



MANITOU SPRINGS CITY PLANNING COMMISSION REGULAR MEETING AGENDA

All upcoming CPC meetings are scheduled to be hybrid,
Zoom (remote) or in-person at Memorial Hall.

In Person: Memorial Hall
606 Manitou Avenue

Manitou Springs, CO 80829

Remote: A link is provided on the City's Official Website at

<https://www.manitouspringsgov.com/544/All-Boards-and-Commissions>

August 13, 2025

5:30 PM

- A. CALL TO ORDER**
- B. APPROVAL OF MINUTES**
 - 1. July 9, 2025
- C. PUBLIC COMMENT ON NON-AGENDA ITEMS**
- D. UNFINISHED BUSINESS**
- E. NEW BUSINESS**
- F. OTHER BUSINESS**
 - 1. Boards and Commissions training
 - 2. Code Revisions Work Session
- G. NOTICE OF COUNCIL ACTION AND UPDATES**
- H. ADJOURNMENT**

Commissioners:

Alan Delwiche, Chair (12/31/2026)
Justin Wilson, Vice Chair (12/31/2025)
Mike Casey (12/31/2027)
Stephen Graybill (12/31/2026)
Gloria Latimer (12/31/2025)
Roy Rosenthal (12/31/2028)
Carey Storm (12/31/2028)
Megan Day, Alternate Commissioner (12/31/2027)
Frank DeLay, Alternate Commissioner (12/31/2029)

1 alternate position available

City Council Liaison: Julie Wolfe

Staff:

Fred Rollenhagen, Planning Director
Chelsea Royston, Senior Planner
Erin Ringsred, Planner and Landscape Architect II
Zachary Davison, Planner I

The City of Manitou Springs does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities. Reasonable accommodation will be provided to ensure equal access to all. Individuals who would like to request auxiliary aids or services should contact the ADA Coordinator at (719) 685-5481 or jfryer@manitouspringsco.gov. You may also contact the City Clerk's Office at cityclerk@manitouspringsco.gov or (719) 685-2554. Please provide a minimum of 3-5 days advance notice.

Interested citizens are invited to serve on any of the City's Boards or Commissions. Please contact the City Clerk's Office for more information or visit our website at: www.manitouspringsgov.com.



**CITY OF MANITOU SPRINGS
CITY PLANNING COMMISSION**

Regular Meeting Minutes
Hybrid Meeting via Zoom and at Memorial Hall
July 9, 2025

A. CALL TO ORDER

A Regular Meeting of the Manitou Springs City Planning Commission (CPC) was held at Manitou Springs Memorial Hall, 606 Manitou Avenue. Chair Delwiche called the meeting to order at 5:30 PM and declared a quorum present.

COMMISSIONERS PRESENT FOR ROLL CALL:

Vice Chair Justin Wilson (Acting Chair)
Commissioner Stephen Graybill
Commissioner Gloria Latimer
Commissioner Roy Rosenthal
Commissioner Mike Casey
Commissioner Carey Storm
Alternate Commissioner Frank DeLay

COMMISSIONERS ABSENT FOR ROLL CALL:

Chair Alan Delwiche (excused)
Alternate Commissioner Megan Day (Joined Virtually at
6:15PM)

STAFF PRESENT:

Senior Planner Chelsea Royston
Planning Director Frederick Rollenhagen

GUESTS PRESENT:

Planning Commission Attorney Kunal Parikh
The following Housing Advisory Board (HAB) members
were present:
HAB Member Nathan Nassif

B. APPROVAL OF MINUTES

C. UNFINISHED BUSINESS

No unfinished business was discussed.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

D. NEW BUSINESS

1. VAR 2506 – Creek Walk Phase #4

Planner Royston presented Variance 2506 for Creek Walk Phase 4, noting that the variance would stretch from Mayfair Avenue to the former Chase Bank property. She explained that the request stems from a conflict between the existing eight-inch vertical curbs and Colorado Department of Transportation (CDOT) standards, which govern the applicable portion of Manitou Avenue. The proposed design includes a 10-foot concrete path to replace the existing 3-foot sidewalk. City code requires that the whole length of the trail be detached, with landscaping between the sidewalk and the curb. This requirement originated from the 2018 Creek Walk Trail Master Plan, which now conflicts with the more recent Land Use and Development Code (LUDC). She also highlighted substantial community engagement in developing the master plan. Planner Royston shared two types of proposed landscape bump outs, including crosswalks and accommodations for street parking. She reviewed constraints that led to the variance request, including grading challenges related to flood mitigation that cannot be altered, and presented two design alternatives. Planner Royston stated that the requested variance meets criteria, including that the hardship is not self-imposed, as well as those related to disability accommodation and historic preservation. She concluded by stating that staff recommend approval without conditions.

There was a brief discussion about whether the variance would improve the path by the creek, to which Consultant Karen Rowe stated that timer stairs by the Chase Bank property would give access to the creek.

Consultant Rowe confirmed that utilities would be moved and clarified that the utilities would be underground. Additionally, she shared that the bump outs would be seven-feet wide from curb to curb with gutter.

Acting Chair Wilson opened the hearing for public comment at 6:10PM. Due to no public comment, Acting Chair Wilson subsequently closed the public comment portion of the hearing.

Commissioner Storm moved to approve the Variance for Creek Walk Phase 4, based upon the findings that the request meets the review criteria for granting a Variance, as set forth in City Code Section 18.06.4.2. The motion was seconded by Commissioner Latimer. The motion carried unanimously (7-0).

