

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 2 - SERIES 2012**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN  
MUNICIPAL CODE BY ADOPTING SUBMITTAL REQUIREMENTS AND  
PUBLIC HEARING PROCEDURES FOR DESIGN REVIEW APPLICATIONS  
WITHIN THE TOWN OF MINTURN.**

WHEREAS, the Town of Minturn, Colorado ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Minturn Home Rule Charter of April 6, 1982 ("Charter") and

WHEREAS, the Town, by virtue of its Home Rule status, may adopt such ordinances relative to local municipal matters as are necessary to effectuate the purposes and intent of the powers granted to municipalities.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, STATE OF COLORADO, THAT:**

Section 1. A new Section 16-21-615 is added to Chapter 16, Article 21, Division 4.:

**Section 16-21-615. Design Review Applications**

- (a) **Purpose.** The purpose of a Design Review is to ensure that all new development and major redevelopments in Minturn are constructed in a manner that complies with the adopted regulations of the Town.
- (b) **Applicability.** All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. Major construction is defined as all new construction projects and any building addition that increases the building footprint and or square footage of an existing structure.
- (c) **Application Requirements.** In addition to the requirements of section 16-21-170, the following information must be submitted for a Design Review application.
  - 1. Application form and fee. Application fees are set annually by the Minturn Town Council;
  - 2. A boundary survey with a stamp and signature (or electronic equivalent) of a licensed surveyor that includes the following information:
    - a. Date of survey (survey date must be within five (5) years of the project application date)
    - b. Right-of-way and property lines; including bearings, distances and curve information.

- c. Labeled ties to existing USGS benchmark.
  - d. Property boundaries to the nearest one one-hundredth of a foot (.01) accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
  - e. All existing easements recorded with the Eagle County Clerk and Recorder. Include bearings and distances
  - f. Spot elevations at the edge of asphalt along the street frontage of the property at five (5) foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
  - g. Topographic conditions at two foot contour intervals.
  - h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
  - i. Rock outcroppings and other significant natural features.
  - j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
  - k. Environmental hazards where applicable. (i.e. rock fall, wetlands, floodplain)
  - l. Watercourse setbacks, if applicable. Show centerline and edge of stream or creek in addition to the required stream setback from the ordinary high water mark.
3. A scaled site plan showing the following information:
- a. Property line locations and dimensions
  - b. Setback lines
  - c. Existing and proposed easements
  - d. Existing and proposed buildings including sheds and enclosures. Include decks, patios and balconies. Indicate the building face (exterior finish) with a dashed line and the roof edge with a solid line. All cantilevered portions of the building must also be shown with a solid line.
  - e. Height elevations of all roof ridgelines and mid-point of roof gables

- f. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii, and spot elevations at the property line
- g. Identify all slopes between 30-40%
- h. Identify slopes greater than 40%.
- i. Existing and proposed retaining walls (including materials).
- j. Existing and proposed fences (including height and materials)
- k. Waterbodies and stream setbacks from the ordinary high water mark.
- l. Snow storage areas
- m. Landscaped areas
- n. Sidewalks and walkways.

4. A Grading and Drainage Plan that includes the following information:

- a. Existing Contours. Existing two-foot contours must be provided for all disturbed areas. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area.
- b. Proposed Contours. Proposed two-foot contours for all disturbed areas must be shown and must demonstrate positive drainage.
- c. Spot Elevations. Show critical spot elevations, as necessary to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
- d. Top-of-Foundation Elevations. The top-of-foundation elevation must be shown on the plan and must be consistent with the foundation plan. For buildings on slopes of 30% or greater, elevations for stepped foundations walls must be shown.
- e. Drainage Arrows. Include drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.

- f. **Drainage Facilities.** Proposed drainage facilities such as French drains or culverts must be shown.
  - g. **Retaining Walls.** Retaining wall details are required, and must include drainage details. Note top and bottom-of-wall elevations at each location where the retaining wall steps up or down, and include the tallest point of the retaining wall.
5. Elevations of all sides of the proposed structure(s), indicating type and color of all exterior materials, building heights, setback lines, locations of exterior lighting fixtures, roof and building drainage system (i.e. gutters and downspouts).
  6. Color chips and a materials board shall be required for all projects.
  7. A landscaping plan, including existing and proposed vegetation. The plan should indicate the quantity, type and size of the proposed vegetation. For projects less than 250 sf, a landscaping plan is required for the disturbed area of the property only.
  8. Floor plans of all levels shall be included that indicate the proposed uses. For additions to existing structures, floor plans must be provided for the existing building.
  9. Multi-family and commercial developments may require one or more of the following; a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; a two dimensional photo illustration of the proposed building in relation to adjacent structures.
  10. Property corners shall be staked and remain in place throughout the public hearing process.
  11. Such additional information as the Planning Department or Design Review Board may require.

