.3](#) of this LUDC.

18.06.4.22 Sign Permit

- A. Purpose. Sign Permits are intended to ensure that signage in the City is in conformance with the City's adopted signage requirements found within this LUDC.
- B. Applicability. No signs requiring a sign permit shall be erected, installed, relocated or displayed without prior City approval and issuance of a sign permit. A building permit may also be required prior to any construction of a sign.
- C. Expiration. Permits issued for signs which are not erected shall expire three months from the date of issuance.
- D. Procedure. Sign Permits shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter. If an application is in compliance, the Planning Director shall issue the required permit. If not in compliance, additional information will be requested from the applicant, or the application will be denied.

18.06.4.23 Grading and Erosion Control Permit

- A. Purpose. This LUDC prescribes standards and criteria for judging how a *development* will affect the terrain, drainage, or vegetation, and/or to ensure the proposed grading matches the preliminary grading plan as approved as part of a *Major Development Plan*. This permit is required before any construction or earthwork meeting the criteria below takes place, or minerals and material are removed. This permit also shall prescribe erosion control measures to protect public and private property. The purpose of this section is to protect the health, safety, and welfare of the citizens of Manitou Springs by:
 - 1. Ensuring that the *development* of each site minimizes adverse impacts to adjacent properties by adequately addressing drainage, erosion, earth movement, and *geologic hazards*;
 - 2. Ensuring that the construction of a *development* will be as unobtrusive to the natural terrain as possible;
 - 3. Ensuring to the *maximum extent practicable* the retention of natural vegetation to aid in protection against erosion, earth movement, and other similar hazards and to aid in preservation of natural scenic qualities of the City;
 - 4. Reducing air pollution caused by dust blown from areas under *development*;
 - 5. Preventing the premature cutting of roads and building sites.
- B. Applicability. No person shall commence or proceed with any modification of the natural terrain without seeking and obtaining a Grading and Erosion Control Permit from the Planning Director, if such modification will result in any of the following:
 - 1. An excavation, fill, or combination in excess of one hundred (100) cubic yards;

2. An excavation which will be three (3) or more feet below the ground surface for an area over five hundred (500) square feet or more;
 3. A fill that will be three (3) or more feet above the ground surface, for an area over five hundred (500) square feet or more;
 4. An excavation or fill by a *developer* or contractor not working on behalf of the City or a *Public Utility* that falls within a public drainage *easement*, a *public right-of-way*, or any other *public utility easement*. This includes the preparation of roads or sidewalk;
 5. Vegetation removal over an area five hundred (500) square feet or more; or
 6. Mining, quarrying, or gravel operations.
- C. Submittal. Grading permit submittals shall follow the general application procedures in [Section 18.06.3](#) of this Chapter. Applicants shall make a submittal to the Planning Department in accordance with the [Grading and Erosion Control Permit Checklist](#).
- D. Exemptions. No permit shall be required when grading is performed in the following circumstances:
1. *Solid waste* disposal sites operated by the public or under public regulations;
 2. An excavation by the City for the purpose of maintenance or installation of City utilities, *buildings*, streets, or *easements*;
 3. An excavation by a private individual for the purpose of routine maintenance;
 4. Tilling the ground for agricultural purposes or protection.
- E. Procedure. Grading and Erosion Control Permits shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter. The Planning Director may approve, disapprove, or conditionally approve the application. Major or *Minor Development* Plans, Variances, or any other Planning Permission associated with the proposed grading activity shall be approved by the City prior to issuance of a grading permit.
1. Compliance. Inspections for compliance of the work and administration of the permit shall be done by the Planning Department. Periodic inspections of the work shall be done by the Manitou Springs Stormwater Department.
 2. Denial of Permit. When, upon determination by the Planning Director, the work proposed by the applicant is contrary to the purposes of this Chapter, the Grading and Erosion Control Permit shall be denied. Factors to be considered in the denial shall include, but not be limited to: Possible saturation of fill and unsupported cut by water, both natural and domestic runoff surface waters that cause erosion, and silting of drainageways; subsurface conditions such as the rock strata and faults, nature and type of soil or rock that when disturbed by the proposed grading may create earth movement and produce slopes that cannot be landscaped and excessive and unnecessary scaring of the natural landscape through grading or removal of vegetation.
 3. Conditions of Issuance. A permit may be issued with conditions including but not limited to the following:

- a. Limitation of the hours of operation or the period of year in which work may be performed;
 - b. Restrictions as to the size and type of equipment;
 - c. Designations of routes upon which materials may be transported;
 - d. The place and manner of disposal of excavated materials;
 - e. Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public, or any portion thereof;
 - f. Designation of maximum or minimum slopes to be used if they vary from those prescribed in this LUDC;
 - g. Regulations as to the use of public streets and places in the course of the work;
 - h. Regulations as to the degree of compaction of fill material;
 - i. Requirements as to paving private driveways and roads constructed under the permit;
 - j. Requirements for safe and adequate drainage of the site;
 - k. A requirement that crews and equipment be provided at the site during storms to prevent incomplete work from endangering life or property;
 - l. Requirements for fencing of excavation or fills, which would be hazardous without such fencing.
- F. Failure to Start a *Major Development*. If an application for a Grading and Erosion Control Permit for a *major development* is not made within twelve months after planning permission has been granted by the Planning Director, Planning Commission, or City Council then that permission will lapse. An extension may be granted by the Planning Director of one, twelve-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Grading and Erosion Control Permit was not submitted by the deadline. Examples of good cause include delays in plan or report preparation, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.
- G. Failure to Start a *Minor Development*. If final inspection approval by the Planning Director of a Grading Permit for a *minor development* is not made within six months after permission has been granted by the Planning Director, Planning Commission or City Council then that permission will lapse. An extension may be granted by the Planning Director of one, six-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a Grading and Erosion Control Permit was not submitted by the deadline. Examples of good cause include delays in plan or report preparation, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.

- H. Expiration. If work within the Grading and Erosion Control Permit's scope does not commence within twelve months of approval, the permit shall expire. An extension may be granted by the Planning Director of one, twelve-month period for good cause. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why work did not commence within the allotted timeframe. Examples of good cause include delays in available labor or materials, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.
- I. Reclamation. If a proposed *development* is *abandoned* after commencing work within the scope of the approved Grading and Erosion Control Permit, the owner of the property for which the permit was granted shall file a reclamation plan for approval by the Planning Director. The reclamation plan shall be designed to return the site to as close to the condition existing prior to grading as deemed reasonable by the Planning Director. If a reclamation plan is not submitted, the property owner may be subject to violations and punishment as outlined in [Section 18.06.4.27](#).
- J. Financial Security Required. The applicant for a Grading and Erosion Control Permit may be required to file a financial security in the form of a surety bond, irrevocable letter of credit, or evidence of cash held in escrow by the City or other such guarantee satisfactory to the City, in an amount deemed sufficient by the City Engineer to cover all costs of reclamation of the site in the event that the *improvements* are not in accordance with the approved Grading and Erosion Control Permit. Said security shall be returned to the applicant within thirty days of final approval of the *improvements* by the Planning Director. In such case that use of the security as described above occurs, any monies in excess of that required for reclamation shall be returned to the applicant.
- K. Erosion Control. All cut and fill surfaces created by grading and subject to erosion except plowing or discing for agricultural or fire break purposes shall be planted with a ground cover that is compatible with the natural ground covers in the City and that will thrive with little or no maintenance once established.
1. Top soils are to be stockpiled during rough grading and used on cut and fill slopes.
 2. On slopes likely to be extensively disturbed by later construction, an interim ground cover may be planted to be supplemented by the permanent ground cover and/or shrubs and trees when the site is finally developed and landscaped.
 3. The City may require *retaining walls* on steep slopes unless the stability of a cut on such slope is certified by a licensed Engineer.
 4. All areas along public roads disturbed by cuts and fills shall be re-landscaped with groundcover or plant material to match that existing prior to disturbance.
- L. Air Pollution Control. Efforts shall be made to abate the dust caused by the *development* of sites. Such methods as watering, erosion controls, chemical treatment, etc., shall be used in order to minimize dust.
- M. Responsibility. Failure of the City officials to observe and recognize hazardous or unsightly conditions, or to deny or recommend denial of the Grading and Erosion Control Permit,

shall not relieve the permittee of responsibility for the condition or damages resulting therefrom, and shall not result in the City of Manitou Springs, its officer, or agents, being responsible for the conditions or damages resulting therefrom.

18.06.4.24 Wireless Facility Permit

- A. Purpose. The purpose of the *wireless facility* permit is to provide a procedure to permit wireless facilities to ensure that the facility will be designed and sited in a manner that complies with the provisions of this chapter, and in such a way to minimize negative impacts on surrounding property.
- B. Applicability. *Wireless facility* permits are required for all new wireless facilities constructed, collocated or modified, unless a conditional use permit is required.
- C. Submittal. *Wireless facility* permit submittals shall follow the general application procedures in [Section 18.06.3](#) of this Chapter. Applicants shall make a submittal to the Planning Department in accordance with the *Wireless Facility* Permit Checklist.
- D. Procedure. Applications shall follow the general application procedures as described in [Section 18.06.3](#) of this Chapter for review and final approval by the Planning Director.
 - 1. Consolidated Applications for Small Cell Facilities. A telecommunications provider or broadband provider may file a consolidated application to receive a single permit for small cell networks involving multiple individual small cell facilities within the City. However, each small cell facility within the consolidated application individually remains subject to review for compliance with the requirements provided in this chapter. Applicant shall limit consolidated applications to no more than twenty (20) locations in any thirty-day period.
 - 2. Incomplete Applications.
 - a. When an application is incomplete, the City shall provide written notice to the applicant within thirty days, specifically identifying all missing documents or information.
 - b. If an application remains incomplete after a supplemental submission, the City shall notify the applicant within ten days. Second or subsequent notices of incompleteness may not require the production of documents or information that were not requested in the original notice of incompleteness.
 - 3. Review Procedures and Deadlines for Small Cell Wireless Facilities.
 - a. Collocation/Replacement/Modification. Applications for the collocation of a small cell wireless facility or for the replacement or modification of a small cell wireless facility shall be approved or denied by the Planning Director within sixty days of the date of the City's receipt of the completed application.
 - b. New Small Cell Wireless Facility. Applications for a *small cell wireless facility* at a new site shall be approved or denied by the Planning Director within ninety (90) days of the date of receipt of the completed application.
 - c. Eligible Non-Small Cell Wireless Facilities. *Eligible facilities requests* for non-small cell wireless facilities shall be approved or denied by the Planning

Director within ninety days of the date of receipt of the completed application.

- d. Non-Eligible Non-Small Cell Wireless Facilities. Applications for non-small cell wireless facilities at new sites shall be reviewed under the Conditional Use review procedures and shall be approved or denied within one hundred fifty (150) days of the date of receipt of the completed application.

4. Review.

- a. Criteria for Approval or Denial of Application. In considering an application for location or co-location of a wireless facility, the City shall base the decision as to the approval or denial of the application on whether the proposed wireless facility meets the applicable standards set forth in this chapter.
- b. Denial. A final decision by the City to deny any application under this chapter shall be in writing and supported by substantial evidence contained in a written record.

5. Tolling. The timeframe for review of an application commences upon the filing of an application and may be tolled only by mutual agreement of the City and the applicant, or in cases where the City determines that the application is incomplete and provides written notice of same to the applicant.

18.06.4.25 Hillside Development Plan

- A. Purpose. The purpose of the hillside *development* plan is to provide a procedure that allows *development* within the Hillside Low Density Residential (HLDR) district while avoiding areas most susceptible to *natural hazards* within the district, and ensuring adequate mitigation when strict avoidance is not feasible.
- B. Applicability. Hillside Site Plans are required for the construction of a new *Single-Household Detached dwelling* within the Hillside Low Density Residential (HLDR) Zoning District and shall replace the requirement for a Minor *Site Plan*.
- C. Submittal. Applicants shall make a submittal to the Planning Department in accordance to the Hillside Development Plan Checklist.
- D. Procedure. Applications for a Hillside *Site Plan* shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.
- E. Approval Criteria. The Planning Director shall approve the request if:
 - a. The highest, and/or most visible portions of site, along with the least accessible areas of site, shall be preserved;
 - b. Significant natural features and vegetation are preserved;
 - c. The request complies with all the *development* standards for the HLDR zone in [Section 18.02.2.4](#) and other requirements of this LUDC.
- F. Final Approval. Final approval for occupancy by PPRBD and the Planning Director shall not be granted unless the Grading and Erosion Control Plan, Drainage Plan, and conformance

with [Section 18.02.2.4](#) (Hillside Low Density Residential Standards), have been met. A stop order, a cease and desist order, or such other remedy as may be deemed appropriate by the City, may be utilized during construction to assure compliance with the standards contained within this LUDC.

- G. Expiration. If no building permit is issued for an alteration requiring the issuance of a Building Permit within twelve months after planning permission has been granted then that permission will lapse, unless good cause can be shown to the City Planning Director. In the event that good cause is shown, the permission may be extended by the City Planning Director for up to one, twelve-month period. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a building permit was not issued by the deadline. Examples of good cause include delays in building permit review by the reviewing agency, inability to secure financing in a timely manner, and similar causes not solely the result of the applicant's failure to pursue the *development* with due diligence.

18.06.4.26 Minor Modification

- A. Purpose. The purpose of the minor modification is to provide an administrative procedure that allows approved plans, to be modified following application approval prior to implementation or construction.
- B. Applicability. A minor modification can be applied to any development application meeting the following criteria:
 - 1. Any change in nonresidential floor space up to five percent (5%);
 - 2. A reduction in the amount of open space up to five percent (5%), provided the minimum amount of landscaping is provided on site pursuant to [Section 18.03.6](#);
 - 3. An increase in the amount of land area covered by structures up to five percent (5%), provided the total lot coverage complies with the maximum lot coverage requirements in Chapter 2;
 - 4. Minor changes in the location of streets and utilities for reasons not caused by the applicant.
- C. Submittal. Applicants shall make a submittal to the Planning Department in accordance to the Minor Modification Checklist.
- D. Procedure. Applications for a minor modification shall follow the General Application Procedures as outlined in [Section 18.06.2](#) and further described in [Section 18.06.3](#) of this Chapter.