F. OTHER BUSINESS

1. Code Revisions Work Session

Director Rollenhagen explained that the purpose of the work session was to continue revising the development code, specifically related to Accessory Dwelling Units (ADUs), and expressed appreciation to the Housing Advisory Board (HAB) for joining. He noted three main areas of concern including ensuring appropriate development standards, addressing affordability, and evaluating the potential citywide impact of expanded ADU development. Director Rollenhagen shared that both historic preservation and standard single-family setbacks would apply, as well as Historic Preservation Guidelines. He confirmed that adequate water and sewer service would be required, with the option of either shared or separate utility taps. He clarified that ADUs are defined as detached dwellings with independent living facilities, allowed in General Residential (GR), Low Density Residential (LDR), and Hillside Low Density Residential (HLDR) zoning districts, with a maximum of one per household and a size range of 500 to 700 square feet. He clarified that ADUs can be rented out for periods exceeding 30 days and short-term rentals were not permitted, and property owners could not live in the ADU and rent their primary residence. The approval process for ADUs would be conducted through a minor site plan and a grading and erosion control plan. Director Rollenhagen noted that in the three zoning districts that could contain ADUs there is 1,628 valid single-family dwellings. He noted that most potential ADUs were primarily convertible space, such as garages and basements, rather than new construction.

Planner Royston noted that density requirements do not apply to ADUs as that would not permit them in smaller lots that already have residences. She explained that in GR zones a lot can be up to 55% covered, LDR zones a lot can be 35% covered and HLDR zones are decided on a case-by-case basis. Additionally, Planner Royston clarified that there is overlap in the numbers of qualifying properties as each property can only have one ADU.

Commissioner Latimer confirmed with staff that ADUs will have administrative approval so they will be without public comment, but short term rentals will not be affected in any way.

There was a brief discussion about whether separate entrances for ADUs was a requirement, during which Director Rollenhagen stated that he thinks the building code would require a separate entrance but if not, that can be specified.

There was a general discussion about short-term rental restrictions, as well as the impact on preexisting ADUs. Planner Royston clarified that the current recommendation is that ADUs not be rented on a short-term basis, but even if that provision is not included, they would still go through the normal short-term rental process. She added that the rules could be convoluted if they separated preexisting ADUs from new ADUs, but that the city could decide to apply the restriction only to new ADUs.

Alternate Commissioner Day stated that she believes that the criteria for short term rental should not be affected by the fact the building is an ADU.

Commissioner Storm stated that she believes the state ADU ordinance was passed was to encourage long term housing, and that allowing ADUs as short term rentals would be in opposition to the goal.

Commissioner Casey suggested that short term rental restrictions should be applied to new ADUs, and added that outlawing existing short term rentals could be tough.

Director Rollenhagen stated that he is not familiar with the current amount of ADUs that are short term rentals and that the intention is not to take their licenses or permits away if they are already established.

Planner Royston confirmed that the city's short term rental limits would increase if ADUs were added, so the number of short term rentals could increase.

There was a brief discussion about lot density, during which Planner Royston clarified that the density would not apply in terms of the number of residences on a lot and that lot coverage would still be enforced for any new development, which is the amount of impervious coverage.

Director Rollenhagen reiterated that density standards cannot be applied to ADUs, and clarified that in the zoning districts that only allow one residence per parcel, the ADU ordinance would allow for more.

Commissioner Storm confirmed with Director Rollenhagen that the 500-foot rule for short term rentals (minimum distance required between short term rentals) is still in place and expressed that the space is very limited for short term rentals.

Commissioner Graybill stated that he believes adding increased housing will help improve affordability.

Planner Royston stated that the housing authorities of the region are unable to take on Manitou Springs and that a new entity, such as a housing department, would have to be created to manage deed restrictions and regulate housing prices beyond what is driven by supply and demand.

Commissioner Latimer expressed concern that landlords will try to rent for the highest market rate, and that doing so does not help low income individuals, who need affordable housing.

Commissioner Graybill agreed with Commissioner Latimer, but noted that regulating housing prices would be difficult.

Commissioner Casey asked Planner Royston about having to tweak the code to fit the state law or if a separate ordinance would happen.

Planner Royston confirmed that a new ordinance would be created to address the policy and explained that staff would have a copy of the LUDC outline where definitions will need to be updated.

There was further discussion about short term rental requirements, during which Planner Royston explained that on site hosting is not required for short term rentals, but there is an owner occupancy requirement.

Alternate Commissioner Day suggested that the applicant recognize the short term rental restriction for new ADUs during the administrative process.

Planner Royston said that they could look into that and that not having a license was enough to prove that they would not.

Commissioner Casey confirmed that no one can ask for a variance on an ADU.

Planner Royston confirmed that use-based variances are not permitted.

Commissioner DeLay stated that they would not be in favor of limiting the ADUs from short term rentals, and that this would create issues with timing and preexisting properties. They clarified that they believed that the current short-term rental rules were adequate enough.

Director Rollenhagen said that state law limits the municipality's ability to require additional parking for ADUs and that the law allows requirement for additional parking under special circumstances.

There was a brief discussion about parking requirements for short-term rentals, to which Planner Royston stated that the parking calculation for short-term rentals is based off of the number of bedrooms and other factors. ADU parking could require one spot allocated off street or on street.

Director Rollenhagen added that if there is no available on street parking then parking could be required for ADUs. Director Rollenhagen shared that there was a deadline for compliance on June 30, 2025. He explained that the City Council will be adopting an emergency ordinance to allow for ADUs and comply with the state. Additionally, the emergency ordinance will give the commission more time for the final ordinance to be drafted without the pressure of a strict deadline.

G. NOTICE OF COUNCIL ACTION AND UPDATES

Director Rollenhagen updated that the appeal of the variance denial for 360 Via Linda Vista was upheld by City Council.

H. ADJOURNMENT

With no further business to discuss, Acting Chair Wilson adjourned the meeting at 7:51 PM.

If you need this document in an alternative format, such as large print, accessible PDF, or Braille, please contact the City Clerk's Office at cityclerk@manitouspringsco.gov or (719) 685-2554.



Colorado Sunshine Law

Informs the methods by which public meetings are conducted.