**(d) Administrative Procedure.**

1. Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in Chapter 16.
2. **Criteria and Findings.** Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board, shall consider the following factors with respect to the proposal:
  - a. The proposals adherence to the Town's zoning regulations.
  - b. The proposals adherence to the applicable goals and objectives of the Community Plan.

- c. The proposals adherence to the Town's Design Standards.
3. Necessary Findings. The Design Review Board (DRB) shall make the following findings before approving a Design Review application:
  - a. That the proposal is in conformance with the Town of Minturn zoning regulations.
  - b. That the proposal helps achieve the goals and objectives of the Town of Minturn Community Plan.
  - c. That the proposal complies with the Town of Minturn Design Standards.
4. Conditions of approval. The following conditions shall apply to all projects approved by the Design Review Board:
  - a. No changes to an approved plan or design may be made without the written consent of the Town staff. Staff reserves the right to forward any change to the DRB for final approval;
  - b. Design Review Board approval does not constitute a permit for building.
  - c. DRB approval shall not become valid for 20 days following the date of approval, pursuant to the Minturn Municipal Code Chapter – Appeals
  - d. Approval of this project shall lapse and become void one (1) year following the date of final approval, unless a building permit is issued and construction is commenced and is diligently pursued toward completion. A maximum of one, one year extension may be granted at the request of an applicant.

**(e) Construction Process**

1. Once an application has been approved by the DRB, the applicant may apply for a building permit. Please consult the Building Department for the applicable submittal requirements.
2. A Foundation Location Certificate must be submitted after the building foundation has been poured. Construction may not proceed until the location of the approved foundation has been verified by the Building Official.
3. After the framing of the structure has been completed, an Improvement Location Certificate is required for verification of the roof height and to ensure that no setback encroachments exist on the property. The framing inspection will not be approved until this survey has been approved by the Building Official.

Section 2. 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 3. 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 4. 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 or any Ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 21<sup>st</sup> DAY OF March, 2012.** 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 4<sup>th</sup> day of April 2012, at 7:00 p.m. at the Minturn Town Center, 302 Pine Street, Minturn, Colorado.

Attest:

Hankye Flaherty  
Mayor

[Signature]  
Town Clerk



**INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 4<sup>th</sup> DAY OF April, 2012.**

Attest:

Hankye Flaherty  
Mayor

[Signature]  
Town Clerk





Thu, Apr 19, 2012  
7766219

11:14:12

Ad Ticket #5

**Acct:** 1032852  
**Phone:** (970)827-5645  
**E-Mail:** MANAGER@MINTURN.OR  
**Client:**  
**Caller:** Jay Brunvand  
**Receipt**

**Name:** Town of Minturn  
**Address:** P.O. Box 309  
**City:** MINTURN  
**State:** CO  
**Zip:** 81645

**Ad Name:** 7766219D  
**Editions:** 8VD/8VDI/  
**Start:** 04/09/12  
**Color:**  
**Copyline:** vd Ordinances 1&2 Second Reads

**Original Id:** 7709237  
**Class:** 0990  
**Stop:** 04/09/12  
**Issue 1**  
**Rep:** PI Legals

Lines:	40
Depth:	3.35
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>38.00</b>
Payment	0.00

**PUBLIC NOTICE**  
TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 1 - SERIES 2012  
AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN MUNICIPAL CODE BY REVISING THE LOT COVERAGE DEFINITION AND ADDING A NEW DEFINITION FOR THE ORDINARY HIGH WATER MARK IN SECTION 16-2-20

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 4th DAY OF APRIL, 2012.

Attest:  
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Mayor Town Clerk

**PUBLIC NOTICE**  
TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 2 - SERIES 2012  
AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN MUNICIPAL CODE BY ADOPTING SUBMITTAL REQUIREMENTS AND PUBLIC HEARING PROCEDURES FOR DESIGN REVIEW APPLICATIONS WITHIN THE TOWN OF MINTURN.

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 4th DAY OF APRIL, 2012.

Attest:  
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Mayor Town Clerk

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