18.06.4.27 Development Agreement

- A. Purpose. *Development agreements* are for the purpose of arranging specific unique details of a *development* proposal in order to have a clear understanding of timing, responsibility, and other relevant details regarding a proposal and its supporting infrastructure.

- B. Procedure. A development agreement may only be approved by the Planning Director in conjunction with another submittal that has received full approval of the City.
- C. Standards.
 - 1. The Development Agreement shall include a list of all agreed-upon public improvements, an estimate of the cost of such improvements, the form of construction security for the improvements, and any other provisions or conditions deemed necessary by the City Council to ensure that all public improvements will be completed in a timely, cost-effective manner that meets the City's standards. A Development Agreement shall run with and be a burden upon the land described in the agreement.
 - 2. All public improvements shall be inspected by the Planning Director upon completion. If it is determined that the required or agreed upon public improvements are not constructed in compliance with specifications, a list of specific deficiencies shall be provided to the developer with the request that such deficiencies be corrected before preliminary approval will be granted. If it is determined that the developer will not construct any or all of the public improvements or remedy the deficiencies in accordance with the construction plans, the City Council may withdraw and employ from the construction security such funds as may be necessary to construct the public improvements or remedy deficiencies.
- D. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final plat. City Council may extend such time for completion at the request of the Developer. When such improvements are not completed within the required time, the City may use the collateral to complete the required improvements, revoke approval of the final plat, or notify PPRBD that no building permits shall be issued until the improvements have been completed and approved by the City.
- E. Warranty.
 - 1. All workmanship and materials for all required public improvements shall be warranted by the subdivider for a period of two (2) years from the date of the City's acceptance of the required public improvements.
 - 2. The developer shall post a warranty security in an amount established by the City, in its sole discretion. The warranty security shall not exceed one hundred (100) percent of the cost to reconstruct the improvements. The City shall not release the construction security until the City has granted final acceptance of the improvements.
 - 3. In the event that any other provision of this LUDC or specifications adopted pursuant thereto, or the Development Agreement requires a warranty of workmanship or materials for a different period of time or for a greater amount of construction security, that provision shall apply.
 - 4. The inspection or acceptance of any required improvement by the City shall not relieve the developer of their warranty of workmanship and materials.
- F. Private Improvements. The Development Agreement shall include language in the Development Agreement stating the developer agrees to construct all private improvements shown in the development plan and/or final plat documents in addition to

public improvements. The developer shall also post sufficient construction assurance per [Section 18.05.2.5](#), to complete said improvements in accordance with the approved design specifications and time limits.

- G. No subdivision plat shall be signed by the City or recorded, and no building permit shall be issued for development, until a Development Agreement between the City and the developer has been executed and construction assurance has been posted. The Development Agreement shall include a list of all agreed-upon private improvements, an estimate of the cost of such improvements, the form of financial guarantee, and any other provisions or conditions deemed necessary by the Planning Director or City Council to ensure that all private improvements will be completed in a timely, quality, and cost-effective manner.

18.06.4.28 Enforcement and Violations

- A. Purpose. The purpose of this Section is to provide the procedures for City action for violations of this LUDC.
- B. Applicability. This section applies to any violation of this LUDC.
- C. 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 Neighborhood Services Officer. The Neighborhood Services Officer shall record properly such complaint, promptly investigate it, and take action thereon as provided by these regulations.
- D. Enforcement. The Planning Director shall have the authority to establish priorities for the abatement of zoning violations and implement appropriate procedures to abate each category of violations so established per the following:
 - 1. A Neighborhood Services Officer shall be charged with the responsibility of enforcing the provisions of this LUDC. The Neighborhood Services Officer shall make a periodic inspection, review complaints, and perform such other tasks necessary to ensure compliance with the provisions of this LUDC. In the event there is a violation of this LUDC, the Neighborhood Services 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. The Neighborhood Services Officer shall only enter the property upon consent of the property owner.
 - 2. Emergency Abatement Order. If the Neighborhood Services Officer deems that an emergency exists that requires immediate action to protect the public health, safety, and welfare, the Planning Director may, without prior notice or hearing, issue an order stating that an emergency exists and requiring that such action be taken as deemed necessary to meet the emergency.
 - a. It shall be unlawful for any person to whom an emergency order is issued to fail to comply with the emergency order immediately. In the event that the person to whom the emergency order was issued fails or refuses to immediately comply, the Neighborhood Services Officer may request, that the dangerous condition be removed, corrected or otherwise abated to an extent

that it is no longer an imminent hazard to the public health, safety and welfare.

E. Unlawful acts. Violations

1. A violation of any term of this LUDC shall be subject to enforcement pursuant to this Section
2. A violation of a condition attached to an approved *development* application or permit is a violation of this LUDC.
3. Obtaining a *development* application or permit based on the submission of false or misleading application materials is a violation of this LUDC.
4. No mistake, oversight or dereliction on the part of any official or employee of the City shall legalize, authorize or excuse the violation of any provisions of this LUDC.
5. It is unlawful to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any *plat*, plan or *replat* of any *subdivision* within the area subject to application of these regulations unless said plan, *plat* or *replat* has been approved as prescribed herein and filed and recorded.

F. Violation Penalty.

1. Any individual or person acting as an agent for a *subdivider* who is found guilty of violating any of the provisions of these regulations shall be guilty of a misdemeanor and shall upon conviction thereof be punishable as provided for in [Section 1.01.100](#), as amended. The sale of each and every lot sold in violation of these regulations shall be considered a separate violation. These penalties shall be in addition to any others that may be imposed.
2. Fines and Imprisonment. It is unlawful to erect, construct, reconstruct, alter, maintain, or use any building or *structure* or to use any land in violation of this LUDC or any amendment thereto.
3. 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.
4. Continuing Offenses. Each day during which illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.
5. 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 LUDC, 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.

G. Remedies. The City may use any or all of the powers listed below to enforce the provisions of this LUDC. Remedies provided in this Section shall be cumulative and in addition to any other remedies.