C.R.S. §§ 24-6-101 — 24-6-502

Open Meetings Law

C.R.S. §§ 24-6-401 – 24-6-402



All meetings of 3 or more members of any local public body where any public business is discussed must be open to the public.

A Local Public Body



Board

Committee

Commission

Policy-making or rule-making
advisory

Formally Constituted Body of a
Political Subdivision

Any Public or Private Entity
That Has Been Delegated Any
“Governmental Decision-
making Function”.

What is a Meeting?

Defined broadly by the statute as “any kind of gathering, convened to discuss public business, in person, by telephone, electronically or by other means of communication.”





Four Types of Meetings

- Open Meetings
- Meetings Requiring Notice
- Meetings Requiring Minutes
- Executive Sessions

Open Meetings

Meetings with 3 or more members of any local public body, or a quorum, whichever is less, at which any public business is discussed or at which any formal action is to be taken.

Meetings Requiring Notice



A minimum of 24 hours public notice,
with specific agenda information where
possible, is required for meetings...

- In which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs
- OR at which majority or quorum of the body is in attendance or expected to be in attendance.

Meetings Requiring Minutes

Minutes are required at meetings in which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur shall be taken.

Executive Sessions

- An executive session is a closed portion of a regular or special meeting held to discuss a limited number matters.
- No adoption of proposed policy, position, resolution, rule, regulation or formal action can occur at a session not open to the public.
- Prior to the session the specific provision authorizing the executive session as well as the topic to be discussed, in as much detail possible, must be announced to the public.

Topics for Executive Session

Property Transactions

Attorney Conferences

Negotiations

Personnel Matters

Confidential Matters Under State Or Federal Law
(Governing body must announce specific statute that requires confidentiality.)

Documents Protected Under C.O.R.A.
(For example, work product, personnel files, medical files, and more.)

Best Practices



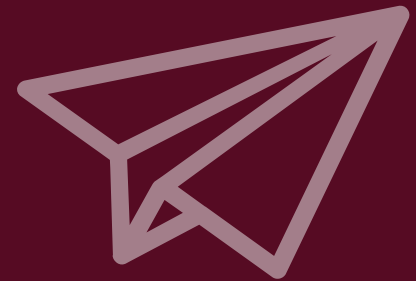
- Save questions, comments & discussions about public business for official meetings. Even discussions between two board members that do not equate to a quorum can be seen as not being transparent.
- When communicating about public business to city staff, applicants, City Council, Board Members or anyone else, consider that the public may hear or see what has been said, when and to whom.



A Note About C.O.R.A

C.R.S. §§ 24-72-201 — 24-72-206

Emails concerning public duties or funds are, for the most part, public records under The Colorado Open Records Act.



Emailing Best Practices



BCC – blind carbon copy allows a member to send information out to multiple members, so that recipients cannot see who received the email, limiting the possibility for discussion between three or more members.



Include labels in your email like “One-way Email” and/or “Do Not Reply” when sending out information, to prevent discussion that could trigger the Open Meetings Law.



Emails not included in the Open Meetings Law



Email communications among elected officials or appointed members “that does not relate to the merits or substance of pending legislations or other public business” shall not be considered a meeting.

- Emails about scheduling and availability
- Emails for the purpose of forwarding information

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LET THE SUNSHINE IN!





OPEN RECORDS LAW & PROCESSES

COLORADO OPEN RECORDS ACT

C.O.R.A.

C.R.S. §24-72-201 ET. SEQ.



C.O.R.A.

All public records shall be open for inspection by any person at reasonable times.



Under the Colorado Open Records Act (CORA), all messages sent to or from this e-mail account may be subject to public disclosure. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. City of Manitou Springs, 606 Manitou Avenue, Manitou Springs, CO 80829

Public Records

All writings made, maintained, or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to section 23-5-121 (2), C.R.S., or political subdivision of the state, or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.

Includes the correspondence of elected officials and appointed members...



Correspondence Not Included in Public Records:



Work product



Correspondence without demonstrable connection to the exercise of functions required or authorized by law or administrative rule, or that does not involve public funds.



Communication from a constituent that is clearly of a personal nature and that the constituent expects is confidential, or that is communicated for the purpose of requesting assistance or information relating to a private manner not publicly known.

Public Records does not include:

- ❑ Criminal justice records
- ❑ Personnel Files
- ❑ Medical, Psychological, Sociological, and Scholastic Achievement Data
- ❑ Materials received, made or kept by a crime victim compensation board or attorney that are confidential
- ❑ Certain information security documents
- ❑ Unsubstantiated complaints of harassment or discrimination

REDACTED INFORMATION:

- ❖ Personal identifiable information
- ❖ Correspondence not related to public business or public funds.

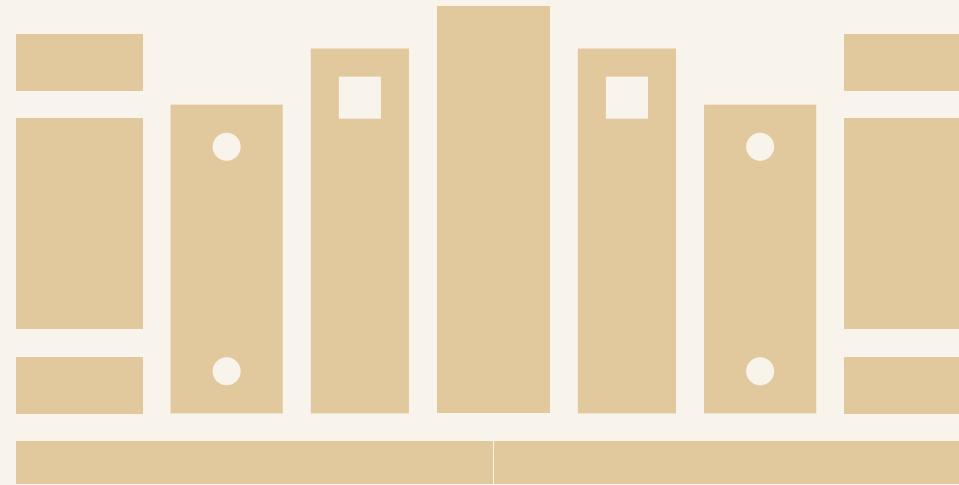


Who is the custodian?

