

**TOWN OF MINTURN
ORDINANCE NO 4 – SERIES 2011**

**AN ORDINANCE ESTABLISHING ZONING ON PARCELS OF
LAND KNOWN AS THE EAGLE COUNTY SCHOOL DISTRICT
MALOIT PARK PROPERTY ANNEXED TO THE TOWN OF
MINTURN, COLORADO AND AMENDING THE OFFICIAL
ZONE DISTRICT MAP OF THE TOWN OF MINTURN, CO.**

WHEREAS, the Town of Minturn, Colorado annexed the Eagle County School District Maloit Park Parcels No. 1 and 2, County of Eagle, State of Colorado pursuant to Ordinances Nos. 1 and 2 – Series 2011; and

WHEREAS, C.R.S. Section 31-12-115 (2) requires the Town to Zone property that is annexed to the Town within ninety days after the effective date of the annexation ordinance; and

WHEREAS, an application has been filed with the Town of Minturn to amend the Official Zone District Map of the Town of Minturn through the inclusion of the area known as the Eagle County School District Maloit Park Parcels No. 1 and 2; and

WHEREAS, this Amendment to the Official Zone District Map will create the Maloit Park Character Area and the following Zone Districts: the Maloit Park Mixed-Use Zone; the Maloit Park Public Facilities Zone and the Maloit Park Recreation and Open Space Zone, all of which are depicted in Exhibit A (attached); and

WHEREAS, the Purpose and Objective of the Maloit Park Character Area is defined in Exhibit B (attached); and

WHEREAS, the allowable uses for the Maloit Park Character Area are defined in Exhibit C (attached); and

WHEREAS, the land use term community-oriented building, facility or use, as stated in the Maloit Park Character Area Use Table, is defined as follows: *A predominantly non-commercial use established primarily for the benefit and service of the general public or the community in which it is located. Such facilities include, but are not limited to: community centers; art/performing arts or cultural centers, libraries, museums and other similar uses;* and

WHEREAS, the following dimensional standards will apply to the Maloit Park Character Area; and

<i>Character Area</i>	<i>Zones</i>	<i>Min. lot area (sq. ft.)</i>	<i>Min. lot dimension (feet)</i>	<i>Max. lot coverage (%)</i>	<i>Front Setback (feet)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>River Setback</i>
	Mixed Use	5,000	50	40	20	10	5	C.C= 50
Maloit Park	Public Facilities	N/A	N/A	N/A	20	10	10	

	Recreation/Open Space	N/A	N/A	N/A	N/A	N/A	N/A	
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WHEREAS, public notice was provided pursuant to Section 16-21-610 of the Minturn Municipal Code; and

WHEREAS, the Minturn Planning Commission held public hearings on January 12, 2011 and January 26, 2011 to review the application and made a recommendation to the Minturn Town Council to approve the Amendment to the Official Zone District Map with the following recommendation:

At the time of subdivision review, the Open Space and Recreation Plan of the Subdivision Improvement Agreement shall provide reasonable public access to the Recreation and Open Space Zone through the Mixed Use Zone of the Maloit Park Character Area; and

WHEREAS, a public hearing was held before the Minturn Town Council on March 16, 2011 and after review of presented evidence, testimony, exhibits, review of the Town Master Plan, comments of public officials and referred agencies, comments from the public and recommendation from Town Staff, the Town Council finds as follows:

1. That proper publication and public notice were provided as required by law for hearings before the Planning Commission and Town Council; and
2. The proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan. The subject property is being annexed to the Town and there is no existing Town zoning on the property. The proposed amendment will zone property and create consistency with the existing Official Zone District Map through the creation of the Maloit Park Character Area and associated zoning districts.
3. The proposed amendment is compatible with existing and proposed uses surrounding the subject land.
4. The proposed amendment is necessary because there will be a change in condition due to the fact that the property has been annexed into the Town and therefore the property is required by state law to be zoned.
5. The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm-water management, wildlife habitat, vegetation, and wetlands.
6. The proposed amendment does address a demonstrated community need. The zoning for the property will provide for the orderly and planned development of the property. As well, it may provide for more property and sales tax revenue for the Town.
7. The proposed amendment will result in a logical and orderly development pattern. The proposed amendment will not constitute spot zoning.