1. Agreement to Abate. The Neighborhood Services Officer may enter into an agreement with a violator whereby the violator agrees to abate the violation within a certain time based upon certain conditions within the agreement. Should the violator not abide by the terms and conditions of the agreement to abate, the Neighborhood Services Officer may proceed with additional action.
2. Notice of Violation. The Neighborhood Services Officer may issue a notice of violation ordering the cessation of an illegal condition within a specified period of time based upon the nature of the violation. Should the violator not comply with the notice and order within the period of time specified, or fail to appeal the notice and order in accordance with [Section 1.01.100](#) within the applicable time period, the Neighborhood Services Officer may proceed with additional action.
3. Suspension or Revocation of Permit or Approval. The Neighborhood Services Officer may issue a notice stating the alleged grounds for suspension or revocation and the date, time, and place of a hearing before the City Council, which shall hold a public hearing on the allegations contained in the notice to show cause.
 - a. The City Council may suspend or revoke a permit if it finds, by a preponderance of the evidence, that the activity or *structure* described in the notice to show cause is in violation of this LUDC or a condition attached to a permit or approval related to the activity, *structure*, or property. Upon such a finding, the City Council shall revoke the permit or approval authorizing the activity or *structure* or shall suspend the permit or approval authorizing the activity or *structure* until activity or *structure* is in compliance with this LUDC and all conditions attached to any permit or approval related to the activity listed in the notice to show cause.
 - b. A suspension or revocation shall be effective immediately upon the decision of the City Council
 - c. Suspension or revocation on non-renewal of a permit may be in addition to any remedy provided for in this LUDC.
4. Civil Action. The Neighborhood Services Officer, with the concurrence of City officials, may request the City Attorney to initiate a civil action in the District Court for injunctive relief to abate violations of this UDC.
5. Reinspection Fees. The Neighborhood Services Officer may charge reinspection fees for LUDC violations per the City Council adopted Universal Fines and Fees Schedule.

Chapter 7 Definitions

18.07.1 Acronyms

IBC – International Building Code

IFC – International Fire Code

LUDC – Land Use and Development Code

PPRBD – Pikes Peak Regional Building Department

18.07.2 Sign Code Terms

Awning - a shelter or shading material projecting from the exterior wall of a building and composed of a frame.

Building code - the International Building Code, as adopted and modified by this jurisdiction.

Business - a single commercial enterprise or group of enterprises housed within a single building or which utilize the same frontage on a public street.

Commercial - predominantly related to economic interests or commerce.

Deceptive sign - means any commercial sign which is false or misleading.

Digital sign - a sign or part of a sign capable of displaying content or visual displays that the user can electronically or mechanically change by remote or automatic means.

Flashing sign - any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

Freestanding sign - any sign independent of buildings and consisting of self-supporting elements, except sandwich board signs.

Hanging sign - any sign suspended from or supported by a building or wall projecting outward at a perpendicular angle therefrom, or any sign suspended under a marquee, porch, walkway covering, or similar covering structure.

Historic district - that portion of the City within the boundaries of the National Historic District.

Historic sign - any sign that has historic significance as determined by the City council on the recommendation of the Historic Preservation Commission.

Neon sign - a light source supplied by a tube which is built to form letters, symbols or other shapes.

Non-commercial sign - any sign that does not advertise or direct attention to a business, product, service or other commercial activity.

Nonconforming sign - any legally existing sign which does not conform to the regulations of this LUDC, either at the effective date of the regulation establishing this chapter, or as a result of subsequent amendments which may be incorporated into this chapter.

Obsolete sign - any commercial sign, except a historic sign, that was owned or operated by a business, service, attraction, that no longer exists on the parcel.

Occupant - a distinct user of a lot that occupies a lot or designated portion of a lot, regardless of the legal arrangement allowing occupancy between the owner of the building, lot or development and the occupant.

Off-premises sign - any commercial sign placed other than on the parcel of land or premises wherein or upon which the commercial activity in reference is located or conducted.

Official sign - any sign required by law or constructed, placed or maintained by the State, the Federal government or the City. The inclusion of "government" in defining such signs does not intend to subject the government to regulation, but instead helps describe the type of sign that falls within the immunities of the government from regulation.

On-premises sign - any sign placed on the parcel of land or premises wherein or upon which the commercial activity in reference is located or conducted.

Prohibited sign - any sign not permitted within the corporate limits of Manitou Springs.

Public right-of-way - any parcel or portion of land which allows for public pedestrian or vehicular access thereupon.

Roof sign - any sign erected upon or over the roof or parapet of any building.

Sandwich board signs - means temporary freestanding signs constructed in an A-frame style.

Searchlight - an apparatus containing a light and/or reflector for projecting a strong, far-reaching beam in any direction.

Sign - any stationary object, device, symbol, or part thereof, subject to view from a public right-of-way, used to communicate a message or to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, designs, symbols, logos, fixtures, colors, motion, illumination, or projected images. Displayed merchandise is not considered a sign.

Sign permit - a permit issued for the erection, construction, enlargement, alteration, moving or conversion of any sign, issued pursuant to this LUDC.

Temporary sign - any sign that is intended for a temporary period of display of thirty days or less.

Trailblazer sign - an official sign used to facilitate traffic movement to significant area attractions and points of interest from major City automobile routes along the most safe and direct local streets.

Two-sided sign - any sign with two identical faces no greater than twelve inches apart or connected so as not to exceed a forty-five (45) degree angle.

Wall sign - any sign attached to, painted on, or erected against the exterior of a building or structure.

Window sign - any permanent sign applied to, attached to, or located within twelve inches of the interior of a window which can be seen through the window from the exterior of the structure.

18.07.3 Zoning and Subdivision Terms

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense shall include the future; the singular number includes the plural and vice-versa; the word "shall" is to be construed as mandatory; the words "occupied" or "used" shall be construed to mean intended, arranged, or designed to be occupied or used both in the future and present tenses.

A

Abandon - the discontinuation of an activity or use of property for a particular purpose after a period of twelve months.

Accelerated creep - is a geologic hazard involving the slow, gradual, more or less continuous deformation sustained by soil rock materials under gravitational stresses.

Accelerated erosion and siltation - is a process that results in an excessive rate of removal of soil and rock materials from one location and rapid deposit thereof in adjacent areas.

Accessory equipment - any equipment serving or being used in conjunction with a wireless facility, including utility or transmission equipment, power supplies, generators, batteries cables, equipment buildings, cabinets and storage shelters or other structures.

Accessory structure - a structure subordinate to the principal structure and located on the same lot or parcel or an adjacent lot or parcel serving a purpose that is incidental to the principal structure. Accessory structures may include, without limitation, storage sheds, garages and parking areas, children's play equipment, and antennas.

Accessory use - a use subordinate to the principal use and located on the same lot or parcel or an adjacent lot or parcel serving a purpose that is incidental to the principal use.

Administrative review - the application is reviewed by the Planning Department per application procedures detailed within this LUDC.

Alley - a public way reserved as a secondary means of access, utilities, or infrastructure which is used primarily for vehicular service access to the rear or side of a property otherwise abutting on a public street.

Alternative tower structure - an existing or proposed wireless facility that is compatible with the natural setting and surrounding structures and that uses camouflage and concealment design techniques to reduce the visual impacts of those facilities and can be used to house or mount antenna. Examples include manmade trees, clock towers, bell steeples, light poles, traffic signals, existing utility poles and transmission towers.

Antenna - communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service. [Reference: section 29-27-402, Colorado Revised Statutes.]

B

Base station - a structure or equipment at a fixed location that enables Federal Communications Commission (FCC)-licensed or authorized wireless communications between user equipment and a communications structure network. The definition of base station does not encompass a tower as defined in this Chapter or any equipment associated with a tower. Base station includes:

- A. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this chapter, has been reviewed and approved by the City under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (DAS) and small-cell networks) that, at the time the relevant application is filed with the City under this chapter, has been reviewed and approved by the City under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- C. The definition of base station does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A) or (B), above. Reference: 47 C.F.R. § 1.6100 (Wireless Facility Modifications)

Berm - an earthen mound designed to provide visual interest on a site, screening of undesirable views, noise reduction, etc.