City Clerk
(& Deputy City Clerk on
behalf of the City Clerk)

The official custodian of any public records may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office.

C.R.S. §24-72-203 (1)(a)



CITY OF MANITOU SPRINGS PUBLIC RECORDS POLICY

Purpose:

To assure prompt and equitable service to citizens requesting access to public records, in accordance with the requirements of C.R.S 24-72-201 et. seq.

Policy:

To make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.



Making a records request

Must be submitted in writing on the form provided by the city, (via the city website, email, US mail, or hand delivery)..

Must be made with sufficient specificity.

REQUEST FOR RECORDS

This form is to be utilized to request copies or review documents in the possession of the City of Manitou Springs, subject to the provisions and restrictions of the Open Records Act (C.R.S. Article 72).

Return completed forms to the City Clerk's office at: 606 Manitou Avenue, Manitou Springs, CO 80829 or via email to cityclerk@manitouspringsco.gov

Requestor's Name: _____ Date of Request: _____

Address: _____

City, State, Zip: _____ Phone #: _____

Email: _____ Company (if applicable): _____

Case # (if applicable): _____

INSTRUCTIONS
Indicate the information you desire and/or list each requested document. Please be as specific as possible. Allow three (3) working days to search the records. Per the State of Colorado Open Records Act (C.R.S. 24-72-203) if the request is substantially large or is maintained off-site, an extension of seven (7) working days is permitted. You will be notified within three (3) days of any extension and all estimated costs.

Please select the format in which you would like to receive materials:

View Only-No copies requested (appropriate staff member will accompany you): ____

Hard Copies/Print outs: ____

Email: ____

USB Drive: ____

By signing this form, I acknowledge that I have read and understand the above Colorado Revised State Statutes. I am not requesting official actions or criminal justice records for the purpose of solicitation of business or for pecuniary gain.

Requestor's Signature: _____ Date: _____

Records Request Response

The City Clerk's Office will respond within 3 business days. If more time is required, the requester will be notified with an estimated time frame, not more than 7 additional working days.

If it is not feasible to provide copies and/or the copies are not requested, then the city may reach out to set up a time for the requester to come in and inspect the requested records.

Effective July, 2024 the hourly Research & Retrieval Fee is \$41.37. The first hour is free. If a deposit is required, the request is not considered received until the deposit is paid.

If the city attempts to contact the requester for clarification, and/or to provide a cost estimate, and there is no response from the requester within 10 business days then the request will be closed.

If the request is denied, reasons for denial would be provided to the requester in writing.



Boards & Commissions and C.O.R.A.

Your email and text message correspondence relating to public functions of your appointed position or involving public funds can be requested under the Colorado Open Records Act.

Transparency and openness of public business for the benefit of the community is important to keep in mind in your communications.

Also see the Colorado Sunshine Law. C.R.S. §24-6-101 et. seq.



Questions



Title: Code Revisions Work Session
From: Fred Rollenhagen
To: City Planning Commission
Address of Proposal:
Applicant:

August 13, 2025

Proposal:

Draft code amendments are attached for the City Planning Commission's review and discussion. They include amendments in response to the State Land Use legislation that was passed last year;

HB24-1007: Housing Occupancy Limits

HB24-1152: Accessory Dwelling Units

HB24-1304: Minimum Parking Requirements

Zone District:

Background & Existing Conditions:

The Planning Commission held a third working session last month that focused on answering questions and providing information on potential impacts from accessory dwelling units (ADUs).

Data and spatial information was provided that showed potential locations for ADU construction, and locations that would prohibit ADUs based on the Land Use and Development Code's current development standards. Overall, the data showed a far greater opportunity for existing garages, basements or other qualified structures to be converted into ADUs than there is available land for new structures to be constructed. At the end of the session, the CPC asked to see a draft code revision before scheduling and holding a public hearing for a recommendation for code revisions to City Council.

Application Detail:

Attached are draft redlines of the Municipal Code that address each of the pieces of legislation. Staff invites questions and discussion.

Public Involvement:

Findings & Review Criteria:

Staff Recommendation:



Motion Language Options:

Title 18

LAND USE AND DEVELOPMENT CODE¹

Chapters:

Chapter 18.01. GENERAL PROVISIONS

Sections:

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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

18.01.2. Purpose and Organization.

18.01.2.1 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;

¹Ord. No. 1123, § 1(Exh. A), adopted Oct. 3, 2023, repealed the former title 18, and enacted a new title 18 as set out herein. The former title 18 pertained to similar subject matter and derived from Ord. No. 2322, § 3, adopted Jan. 3, 2023.

-
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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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

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(Supp. No. 71, Update 2)

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.Redevlopment 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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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 18.06.3.9 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 18.06.3.9 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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

Chapter 18.02. ZONE DISTRICTS

Sections:

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.