8. The resulting development can logically be provided with necessary public facilities and services.
9. The proposed amendment is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS as follows:

SECTION 1. Section 16-3-10 of the Municipal Code of the Town of Minturn is amended by the addition of a new subsection 12 as follows: "(12) Maloit Park Character Area. The character and uses within the Maloit Park Character Area shall be as set forth in Article 16-14(a).

SECTION 2. Section 16-2-20 of the Municipal Code of the Town of Minturn is amended by the addition of a definition for community-oriented building, facility or use as follows: "A predominantly non-commercial use established primarily for the benefit and service of the general public or the community in which it is located. Such facilities include, but are not limited to: community centers; art/performing arts or cultural centers, libraries, museums and other similar uses".

SECTION 3. The Municipal Code of the Town of Minturn amended by the addition of a new Chapter 16, Article 14(a) as set forth in Exhibits B and C hereto and the dimensional standards set forth above.

SECTION 4. The amendment to the Official Zoning Map of the Town of Minturn, Colorado provided for herein shall take effect in accordance with the Charter and ordinances of the Town of Minturn, and the Mayor and Town Clerk are hereby authorized to execute such documents as may be required to reflect amendment herein authorized.

SECTION 5. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 5. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

SECTION 6. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 16th DAY OF March, 2011. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the 6th day of April, 2011, at 7 P.M. in the Minturn Town Center in the Town of Minturn, Colorado.

Hankaye Flaherty
Mayor

Attest:

[Signature]

Town Clerk



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS 18th DAY OF MAY, 2011.

Hankaye Flaherty
Mayor

Attest:

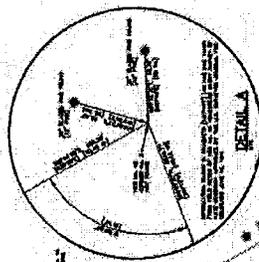
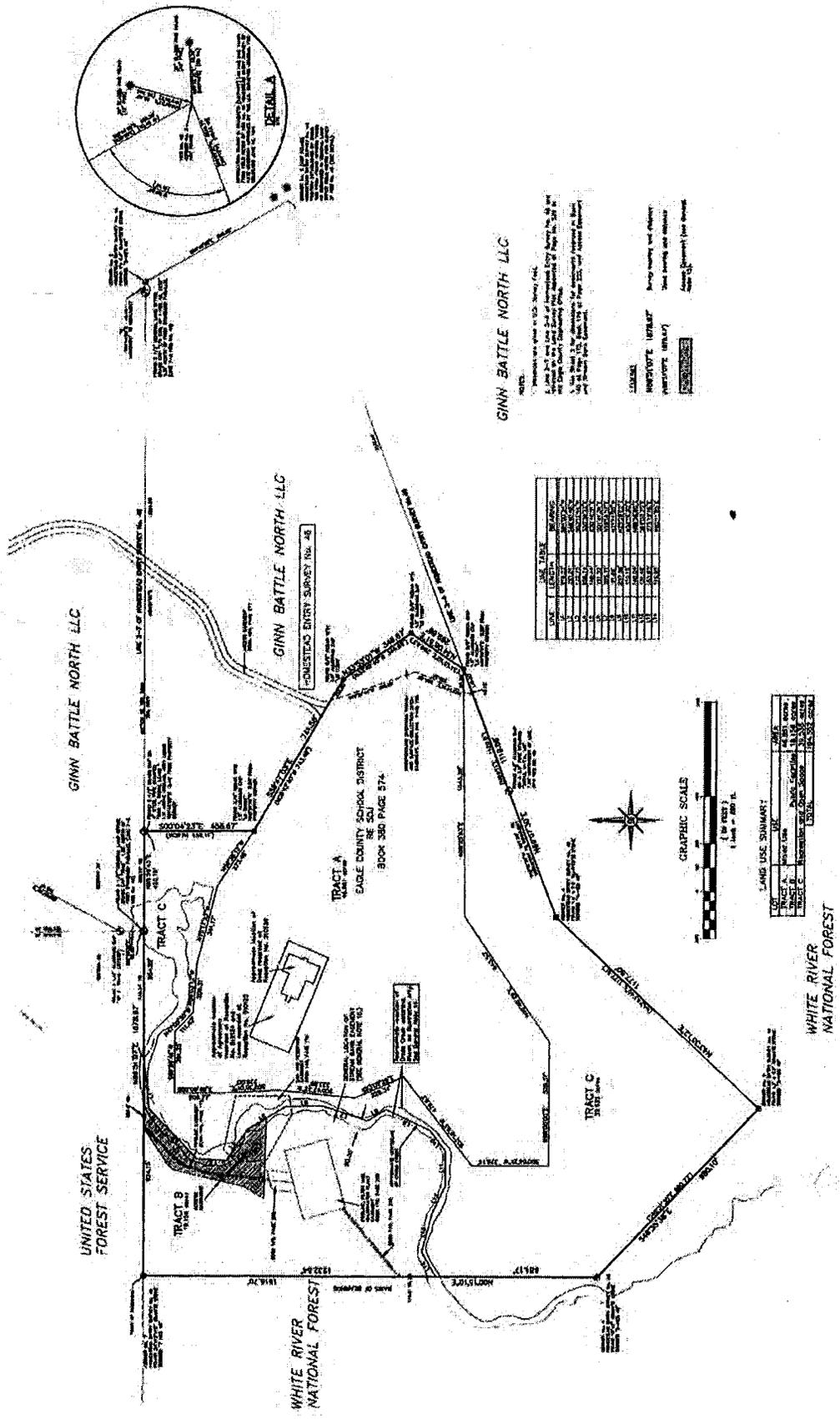
[Signature]

Town Clerk



Exhibit A

MALOIT PARK
 A PART OF HOMESTEAD ENTRY SURVEY No. 46
 IN SECTION 2 OF UNSURVEYED TOWNSHIP 6 SOUTH, RANGE 81 WEST
 OF THE 6TH PRINCIPAL MERIDIAN
 TOWN OF MATURON
 EAGLE COUNTY, COLORADO

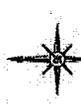


GINN BATTLE NORTH LLC

NOTES:
 1. Homestead was given to U.S. Survey No. 46.
 2. Land in this map is not to be interpreted as being owned by the State of Colorado or Eagle County. Eagle County is the owner of the land shown in this map.
 3. The State of Colorado is the owner of the land shown in this map.
 4. The State of Colorado is the owner of the land shown in this map.

LEGEND:
 PROPERTY BOUNDARY: Property boundary and adjacent
 easements (shaded)
 EASEMENT: Easement (dashed line)
 ADJACENT PROPERTY: Adjacent property (dotted line)

TRACT	AREA (ACRES)	PERCENTAGE
TRACT A	14.00	100%
TRACT B	14.00	100%
TRACT C	14.00	100%
TOTAL	42.00	100%



GRAPHIC SCALE
 (1 inch = 200 ft.)

LAND USE SUMMARY

TRACT	ACRES	PERCENTAGE
TRACT A	14.00	100%
TRACT B	14.00	100%
TRACT C	14.00	100%
TOTAL	42.00	100%

Exhibit B

ARTICLE XX

Maloit Park Character Area

Zoning Regulations

Section 16.X.X Character Area Characteristics

The Maloit Park is a relatively undeveloped 105 acre parcel that over the years has provided for a variety of public and institutional-oriented community uses. The property is currently owned by the Eagle County School District. Existing uses on the property include the Minturn Middle School and associated uses, school/staff housing, the Eagle County Community Fund/Rummage Sale, and the Town of Minturn water plant. Cross Creek bisects the property, portions of which border United States Forest Service lands.

In 2001 the School District completed a master plan for Maloit Park. The Plan was prepared with a great deal of public involvement. The essence of this Plan was to balance the needs of the School District while also preserving the natural features that make this property special. It is the intention of these regulations that mixed use development on suitable portions of Maloit Park be allowed while preserving the natural characteristics of the Cross Creek corridor, wildlife resources and other areas.

Section 16.X.X Maloit Park Mixed Use Zone

1. Zone Characteristics

The Maloit Park Mixed Use Zone includes 46.8 acres and encompasses the portion of Maloit Park that is already developed or has been previously disturbed. The terrain over vast majority of this zone is very flat and readily accessible via the existing access road. With the exception of the Town's water plant, all existing uses at Maloit Park are located within the Residential/Mixed Use Zone.

2. Purpose and Objectives

The purpose of the Mixed Use Zone is to provide an area to accommodate a variety of land uses. These may include residential development, educational facilities, recreation and other similar uses, and other community-oriented buildings, facilities and uses. The Mixed Use Zone allows for the continuation of all existing land uses.

Section 16.X.X Maloit Park Public Facilities Zone

1. Zone Characteristics

The Maloit Park Public Facilities Zone is located west of Cross Creek and currently accommodates the Town's water treatment plant and related uses. The zone is approximately 18.2 in size. The zone borders Cross Creek and USFS lands. Access to the site is via an access easement from Hwy 24.

2. Purpose and Objectives

The purpose of this area is to provide a site for the Town's water treatment plant. Other than potential recreational improvements and a limited amount of employee housing no other uses are contemplated for this portion of the Maloit Park Character Area.

Section 16.X.X Maloit Park Recreation and Open Space Zone

1. Zone Characteristics

The Recreation and Open Space Zone consists of approximately 39.5 acres and includes the Cross Creek corridor and the southern portion of Maloit Park. The Cross Creek corridor includes associated riparian and wetlands and the flood plain associated with Cross Creek. The Recreation and Open Space Zone at the southern portion of Maloit Park is comprised of relatively steep slopes and wildlife habitat.

2. Purpose and Objectives

It is intended that the Recreation and Open Space zone remain predominantly undeveloped. Uses are generally limited to infrastructure and utility installations, trails and other passive recreation uses.

EXHIBIT C

MALOIT PARK CHARACTER AREA USE TABLE

Use	All Residential Zones	All Commercial Zones	All Mixed-Use Zones	All Recreation and Open Space Zones	All Federally Regulated Zones	Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way / Transportation Zone
<i>R=Use by Right</i>								
<i>N=Not Permitted</i>								
<i>C=Conditional Use</i>								
<i>L=Limited Use</i>								
Accessory Apartment			R	N		R		
Accessory Dwelling			R	N		R		
Accessory Uses customarily associated with allowable uses			R	R		R		
Athletic fields			R	N		R		
Automotive detail shops			N	N		N		
Automotive parts sales			N	N		N		
Bakeries and confectionaries			N	N		N		
Bakeries and delicatessens with food service			N	N		N		
Banks and financial institutions			N	N		N		
Barbershops			N	N		N		
Beauty shops			N	N		N		
Business and office services			N	N		N		
Car washes			N	N		N		
Cocktail lounges, taverns			N	N		N		
Commercial accommodations			N	N		N		
Community-oriented buildings, facilities and uses			R	N		N		
Convenience stores			N	N		N		
Day care, Early Learning								
Delicatessen and specialty food stores			N	N		N		
Dormitory Housing			R	N		N		
Drive thru/up establishments			N	N		N		
Drugstores and pharmacies			N	N		N		
Dry cleaners			N	N		N		
Duplex/Two-family dwellings			R	N		R		
Educational or training facilities and uses			R	N		N		
Garden landscaping supply and seed stores			N	N		N		
Gas stations			N	N		N		
Grocery stores			N	N		N		
Health/medical offices			N	N		N		
Health/wellness Center			R	N		N		
Laundries			N	N		N		
Laundromats			N	N		N		
Liquor stores			N	N		N		
Overnight lodging associated with allowable health/wellness or conference centers			R	N		N		
Manufacturing, light			N	N		N		
Multi-family dwellings			R	N		R		
Office use			N	N		N		
Offices associated with community-oriented or non-profit organizations			R	N		N		
Parks and Playgrounds			R	R		N		
Pawn shops			N	N		N		
Photographic studios			N	N		N		
Professional activities			N	N		N		