Bicycle - a vehicle composed of two wheels held in a frame one behind the other, propelled by physical means and steered with handlebars attached to the front wheel.

Bicycle-share rack - any stationary fixture intended to be used for the purpose of securely attaching a bicycle-share bicycle to prevent movement or theft or for storage.

Bicycle-share bicycle - any bicycle available to persons for rental on a short-term basis of less than twenty-four hours.

Bicycle-share business - any business owning, managing, or making available bicycle-share bicycles for hire.

Bicycle-share operator - a person which manages, owns, or operates a bicycle-share business.

Block - a group of contiguous lots bounded by public right-of-way, trail, or open space.

Broadband facility - any infrastructure used to deliver broadband service or for the provision of broadband service. [Reference: section 29-27-402, Colorado Revised Statutes.]

Broadband service - has the same meaning as set forth in 7 U.S.C. sec. 950bb (b)(1) as of August 6, 2014, and for the purposes of this section includes:

- “Cable service”, as defined in 47 U.S.C. sec. 522 (6) as of August 6, 2014;
- “Telecommunications service”, as defined in 47 U.S.C. sec. 153 as of August 6, 2014; and
- “Wireless service”, which means data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations. Reference: section 29-27-402, Colorado Revised Statutes.

Buffer - a strip of land or appropriate method located along a property line that separates land uses which may be incompatible from one another.

Building area - the total area bounded by the exterior walls of the building including all such areas that are within the horizontal projection of the roof or floors above.

Building height – See Section 18.02.1.4.C.

Buildings - any structure used or intended for supporting or sheltering any use or occupancy.

Business - a single enterprise or group of enterprises housed within a single building which utilize the same frontage. For the purposes of outdoor display, outdoor seating and mobile vending, units within a multiple occupancy building that have individual frontage are each considered a separate business.

C

Camouflage and concealment design techniques - measures used in the design and siting of wireless facilities with the intent to reduce the visual impacts of such facilities to surrounding uses so that the presence of the wireless communications facility is not readily apparent. A wireless facility utilizes camouflage and concealment design techniques when:

- A. The facility is integrated within, or incorporated on, an architectural feature of an existing structure, such as a tower, clock tower, bell steeple, cupola, penthouse, architectural feature or other similar structure and is not readily apparent;
- B. The facility is integrated within, or incorporated on, vertical infrastructure located in the right-of-way such as a traffic signal, flag pole, light pole or other similar structure and is not readily apparent; or
- C. The facility uses a design which mimics and is consistent with landscaping features (such as artificial rocks, trees, and other vegetation), maintains authenticity in its application and is not readily apparent.

City Administrator – as defined per [Title 2](#) of the Manitou Springs Municipal Code

Collocation - the mounting or installation of broadband service equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes. [Reference: section 29-27-402, Colorado Revised Statutes]

Conditional uses - a use that due to its impact and nature is not expressly permitted in a zone district but may be allowed through City approval as provided for in this code.

Contributing Resource – as defined per [Section 17.04.030\(F\)](#) of the Manitou Springs Municipal Code.

Cool Roof – a roof that has been designed to reflect more sunlight and absorb less heat than a standard roof.

Covenants or restrictive covenants - a contractual agreement between the subdivider or landowner and the buyer of a piece of property that restricts the use of all or portion of the property. The covenant will normally run with the land and will therefore apply to all succeeding owners. Covenants and restrictive covenants are not enforced by this code.

Cul-de-sac - a street open at one end only, providing at the other end special facilities for the turning around of vehicular traffic.

D

Debris fan - is a geologic hazard involving a floodplain that is located at the mouth of a mountain valley tributary stream as such stream enters the valley floor where mud flow and/or debris flows may occur.

Debris flow - a moving mass of loose mud, sand, soil, rock, water, and air that travels down a slope under the influence of gravity. To be considered a debris flow, the moving material must be loose and capable of "flow," and more than half of the solids in the mass must be larger than sand grains.

Deck - a floored structure elevated off the ground and with a permanent foundation that is freestanding or adjoins a house. Must meet the setback requirements for primary structures and may require a building permit from PPRBD.

Defensible space - an area, typically divided into zones, between an improved property and a potential wildfire where the combustibles have been removed or modified.

Density – ratio of a particular type of land use per given area of land.

Design standards or design requirements - all requirements or regulations relating to design and layout of subdivisions and development plans as contained in this LUDC.

Developer - anyone engaging in development.

Development - the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or other land disturbance; and any use or extension of the use of land, to also include the installation, expansion, and construction of driveways, paving of driveways, installation or expansion of retaining walls and expansion or installation of utilities within a single ownership.

Development activities - those activities which are normally undertaken for the development, construction, rehabilitation or conversion of buildings, including the acquisition of property.

Development agreement - is defined as the agreement between the developer and the City in which the developer's obligations concerning the property being developed, and the time for their performance and completion, are set forth. The development agreement shall establish the period of the vesting of the developer's rights, and shall also provide that, in the event of a breach or default of the developer's obligations, such vested rights may, after notice, be divested.

Docking hub or station - the site of one or more micromobility vehicle parking spaces designated for the purpose of parking, storing, and/or recharging micromobility vehicles and any kiosks, structures, or signage associated with or under the control of a single micromobility-share operation.

Dwelling – one room or a set of rooms constituting a separate, independent habitable space.

Dwelling unit - one or more rooms arranged, designed, and used as habitable space for one household.

Dwelling units per acre (DU/AC) – measurement of how many dwelling units can be located on one gross acre of property.

E

Easements, private - areas within a subdivision or property, other than streets or alleys which are reserved, conveyed or dedicated for private access or utility use within the subdivision.

Easements, public - areas within a subdivision or property, other than streets or alleys which are reserved, conveyed or dedicated for public access or utility use.

Edge of pavement - interface of one material and the adjacent pavement surface, typically located at the location of the curb and gutter.

Electric bicycle - any bicycle which is run on electric power and by pedaling. Also known as an E-Bike. These vehicles are classified as follows:

- A. Class 1: Electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.
- B. Class 2: Electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.
- C. Class 3: Electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.
- D. Class 4: Electric assisted bicycle or moped that has a maximum speed exceeding twenty-eight miles per hour.

Electric scooter - any scooter which is run on electric power and by foot pedaling. Also known as an E-Scooter.

Electric skateboard - any skateboard which is run on electric power and by foot pedaling. Also known as an E-Skateboard.

Eligible facilities request- any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving:

- A. Collocation of new transmission equipment;
- B. Removal of transmission equipment; or
- C. Replacement of transmission equipment.

Eligible support structure - any tower or base station, provided that it is existing at the time the eligible facilities application is filed with the City.

Essential services - services provided by public and private entities necessary for the exercise of the principal use or service of the principal structure.

Expansive or unstable soils and/or rock - is a geologic hazard involving soils and rock that expands, consolidates, or collapses to a significant degree upon wetting, and/or loading and/or shrinks upon drying.

F

Façade – the exterior side of a building or structure that faces, and is most nearly parallel to, a public or private street, extending from the ground to top of the roof, parapet, or wall and the entire width of the building elevation.

Fence - a structure which serves as decoration, a barrier intended to prevent escape or intrusion, to mark a boundary, or to shield or screen view.

Final Plat - map prepared in accord with the provisions of this LUDC that is presented to the City for approval and that, if approved, will be recorded by the City with the El Paso County Clerk and Recorder.

Freestanding wireless facility - a wireless facility that consists of a stand-alone support structure or tower, antennas and accessory equipment that is not considered an alternative tower structure.

Frontage - the portion of a lot abutting a public or private street measured along the street right-of-way.

G

Garage – any commercial or residential building or structure used primarily for storage of vehicles.

Geologic hazard - a geologic phenomenon that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This includes, but is not limited to landslide, rockfall, mud flow, expansive or unstable soils and/or rock, subsidence, unstable or potentially unstable slopes, seismic hazards, debris fans, accelerated creep, and accelerated erosion and siltation.

Geologic hazard area - an area that contains or is directly affected by a geologic hazard.

Green infrastructure is a term used to describe the network of natural spaces and corridors in a given area. Green infrastructure assets include open spaces such as parks and gardens, sports fields, woodlands, fields, stormwater drainage ways, lakes, ponds, creeks, as well as trails.

Gross floor area - the area within the inside perimeter of the exterior walls of the building, without deduction of corridors, stairways, ramps, closets, the thickness of the interior walls, columns or other features.

Gross acreage - the total property area of a parcel.

H

Habitable space - any structure containing rooms that are used for living, sleeping, cooking, or eating.

Heritage Tree – as defined in Section 12.38 of the Manitou Springs Municipal Code.

Household - Household means the greater of: (1) any number of persons who are related by blood, marriage, adoption, guardianship, domestic partnership or other duly-authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates; or (2) a group not in excess of five persons living together as a single housekeeping unit.

I

Improvements - any alteration to the land or other physical construction associated with subdivisions and building site developments.

Intermodal shipping container - 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.

J

There are no defined terms for this letter.

K

Kelvin - a measurement used to describe the color temperature of a light source. This is the specification that gives a description of the warmth or coolness of a light source.

L

Ladder fuels - fuels that provide vertical continuity allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease.

Landscaped area - the area of a site devoted to and maintained for the growing of living plants, trees, ground covers, and nonliving material as allowed by [Section 18.03.6, Landscaping and Screening](#).

Landslide - a geologic hazard involving mass movement where there is a distinct surface of rupture or zone of weakness that separates the slide materials from more stable underlying material.

Limits of disturbance - the area(s) of a site that may be disturbed by grading, clearing of vegetation, or other earth movement during development activities such as construction of buildings or structures, driveways, parking, roads, drainage or stormwater facilities, and/or other improvements and facilities.

Loading area - a completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to the public street, private street, or alley.

Lot area - the total area lying within the peripheral boundary of a parcel of land.

Lot, legally whole platted - a parcel of land having frontage on a public or private street and sufficient in area to meet the minimum lot size, lot frontage, parking area, and other provisions of this code. A lot can include a multiple lot configuration under one tax ID or ownership.

Lot, nonconforming - a lot that was in compliance with the LUDC when created, but that does not meet current requirements of this LUDC.

Lot, corner - a single lot having its front and one side adjacent to two streets (public or private).

Lot coverage - the percentage of a lot which is covered by impervious development, including but not limited to, the footprint of any buildings measured at grade, exterior building stairs, decks, covered porches, stoops, patios, overhangs, garages, carports, gazebos, sheds, outbuildings, and bays or portions of a building that project beyond the foundation and enclosed floor area, driveways, and parking areas. Eaves or roof overhangs three (3) feet and less, cornices, sills, canopies or other similar architectural features, public sidewalks, fences, and private or public streets are not included in calculating lot coverage.

Lot, double-frontage - a single lot having the front and the rear of such lot adjacent to two streets (public or private).

Lot, flag - a lot, the main use or building area of which does not abut a public or private street, but is connected to such street by a narrow strip of land that is part of the lot.

Lot length - is the distance from the front property line to the rear property line measured perpendicularly from the front property line.

Lot lines - the legal, platted boundaries of a parcel of land.

Lot of record - a parcel of land in the City, the deed of which was recorded in the public records of El Paso County, Colorado, on or before July 25, 1973, or a parcel of which that was subsequently annexed to the City that was: a) a platted lot meeting the applicable subdivision requirements of El Paso County, b) a legal nonconforming lot in El Paso County, c) a parcel of land that was legally exempted by El Paso County from platting requirements, or d) a parcel of land in El Paso County created before September 1, 1972.

Lot width - the width of a parcel of land measured at the front property line which is maintained for a majority of the length of the property.

Low-impact development - systems or practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect and/or enhance water quality and the associated aquatic habitat.

Lumens - a manufacturer-supplied measure of light emitted from a lamp as indicated by initial lumens, that is, the amount emitted by a new lamp after one hundred (100) hours of seasoning. Lumens are usually listed on lamp packages as "Light Output". Also, the amount of light a bulb produces or a quantitative unit measuring the amount of light emitted from a light source.

M

Manufactured home - any pre-constructed building unit or combination of pre-constructed building units that:

- A. Include electrical, mechanical or plumbing services that are fabricated, formed or assembled at a location other than the site of the completed home;

- B. Is designed for residential occupancy in permanent locations;
- C. Is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.; and the related regulations and standards;
- D. Does not have motor power; and
- E. Is not licensed as a recreational vehicle.

Master Plan, Private - a land use plan or map which indicates the desired future physical development of any portions of Manitou Springs. Such a plan is submitted by the developer and is intended as a general summary of their proposal for development.

Master Plan, Public - the comprehensive, long-range plan developed by the City of Manitou Springs to help guide the development of the community.

Maximum extent practicable - that under the circumstances, efforts have been undertaken to comply with the standards, that costs for implementing additional compliance measures clearly outweigh the benefits to the public or would unreasonably burden the project, and that adequate steps have been taken to minimize adverse impacts from noncompliance.

Micro wireless facility - a small cell wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length. Reference: section 29-27-402, Colorado Revised Statutes.

Micromobility - individual, lightweight modes of transportation that are predominantly electrically powered such as electric scooters and e-bikes.

Micromobility fleet - any micromobility vehicles under the ownership or operation by a specific micromobility business or operation.

Micromobility vehicle parking space - any space designated on private property, the public right-of-way, or public property in which a micromobility vehicle may be parked in compliance with the regulations set forth in this LUDC).

Micromobility-share - a micromobility-sharing system or service in which micromobility vehicles are made available to use for short-term rentals.

Micromobility-share rack - any stationary fixture, including charging stations, intended to be used for the purpose of securely attaching a micromobility-share vehicle to prevent movement or theft or for storage.

Micromobility-share vehicle - a category of transport available for public rental which are provided by very light vehicles such as electric scooters, electric skateboards, electric bicycles, wheelchairs, and mobility aids.

Mobile home - a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a permanent site. This definition includes the use of “tiny homes” that are built upon a trailer.

Monuments - the actual points set on the ground to locate, delineate or describe tracts of land and/or the points set to define a legal description of a tract of land.

- A. "United States Land Survey Monuments" means the points or corners established by the survey of public lands for the United States Government, also the reestablishment or restoration of such corners.
- B. The points or corners set by a Colorado Registered Land Surveyor in accordance with Colorado Revised Statutes, Section 38.36.136, as amended, to define a legal description on the ground.

Mud flow - a geologic hazard involving a moving mass of loose mud, sand, soil, rock, water and air that travels down a slope under the influence of gravity. This includes debris flow.

N

Natural hazard - a source of harm or difficulty created by a meteorological, environmental, or geological event.

Natural hazard area - an area containing or directly affected by a natural hazard.

No build area - portions of a site designated on a plat which, due to steep terrain or significant natural features or vegetation, shall not be built upon, including no alteration of the site through cuts, fills, or any construction and/or development activity.

Nonconforming uses or structures - any structure, or land, lawfully used, occupied, or erected at the time of the effective date of this LUDC or amendments hereto, which does not conform to its current provisions. Any structure conforming in respect to use but not in respect to frontage with area, height, yard, parking, loading, or distance requirements shall be termed a nonconforming structure, not a nonconforming use.

O

Occupancy, long-term - the occupancy or right of occupancy lasting thirty days or more in any sixty-day period.

Occupancy, short-term - the occupancy or right of occupancy lasting for less than thirty days in any sixty-day period.

Open Space - a parcel of land in an undeveloped condition that is suitable for natural areas, wildlife habitat, important natural features, passive recreation activities, or cultural resources.

Outdoor seating area - a space for gathering outside of a building on public or private property.

Overhang - the edge of a roof protruding outward from the side of a building, also called an eave.

P

Parking area - an open space or an enclosed structure used exclusively for the temporary storage of automobiles, meeting the provisions of the parking standards in [Chapter 18.03](#).

Patio – an outdoor area at grade adjoining a building typically used for outdoor lounging or gathering which is paved in brick, concrete, pavers, or similar.

Perfected appeal – an appeal for which all of the required application and filing information has been submitted and accepted for review by the decision-making authority.

Permanent Accessory Structure – a structure over two hundred (200) square feet on residential properties and over one hundred twenty (120) square feet on commercial property, on permanent foundation, the use of which is customarily accessory to and incidental to that of the principal use located on the same lot and that is used as a garage, tool or storage shed, or similar use. Accessory structures shall not be used for human habitation

Plat - a formal subdivision document that is approved and recorded with El Paso County Clerk and Recorder.

Pole-mounted small cell facility - a small cell facility with an antenna that is mounted and supported on an alternative tower structure, which includes a replacement pole.

Portable-on-demand storage container - 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.

Property Improvement Permit (PIP) - is the mechanism by which the Planning Department reviews proposed erection, construction, reconstruction, alteration, enlargement, extension, or moving of any building, structure, or portion thereof, and for the alteration of private property as detailed in the application procedures within this LUDC.

Property lines - the boundaries of an ownership parcel which may or may not be whole platted lots.

Public facilities and services impact report - the project specific public facilities and services impact report shall comply with the criteria stated in [Section 16.08.040\(D\)](#) of the Manitou Springs Subdivision Regulations and this definition. This report shall analyze the impact of a proposed project on public facilities and environmental quality, as well as the proportional fiscal impact on the City. The fiscal impact analysis and existing infrastructure capacity and service levels are used as a basis for determining impacts attributable to the proposed project and shall be determined for a ten-year time horizon for only the appropriate municipal funds. The cost of on-site and off-site project impacts on public facilities and services is not borne by the general community. In situations where the project impacts are shown to exceed the capacity of existing public facilities and services, the applicant will demonstrate a means of increasing the capacity of the public facilities and services proportionate to the impact generated by the proposed project. The City has the right to request additional information if the fiscal impact report is not sufficient.

Public uses - any building, structure, or use that is open to the general use, participation or enjoyment of the public and owned by the City, County, State, or Federal government, or a public utility corporation.

Public utility - for the purposes of this code, a public utility is an electricity substation, a gas regulator station, a telephone exchange, a water or sewer pump station, a water reservoir, water and sewer main lines, stormwater facilities, and the accessories used to provide the service.

R

Radial - a line forming right angles with the tangent of any given arc.

Radio frequency emissions letter - a letter from the applicant certifying that the proposed wireless facility will comply with federal law on radio frequency emissions.

Readily apparent - For purposes of determining whether a wireless facility is readily apparent, the phrase means that the facility will be easily recognizable as a wireless facility to a reasonable person viewing the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations. Methods of design and construction that may assist in reducing the visibility of a facility and reaching a conclusion that a facility is not readily apparent include the use of color mimicking surrounding structures and landscaping, minimizing facility size to the greatest extent feasible, integrating the facility into any adjacent or attached improvements, and positioning the facility in a manner that limits the degree to which the facility projects away from any adjacent structures or landscaping. Due to differences in site characteristics, a determination that a particular wireless facility will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.

Regional land use plan - the plan, and any functional elements to the plan as adopted, that was created through the joint efforts of the members the Pikes Peak Area Council of Governments and which was adopted as the Pikes Peak Regional Land Use Plan, as amended.

Replacement pole - an alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a wireless facility or small cell facility or micro cell facility or to accommodate collocation, and replaces a pre-existing pole or structure.

Replat - the reconfiguration of any existing, legally subdivided lot or lots.

Retaining wall - a wall designed to resist the lateral displacement of soil or other materials. Retaining walls over four feet in height, or which support a road or other weight surcharge, require engineer-approved plans and a building permit from PPRBD.

Right-of-way - the entire dedicated tract or strip of land that is to be used by the public for circulation and service. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in such right-of-way, as hereinafter established.

Rockfall - is a geologic hazard involving the rapid free- falling, bounding, sliding, or rolling of large masses of rock or individual rocks.

Roof-mounted wireless facility - a wireless facility that is mounted on the roof or any rooftop appurtenance of a legally existing building or structure.

S

Sanitary Facilities - a room containing a sink and a toilet.

Scooter - a vehicle consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.

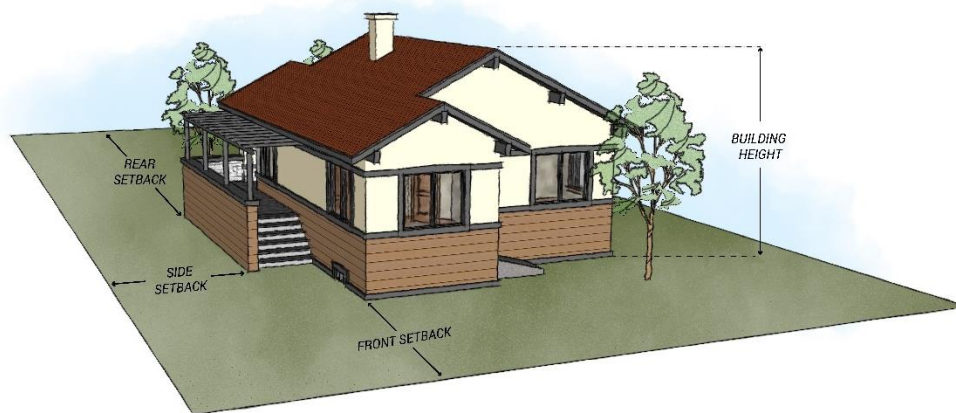
Scooter-share - a scooter-sharing system or service in which scooters are made available to use for short-term rentals. The term describes the sharing of mostly electric motor scooters. Also referred to as electric mopeds or electric kick scooters.