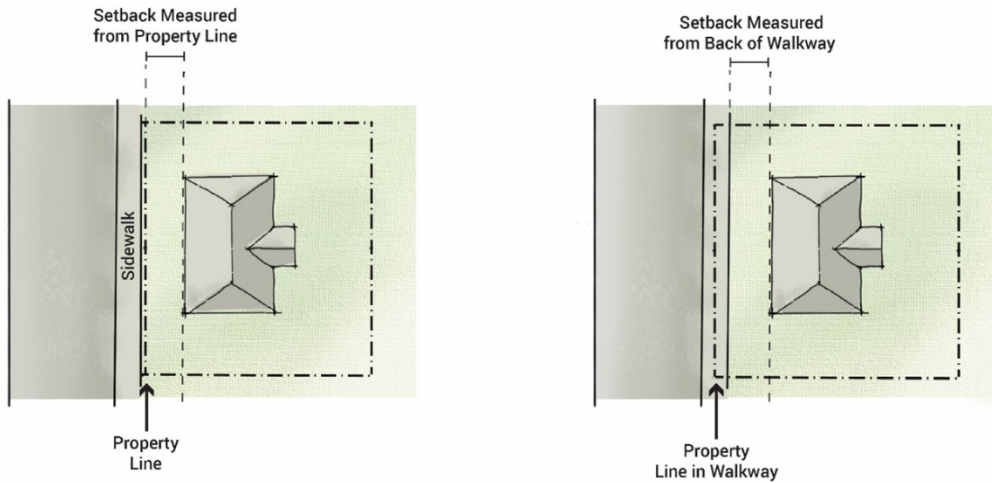
A. Density.

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 the U.S. Department of Housing and Urban Development (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.

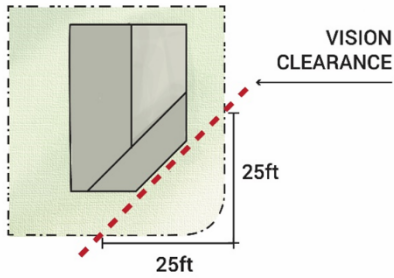
1. A *building* or *structure* must meet the minimum setback requirements set forth in the dimensional standard tables for each zone district unless a *variance* has been granted. *Setbacks* shall be measured from the *property lines*. If public infrastructure such as streets or sidewalks are located 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.

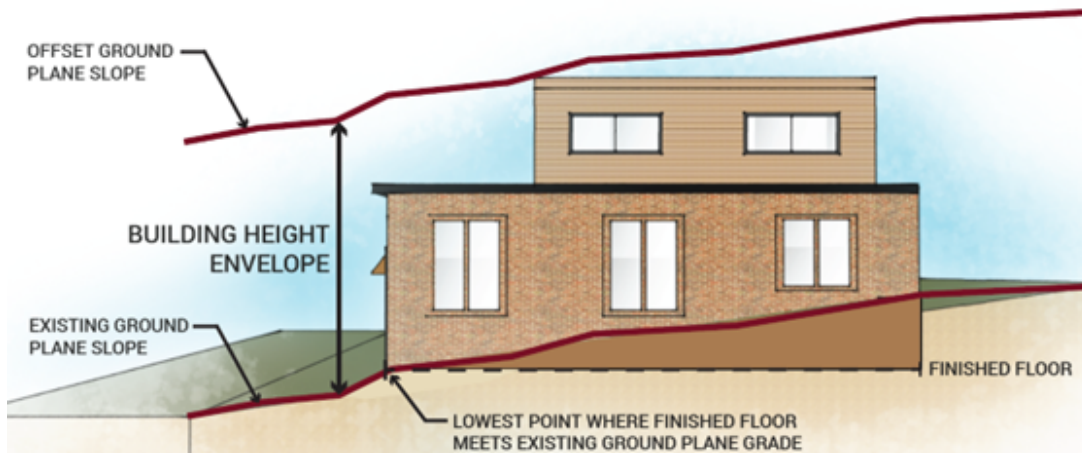
Figure 18.02.1.3-2: Vision Clearance Triangle



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, however, building height will be measured from the ground plane slope as it will exist at the time of completion but may be no higher than the maximum height allowed as measured from the naturally existing grade prior to construction.

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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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 façade 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 5 ft. 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
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 (7'6") 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 (5') 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 (30').

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

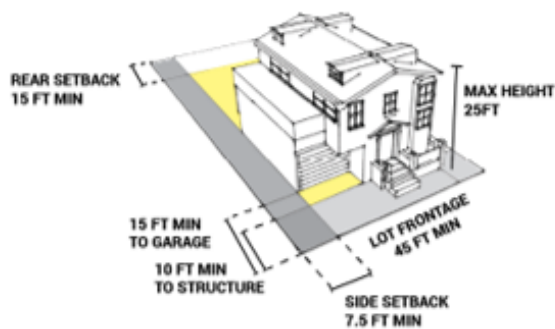


Figure 18.02.2.1-2: Illustration of Setbacks for Dwellings with Rear Loaded Alley Garage

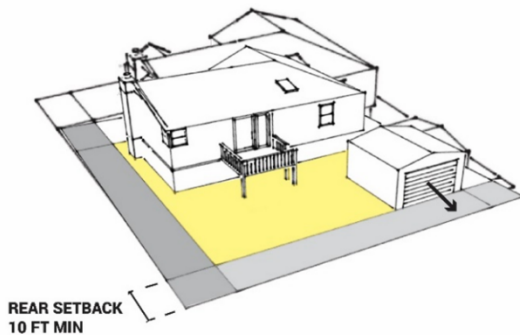
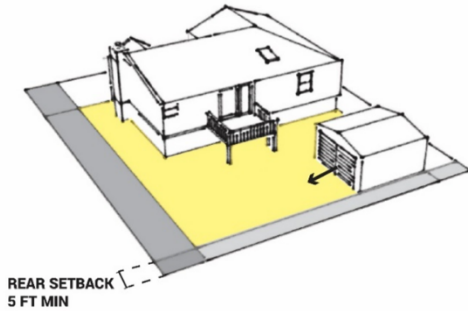


Figure 18.02.2.1-3: Illustration of Setbacks for Dwellings with Side Loaded Alley Garage



18.02.2.2.Low-Density Residential (LDR).

