

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 6 - SERIES 2012**

AN ORDINANCE AMENDING CHAPTER 16 – SECTION 16-17-190 OF THE TOWN OF MINTURN MUNICIPAL CODE TO ALLOW FOR A 50% REDUCTION IN THE REAR PROPERTY SETBACK FOR A DETACHED GARAGE.

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. Amendment. Section 16-17-190 of the Town of Minturn Municipal Code is amended as follows:

Sec. 16-17-190. General lot requirements and dimensional standards.

The following Table 16-15 sets forth general lot requirements and dimensional standards:

**TABLE 16-15
Dimensional Standards**

<i>Table of Dimensional Standards</i>								
<i>Character Area</i>	<i>Zones</i>	<i>Min. lot area (sq. ft.) (A)</i>	<i>Min. lot dimension (feet)</i>	<i>Max. lot coverage (%)</i>	<i>Minimum setbacks</i>			<i>River/Creek setback</i>
					<i>Front</i>	<i>Rear (feet)(C)</i>	<i>Side (I)</i>	
Meadow Mountain	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	N/A	N/A	Rec. 30
Grouse Creek	Commercial	5,000	50	70	20	10	10	E.R.=30 G.C.=15
Old Town	Recreation & open space	To be determined as part of conditional review						30
	Residential	5,000	50	40	10	10	5	
	Commercial	2,500	25	80	0	10	5	
	Mixed-use	5,000	50	(B)	10	10	5	
South Town	Residential	5,000	50	50	20	10	5	30
	Commercial	7,500	50	70	20	10	5	
	Fed. reg. land use	N/A	N/A	N/A	Rec.	Rec. 20	Rec.	

					50		10	
Martin Creek	Residential estate	87,120 or 2 AC	N/A	N/A	40	20	20	30
Cross Creek	Residential-S	5,000	50	40	20	20	10	E.R.=30 C.C.=50
	Residential-N	10,000	100	25	20	20	10	
	Mixed-use	10,000	100	40	20	20	10	
	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	Rec. 20	Rec. 10	
Lionshead	Recreation & open space	N/A	N/A	N/A	To be determined as part of conditional use review			30
	Light ind.. & public facilities	10,000	100	45	25	25	10	
Game Creek	Residential	5,000	50	40	20	10	5	G.C.=30
	PUD holding zone	To be determined as part of the PUD review						E.R.=30
Eagle River	Recreation & open space	To be determined as part of the conditional use review						E.R.=30
Transportation	Railroad R-O-W/ Transportation	To be determined as part of the conditional use review						

Refer to notes below.

Notes from Table of Dimensional Standards

- (A) Minimum lot area per principal dwelling unit. Density shall be calculated by counting only the number of principal dwelling units per lot, excluding any accessory dwelling units that may be allowed.
- (B) Old Town mixed-use minimum lot coverage may be increased to forty-five percent (45%) if ground floor commercial space is provided.
- (C) The rear yard setback may be reduced by up to 50% for the construction of a detached garage. This setback reduction shall only apply to the ground level. All other levels must conform to the underlying setback requirements for the particular zone in which the property is located.

- Exception:

- In instances where a subdivision of land has created a situation where one parcel is sited directly behind a parcel that fronts a Town street, the parcel that contains the street frontage will not be eligible for the setback reduction.

Additional setback standards:

- (1) Side yard setback. None required if the sidewall is a party wall.
- (2) Transition. When a lot in a nonresidential zone is contiguous to a lot in a residential zone, the required side yard setback of the residential zone shall apply to the common lot line of the property in the nonresidential zone.
- (3) Corner lots. When a commercial corner lot adjoins a noncommercial lot, a primary street frontage must be approved by the Planning Director. The rear lot line is parallel to, and behind, the front lot line. The side setback shall be no less than one-half (½) of the required front setback of the noncommercial lot. The rear setback of the commercial lot shall be no less than the side yard setback of the adjacent residential lot.
- (4) Partially developed frontages. When a vacant lot is bordered on two (2) sides by previously constructed buildings, neither of which meets the required front yard setback applicable to the district, the required front yard setback for the vacant lot shall be the average of the front yard setbacks of the two (2) existing adjacent buildings. When a vacant lot is bordered on only one (1) side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be the average between the front yard setback of the adjacent building and the minimum required front yard setback for the district.