EXHIBIT C

MALOIT PARK CHARACTER AREA USE TABLE

Professional offices, business offices and studios			N	N		N		
Radio and television stores and repair shops			N	N		N		
Arts, recreation , senior or civic centers			R	N		N		
Restaurants			N	N		N		
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift shops; hobby stores; household appliance stores; jewelry stores; leather good stores; luggage stores; music and record stores; newstands and tobacco stores; sporting goods stores; stationary sores; toy stores; variety stores; yardage and dry goods stores stores			N	N		N		
Retail uses greater than five thousand(5,000) square feet			N	N		N		
School related uses and facilities in accordance with C.R.S. 22-32-124			R	N		N		
Senior housing, retirement communities			R	N		N		
Service businesses			N	N		N		
Single family dwellings			R	N		R		
Small appliance repair shops, excluding furniture repair			N	N		N		
Studios for arts, crafts, performing arts			R	N		N		
Tailors and dressmakers			N	N		N		
Theaters			N	N		N		
Theaters, meeting rooms and conference centers*			R	N		N		
Trails, trailheads			R	R		R		
Travel and ticket agencies			N	N		N		
Water treatment facilities			N	N		R		
Utility facilities and improvements, including but not limited to water storage, transmission lines, transformers, etc.			R	R		R		
Other uses determined to be similar in nature to other permitted uses			R	R		R		

TOWN OF MINTURN ORDINANCE CHECKLIST

ORD 4-2011

FIRST READING

3/16/11 The ordinance shall be introduced and read by title at any regular or special meeting. Copies shall be available to the public.

^{pub}
3/23/11 If the ordinance is approved on first reading, Mayor and Clerk must sign ordinance after first reading. It shall be published in full in a newspaper of general circulation within the Town. The minutes shall reflect number of votes for and against each ordinance.

5/18/11 *(several amendments)* If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

_____ The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication.

SECOND READING

5/18 The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council. The text of any such amendment or amendments shall be read in full.

5/21 If the ordinance is substantially amended it shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

_____ The minutes shall reflect the number of votes for and against the ordinance.

_____ A true copy of every ordinance shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. Proof of publication for both readings shall be attached to the ordinance.

_____ The effective date of ordinances is seven (7) days after publication following final passage unless a later date is prescribed in the ordinance.

6314842

Ad Ticket #5

Acct: 1003134
Phone: (303)827-5645
E-Mail:
Client:
Caller: Jay
Receipt

Name: Town of Minturn
Address: PO Box 309

City: Minturn
State: CO

Zip: 81645-0309

Ad Name: 6314842D

Editions: 8VDI/8VDI

Start: 03/23/11

Color:

Copyline: 6314842 pg 1-2 ord 4-2011 +exhibit

Original Id: 0

Class: 0990

Stop: 03/23/11

Issue 1

Rep: Pam Schultz

Lines:	0
Depth:	15
Columns:	5
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	360.00
Payment	0.00

Ad shown is not actual print size

Ad Ticket #5

Acct: 1003134
Phone: (303)827-5645
E-Mail:
Client:
Caller: Jay Brunvand
Receipt

Name: Town of Minturn
Address: PO Box 309

City: Minturn
State: CO
Zip: 81645-0309

Ad Name: 6548264A
Editions: 8VD/8VDI/
Start: 05/21/11
Color:
Copyline: Ordinance No. 4-2011 6548264

Original Id: 0
Class: 0990
Stop: 05/21/11
Issue 1
Rep: Pam Schultz

**TOWN OF MINTURN
ORDINANCE NO 4 - SERIES 2011**

Lines:	24
Depth:	2.01
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	22.80
Payment	0.00

AN ORDINANCE ESTABLISHING ZONING ON PARCELS OF LAND KNOWN AS THE EAGLE COUNTY SCHOOL DISTRICT MALOIT PARK PROPERTY ANNEXED TO THE TOWN OF MINTURN, COLORADO AND AMENDING THE OFFICIAL ZONE DISTRICT MAP OF THE TOWN OF MINTURN, CO.

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS 18TH DAY OF MAY, 2011.

Mayor

Attest:

Town Clerk

Published in the Vail Daily May 21, 2011.
(6548264)

Ad shown is not actual print size