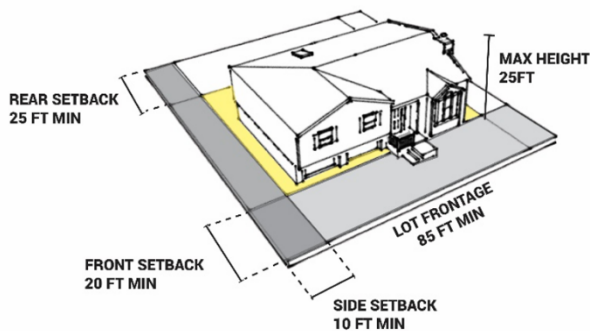
- A. Purpose. The Low-Density Residential Zone District is characterized by a variety of detached *dwelling* unit housing types.
- B. Permitted Uses. Applicable uses may be found in Chapter 4, Table 18.04.2-1.
- C. Dimensional Standards. The following dimensional standards apply to this district.

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	5 ft.
Site Development Standards	
Maximum Lot Coverage	35%
Maximum Building Height	25 ft ^[1]
Maximum Residential Density	5 du/ac

^[1] Heights of structures shall be twenty-five feet (25') 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 (30').

Figure 18.02.2.2-1: Illustration of Setbacks



18.02.2.3.High-Density Residential (HDR).

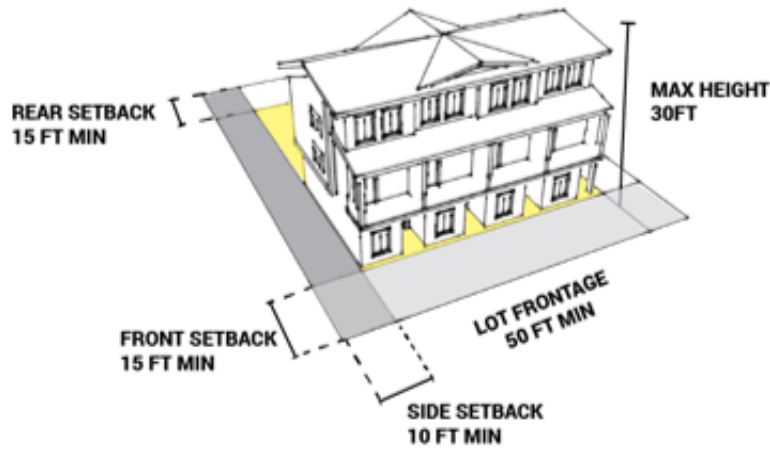
- A. Purpose. To provide areas for a variety of attached dwelling units or multi-unit dwelling housing types, designed in a manner to create livable dwelling space and well-designed common areas. This Zone District shall be encouraged for redevelopment opportunities at high traffic areas, particularly 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.

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
Minimum Side Setback - Permanent Principal Structure	10 ft. ^[1]
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 ^[1]
Maximum Residential Density	15 du/ac

^[1] Subject to building height and scale requirements per Section 18.03.2.4 and 18.03.3.

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;

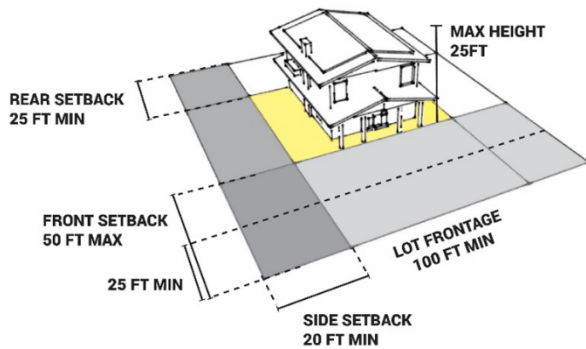
A = Area (square feet)—Area within the limits of the property boundary of the parcel being considered.

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 thirty percent (30%) (even if the average slope on the entire site is less than 30%).

Figure 18.02.2.4-1: Illustration of Setbacks



- 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 to ensure adequate fire access. A slope of twelve percent (12%) or greater may be permitted by the Director upon the applicant demonstrating alternative adequate fire access and the applicant providing interior building sprinklers for all structures on the property.
 7. All landscaping shall adhere to Chapter 3.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

18.02.2.5 Residential Household Size Limitation

The number of persons occupying any residential dwelling unit shall not exceed the maximum number permitted by the City’s building, fire, or other applicable safety code, the City’s Housing Habitability Code, applicable state or federal laws or regulations, or applicable affordable housing covenants and regulations.

Chapter 18.07 DEFINITIONS

18.07.3 Zoning and Subdivision Terms.

Household – Household means a single person or a group of persons living together as a single housekeeping unit. ~~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.~~

13.04.090 Service lines—Separate for each building—Exceptions.

A separate and independent service line shall be provided for every building. Multifamily or commercial or industrial complexes having more than one building on a single platted lot may have the individual buildings connected to a single common service line, unless and until such lot is resubdivided or the buildings otherwise become separately owned, in which case independent connections shall be made. Waiver of this requirement for a separate and independent service line may be granted by the city administrator upon resubdivision or creation of separate ownership of individual buildings on a single lot with existing multifamily or commercial, but not industrial complexes. Such a waiver shall be granted upon showing that the service line owned in common will be maintained by an entity of the owners of the separate buildings. By regulation, the city administrator may provide for additional requirements to assure proper maintenance and repair of the common service lines and, if necessary, monitoring of effluent quality or quantity. The city does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the sewage collection system as aforementioned.

(Ord. No. 0816, § 1, 4-19-2016; Ord. 3286 § 1 (part), 1987)

13.08.100 Extension of service line prohibited.

A. Requirement for separate service line: A separate and independent service line shall be provided for every building and no connection with the water system shall be made by extending the service line from one property to another property. In the event that any such property is subdivided, each resulting property is required to have its own separate water service line, which line shall be installed at the expense of the owner of the property.

i. exceptions: accessory dwelling units, as defined by Section XXX, may extend the service line of the associated principal dwelling unit. Each unit must be individually metered. The service line must be adequately sized as determined by the City Engineer

(Ord. 3506 § 1, 2007)

13.12.070 Master metering—Responsibility of landlord.

Master metering shall be permitted of any apartment complex, motel or commercial or office-type building, provided all tenants of such structures rent from the same landlord. In all cases where master metering is permitted of two or more units, the landlord shall be responsible for paying the water and sewer bills. The connection of two or more distinct and separate commercial buildings used for different commercial activities to the same meter is prohibited. **Accessory Dwelling Units must be metered independent of the associated principal dwelling unit.**

(Ord. 3286 § 4 (part), 1987)

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 *dwellings*.

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, or buildings, on one lot with three (3) or more independent *dwelling* units. 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 one lot containing between three (3) and eight (8) *dwelling* units intended for either sale or rent.
 - 2. Large *multi-household* shall mean one lot containing more than eight (8) *dwelling* units 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.

18.04.3.7 Accessory Dwelling Unit

- A. Defined. A dwelling unit that is internal, attached to, or detached from, a conforming single-household detached unit. If attached to or detached from, it is an accessory structure to the principle single-household detached unit.

B. Use Standards

a. An accessory dwelling unit shall not be permitted for use as a short-term rental as defined under Section 18.04.5.4.

C. Development Standards

a. Accessory Dwelling Units shall comply with dimensional standards applicable to the zone district with the following with the following exceptions:

i. One Accessory Dwelling Unit is permitted per principal dwelling unit per lot and shall not be subject to density restrictions stated in the applicable dimensional standards table.

ii. Any additional units shall be subject to the density restrictions.

iii. Size Requirements: Accessory dwelling units shall be no less than 500 square feet in habitable space and no more than 750 square feet in habitable space.

b. Dimensional Standards applied to it shall be that of a permanent principal structure found in Table 18.02.2.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

18.04.5 Lodging Uses.

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. **An accessory dwelling unit, nor its primary single-household detached unit, as defined under Section 18.04.3.7, shall not be permitted to be used as a short-term 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. 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.

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4. The short-term rental shall be the property owner's primary residence for one-hundred-and-eighty-five (185) or more days of each calendar year and the resident shall sign an affidavit affirming such requirement is met. The primary residence may mean the same residence as the short-term rental or another dwelling unit located on the same lot.
 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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)

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

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(Supp. No. 71, Update 1)

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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.
 7. The construction or alteration of an accessory dwelling unit as defined under Section 18.04.3.7
- 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;
 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.

Table 18.04.2.5-1: Table of Allowed Uses

Use Category	Use Type	GR-General Res	LDR-Low Density Res
RESIDENTIAL USES			
Household Living	Dwelling, Single-Household Detached	P	P
	Dwelling, Two-Household Duplex	P	
	Dwelling, Single-Household Attached	P	
	Dwelling, Mixed-Use		
	Dwelling, Multi-Household, Small (up to 8 units)	P	
	Dwelling, Multi-Household, Large (more than 8 units)		
	Mobile or Manufactured Home Park		
	Accessory Dwelling Unit	A	A

HDR-High Density Res	HLDR-Hillside Low	DWTN-Downtown	C-Commercial	MUC-Mixed Use Commercial	OS-Open Space	P-Park	PF-Public Facilities
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	P						
				P			
P				P			
		P	P	P			
P		P	P	P			
P			P	P			
			P	C			
	A						

Use Specific Standards
Y
Y

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.

C. Transit Service Area Exceptions. The following new development in an applicable transit service area (as such area is designated on the relevant map published by the Colorado Department of Local Affairs pursuant to C.R.S. § 29-36-106) shall be exempt from the minimum parking requirements set forth in Section 18.03.8.3:

- 1. Multi-family residential development;
- 2. Adaptive re-use (as defined in C.R.S. § 29-36-102 to mean “the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use”) for residential purposes; and
- 3. Adaptive re-use (see definition above) for mixed-use purposes which includes at least 50% of the use for residential purposes.

Except that the City may require minimum parking for the above-listed types of development:

- 1. If the City would be prevented from being awarded funding for affordable housing that requires a ratio of a certain number of parking spaces; or
- 2. If a housing development project is intended to contain twenty units or more or contain regulated affordable housing (as that term is defined in C.R.S. § 29-36-102(17)), and the City has published written findings and filed an annual report with the department of local affairs showing that not enforcing minimum housing requirements will have a substantial negative impact that cannot be mitigated by other strategies, as required by C.R.S. § 29-36-104; provided that the City may only require up to a maximum of one space per dwelling unit.

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
<i>Residential Uses</i>	
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 2 or more bedrooms = 2 spaces per dwelling unit
Dwelling, Multi-Household	
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
<i>Lodging</i>	
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

<i>Commercial and Office Uses</i>	
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

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- 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 18.03.8.2-2: 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