- (5) Irregularly shaped lots. When a lot is not rectangular in shape, and a building is constructed so that one (1) side of the building is parallel to an adjacent street or right-of-way, the setback between the building line and that lot line which is not parallel to the building line may be calculated as the average of the nearest and farthest distances between the building corners and the lot line, except that the minimum setback at any point shall not be less than five (5) feet.
- (6) Setback from river/creeks. A strip of land measured horizontally from the high water mark on each side of any live stream shall be protected in its natural state with the exception that footpaths, bridges, fences, irrigation structures, flood control and erosion protection devices may be constructed thereon. If necessary to protect the river or creek, additional width may be required. Underground utilities may be located in such protected area; provided that there is no practical alternative location for such utilities, that plans are approved by the Town Council as a conditional use and that all construction scars are revegetated.
- (7) Setback between structures. The minimum distance between structures on the same lot is six (6) feet.
- (8) Garage door setback. Garage doors facing Main Street must be set back at least eighteen (18) feet from the lot line.
- (9) Exemptions from setback requirements. The following uses may be exempt from the setback requirements within the commercial and mixed-use zones, provided that written approval is granted by the Planning Commission, which shall determine that the use would not injure the value of, use of or prevent the proper access of light and air to the adjacent properties, nor would be out of harmony with the intent and purpose of this Chapter:
 - a. Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.
 - b. Temporary awnings or shading devices.
 - c. Unroofed terraces or patios.
- (10) Architectural features. The following architectural features may encroach into the required setback upon approval of the Planning Director and demonstration that the clear vision area, easements, etc., have been considered:
 - a. Unroofed terraces or patios, not to exceed forty-eight (48) inches above grade, may encroach up to one-half (½) the required setback.
 - b. Chimneys, eaves or similar nonhabitable features may encroach up to three (3) feet from the face of the building or structure; however, roof shedding shall not be allowed to shed on an adjacent property.
 - c. Bay windows or similar features on the front or rear setback may encroach up to three (3) feet from the face of the building or structure.
 - d. Awnings or shading devices up to one-half (½) the required setback.
 - e. Walls and fences up to six (6) feet in height in the side and rear setback.
 - f. Walls and fences up to four (4) feet in height in the front yard setback.
- (11) Accessory structures under 200 sq. ft. Accessory building and structures under 200 square feet must be located in the rear or side yards and may encroach into the side and/or rear setbacks but in all cases must be at least five (5) feet from property lines. Additional width may be required as the roof must shed on the accessory structure owner's lot.

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

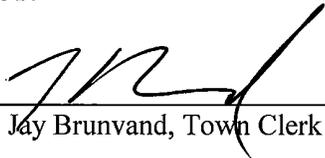
commenced, nor any other action or proceeding as commenced under or by virtue of the provision or any Ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 2nd DAY OF MAY, 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 16th DAY OF MAY, 2012 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO


Hawkeye Flaherty, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ~~ORDAINS~~ THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 16 DAY OF may, 2012.


Hawkeye Flaherty, Mayor

ATTEST:


Jay Brunvand, Town Clerk



Thu, May 03, 2012
7869515

13:32:01

Ad Ticket #5

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

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

Ad Name: 7869515A
Editions: 8VD/8VDI/
Start: 05/04/12
Color:
Copyline: 7869515 Ordinance No 6-2012

Original Id: 0
Class: 0990
Stop: 05/04/12
Issue 1
Rep: Pam Schultz

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 6 - SERIES 2012

Lines:	28
Depth:	2.35
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	26.60
Payment	0.00

AN ORDINANCE
AMENDING CHAPTER 16 - SECTION 16-17-190
OF THE TOWN OF MINTURN
MUNICIPAL CODE TO ALLOW FOR A 50%
REDUCTION IN THE REAR PROPERTY SET-
BACK FOR A DETACHED GARAGE.

INTRODUCED, READ BY TITLE, APPROVED ON
THE FIRST READING AND ORDERED PUB-
LISHED BY TITLE ONLY AND POSTED IN FULL
ON THE OFFICIAL TOWN WEB SITE THE 2ND
DAY OF MAY, 2012. THE 18TH DAY OF MAY,
2012 AT 7:00 p.m. AT THE MINTURN TOWN
HALL 302 PINE STREET, MINTURN COLORADO
81645 IS SET FOR PUBLIC HEARING HEREON.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:
By: Jay Brunvand, Town Clerk
Town Clerk

Published in the Vail Daily May 4, 2012. (7869515)

Ad shown is not actual print size

Thu, May 17, 2012

13:32:22

7919690

Ad Ticket #5

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

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO
Zip: 81645

Receipt

Ad Name: 7919690A

Original Id: 0

Editions: 8VD/8VDI/

Class: 0990

Start: 05/18/12

Stop: 05/18/12

Color:

Issue 1

Copyline: 7919690 Ordinance No 6-2012

Rep: Pam Schultz

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 6 - SERIES 2012

Lines:	23
Depth:	1.93
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	21.85
Payment	0.00

AN ORDINANCE AMENDING CHAPTER 16 - SECTION 16-17-190 OF THE TOWN OF MINTURN MUNICIPAL CODE TO ALLOW FOR A 50% REDUCTION IN THE REAR PROPERTY SET-BACK FOR A DETACHED GARAGE.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS _____ DAY OF _____, 2012.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Published in the Vail Daily May 18, 2012.
(7919690)

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