Screen - screening shall provide visual barriers between different land uses, enhance the streetscape, provide privacy, and protect uses from wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects.

Seismic hazard - is a geologic hazard involving the natural or triggered phenomenon such as ground shaking, fault rupture, or soil liquefaction, generated by an earthquake.

Setback means:

- A. Rear—Located at the rear of the parcel extending across the full width of the lot, immediately behind the principal structure wall.
- B. Side—Located along the side of the yard, extending to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure or use.
- C. Front—Extends across the full width of the front of the lot, the depth of which shall be the minimum horizontal distance between the front property line and a line parallel thereto to the nearest point of the principal structure.



Signal interference letter - a letter from the applicant certifying that the proposed wireless facility will comply with federal law on signal interference.

Siltation - a process that results in an excessive rate of removal of soil and rock materials from one location and rapid deposit thereof in adjacent areas.

Site for towers - (other than towers in the right-of-way and eligible support structures) the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right-of-way, is further restricted to that

area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

Site plan - a plan, to scale, showing uses and structures proposed for a parcel of land, submitted in compliance with the requirements of this LUDC.

Skateboard - a short narrow board with two or more small wheels fixed to the bottom of either end, on which a person can ride in a standing or crouching position, propelling themselves by occasionally pushing one foot against the ground.

Skateboard-share - a skateboard-sharing system or service in which skateboards are made available to use for short-term rentals. The term describes the sharing of mostly electric skateboards.

Small wireless facility -

- A. A personal wireless service facility as defined by the federal “Telecommunications Act of 1996”, as amended as of August 6, 2014; or
- B. A wireless facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements that could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

A small cell facility includes a micro wireless facility. Small cells may be attached to alternative tower structures, replacement poles, and base stations. Reference: section 29-27-402, Colorado Revised Statutes.

Solid waste - unwanted or discarded material with insufficient liquid content to be free flowing. Solid waste may be generated by a variety of land uses including agricultural, commercial, industrial, residential, etc.

Stoop - a platform or entrance stairway adjacent to a walkway providing pedestrian access to a building.

Structural alterations - any change in the supporting members of a structure such as foundations, bearing walls, columns, beams, or girders.

Structure - any erection or construction such as a building, towers, lamps, poles, booms, signs, decorations, carports, machinery and equipment. For purposes of [Section 18.04.20.1](#) (Wireless Service Facilities), “structure” means any facility, tower, pole, building, or other structure constructed for the sole or primary purpose of supporting broadband facilities or wireless service facilities. [Reference: section 29-27-402, Colorado Revised Statutes.]

Subdivider - any person, group, corporation, or other entity acting as a unit or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision for the purpose of sale or disposal of land as defined herein. If the subdivider is not the fee owner of the land in question, they shall present to the City the written approval of the fee owner.

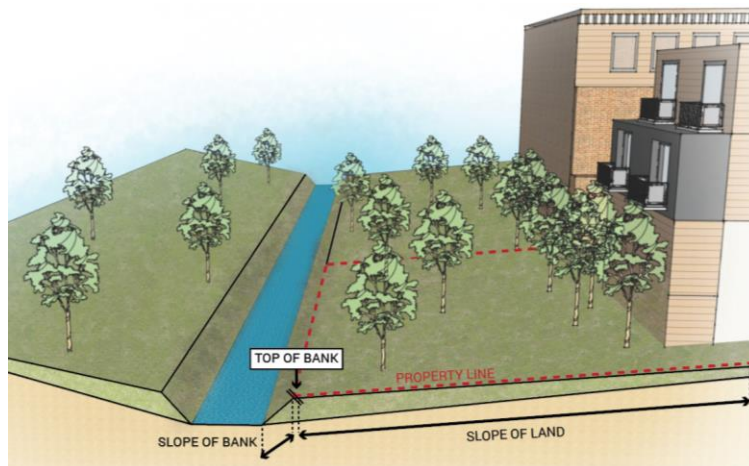
Subdivision - the division or consolidation of a lot or lots, tract, or parcel of land into one or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subsidence - is a geologic hazard involving a process characterized by the downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by man-made phenomena such as underground mining.

Surface fuels - fuels lying on or near the surface of the ground, including but not limited to leaf and needle litter, dead branch material, downed logs, bark, tree cones, and low-stature living plants.

T

Top of bank – the break in slope between the creek bank and surrounding terrain. The top of bank represents the boundary where normal water flow takes place including the active channel, active floodplain, and their associated banks.



Tower (Broadcasting Tower) - any structure built for the sole or primary purpose of supporting any Federal Communication Commission (FCC)-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Reference: section 29-27-402, Colorado Revised Statutes.

Tower, existing or pre-existing - a constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, if a tower that exists as a legal, non-conforming use and was lawfully constructed, is existing.

Tower, substantial change - a modification that substantially changes the physical dimensions of an eligible support structure if after the modification, the structure meets any of the following criteria:

- A. For towers other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
- B. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
- C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- D. For any eligible support structure, it entails any excavation or deployment outside the current site;
- E. For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For purposes of this definition, any change that undermines concealment elements of an eligible support structure shall be interpreted as defeating the concealment elements of that structure; or
- F. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (1), (2), and (3) of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Transmission equipment - equipment that facilitates transmission for any Federal Communication Commission (FCC)-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

U

Unstable - or potentially unstable slopes is a geologic hazard involving an area susceptible to a landslide, mud flow, a rockfall, or accelerated creep of slope-forming materials.

V

Vacation Plat - a map indicating a proposed vacation of a subdivision. A vacation plat does not vacate existing easements or deeded rights of way.

Variance - a legal modification or variation of provision of this code as applied to a specific parcel of land.

Vested Rights - the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan defined as a plan, approved by the city, which has been submitted by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

W

Wall-mounted communication facility - a communication facility that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, but does not include mechanical screens, chimneys, and similar appurtenances.

Work Goat - a goat brought onto property containing a CSA or crop production farm for the purpose of clearing weeds, hauling materials, or otherwise providing labor for the benefit of the CSA or crop production farm.

X

Xeric/xeriscape - a landscape that is adapted to the soils and climate of the local semi-arid region. Xeriscape landscapes may include plants that are native or not, but that help reduce water use and maintenance when they are properly planned.

Y

Yard (see setbacks) - the space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation.

Z

Zone District Map - the map adopted by ordinance by Manitou Springs that delineates the extent of each zoning district boundary and classification within the City, as established by the zoning code.