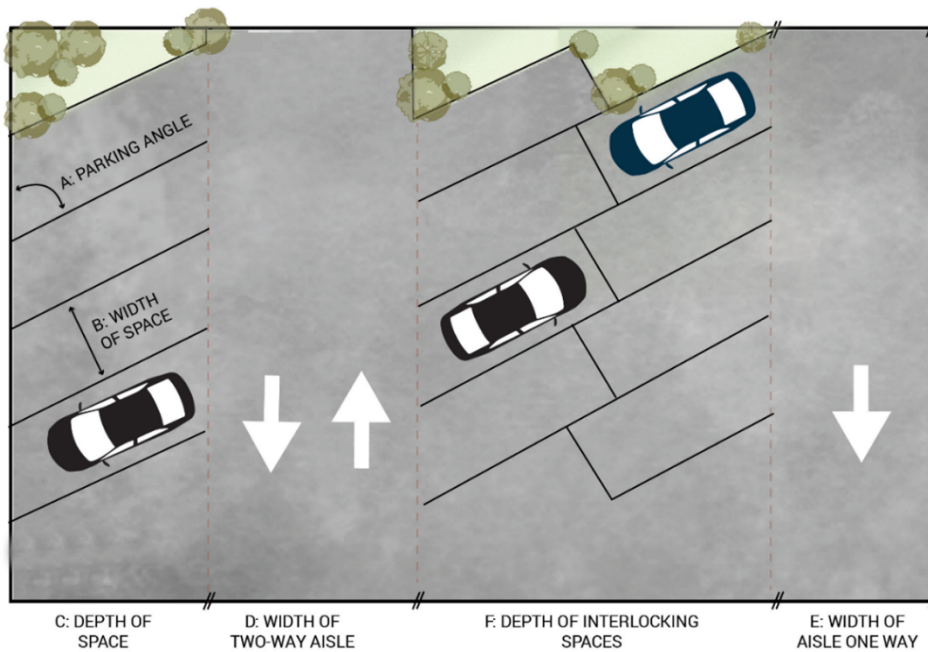
18.03.8.8 Parking Area Design Standards.

- A. The following dimensional and *design standards* apply to all parking areas.
- B. Parking Space Dimensions. Table 18.03.8.3-1 and Table 189.03.8.3-2 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



- 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.

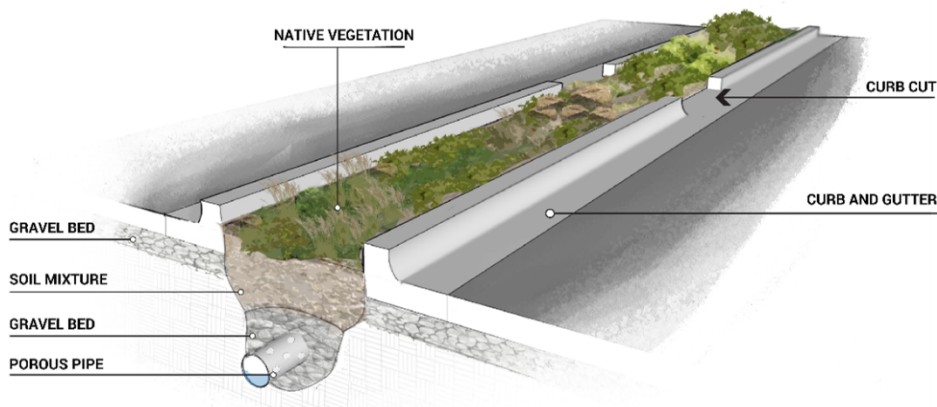
- A. Stacking Lanes. Vehicle stacking lanes for drive-through uses shall be provided as described below:
 1. Automobile wash, thirty (30) ft. behind each bay or stall;

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.

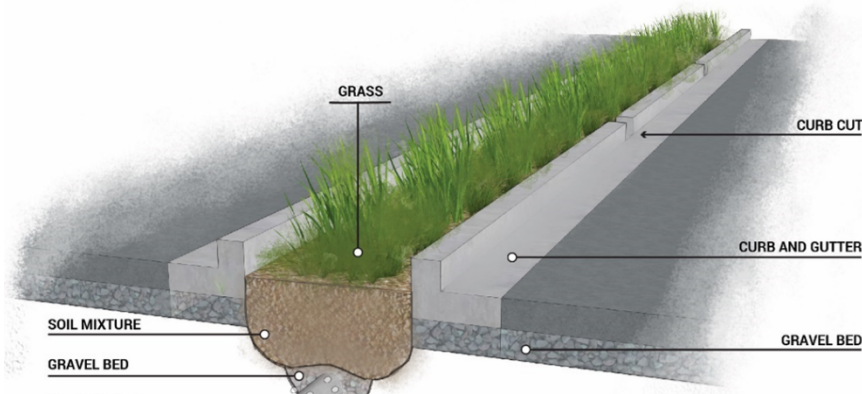
- A. All parking areas that exceed the maximum number of parking spaces required per Section 18.03.8.4, shall incorporate low impact *development* (LID) techniques, such as bioswales, vegetative filter strips, and rain gardens, to maximize on site infiltration of stormwater for the area in which there 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.

Figure 18.03.8.9-1: Illustration of Bioswale



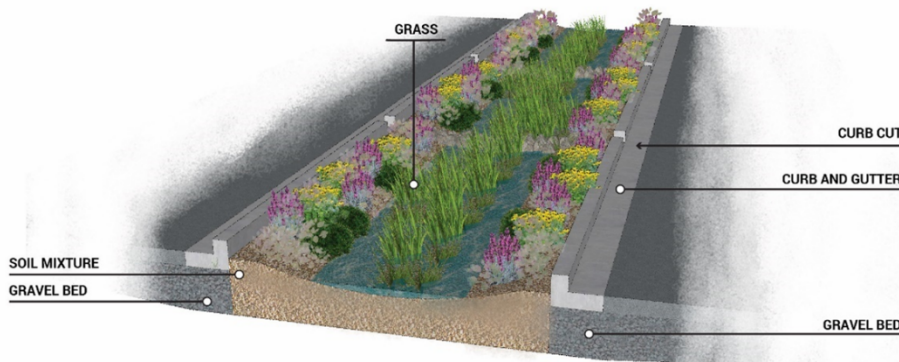
2. Grassed swales: Grassed swales are designed to convey water over the surface of the ground to a point of disposal and serve to slow the flow of water allowing some particulates to drop out before the water reaches the disposal point.

Figure 18.03.8.9-2: Illustration of Grassed Swale



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.

Figure 18.03.8.9-3: Illustration of Rain Garden



18.03.8.11ADA-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.

(Ord. No. 1123, § 1(Exh. A), 10-3-2023)