

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 2 – SERIES 2015

AN EMERGENCY ORDINANCE OF THE TOWN OF MINTURN, COLORADO EXTENDING AN EXISTING MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DESIGN REVIEW FOR MULTI-FAMILY RESIDENCES, DUPLEXES, ACCESSORY DWELLING UNITS AND ACCESSORY APARTMENTS.

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, in 2014 the Town received numerous applications for design review of proposed new structures and modifications to existing structures which were not in keeping with the character of the Town and which were not consistent with the Town’s Design Standards and Guidelines; and

WHEREAS, in response to those applications, the Town Council desired to review and invite public comments on Code provisions relating to the character of structures within the Town, the Town’s Design Standards and Guidelines and related regulations; and

WHEREAS, in order to conserve the Town’s design review resources, uphold the Town’s interest of maintaining and furthering the Town’s general character and avoid permanent negative changes to the Town’s character during review of the Code, Design Standards and Guidelines and related regulations, the Town Council adopted emergency Ordinance No. 6, Series 2014 and Ordinance No. 7, Series 2014 to enact a moratorium through March 18, 2015 on the Town’s acceptance and processing of applications for design review for multi-family residences, duplexes, accessory dwelling units and accessory apartments; and

WHEREAS, the Town Council anticipated at the time that it adopted the Ordinances that review of the Code, the Town’s Design Standards and Guidelines and related regulations would be complete by March 18, 2015; and

WHEREAS, the Town Council’s review of the Code, the Town’s Design Standards and Guidelines and related regulations, including solicitation and receipt of public comment and the completion of Town Planning Commission meetings thereon is not complete, and the Town Council anticipates that such review, solicitation and receipt of comments and completion of Town Planning Commission meetings will not be complete by March 18, 2015; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 through 29-20-108, C.R.S., as amended, and Section 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town's jurisdiction; and

WHEREAS, the Town Council hereby finds and determines that in light of the Town Council's need to complete review of the Code, the Town's Design Standards and Guidelines and related regulations after March 18, 2015, extending the existing moratorium on the Town's acceptance and processing of applications for design review for multi-family residences, duplexes, accessory dwelling units and accessory apartments at this time is warranted; and

WHEREAS, the possibility of permanent negative changes to the Town's character resulting from the expiration of the moratorium prior to completion of the Town Council's review process and possible amendment of the Code, the Town's Design Standards and Guidelines and related regulations constitutes an emergency; and

WHEREAS, the Town Council finds and determines that this Ordinance is necessary for the preservation of the public peace, health, safety and property.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

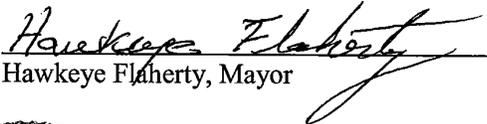
SECTION 2. The Town Council hereby finds and declares that an emergency exists relating to the acceptance and processing of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types.

SECTION 3. A moratorium is hereby imposed up through April 1, 2015, or seven days after the publication of Ordinance 1 – Series 2015, whichever occurs first, on the acceptance and processing by the Town of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types in order to extend the moratorium already in place for acceptance and processing of such applications and to enable the Town to complete its review of the Code, the Town's Design Standards and Guidelines and related regulations.

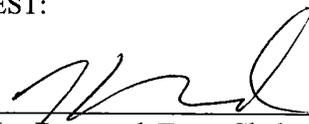
SECTION 4. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE AND UNANIMOUSLY PASSED this 18th day of March, 2015, and the Town of Minturn ordains this ordinance enacted as an emergency ordinance and ordered published in full within ten days of passage thereof.

TOWN OF MINTURN, COLORADO


Hawkeye Flaherty, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk

