

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 05 – SERIES 2018**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 16, ARTICLE 22 OF  
THE MINTURN MUNICIPAL CODE TO PROVIDE FOR  
NONCONFORMING LOTS CREATED BY ACTS OF  
CONDEMNATION UNDER EMINENT DOMAIN  
AUTHORITY.**

**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**, §38-1-101 *et seq.*, C.R.S. grants the Town and other entities the authority of eminent domain to condemn private land for various public uses; and

**WHEREAS**, private land owners may alternatively grant the condemning authority a deed in lieu of condemnation; and

**WHEREAS**, the condemnation of private land could create lots that do not meet the minimum lot area and setback requirements provided in the Minturn Municipal Code §16-2-40; and

**WHEREAS**, the Minturn Municipal Code §16-22-50 provides for nonconforming lots that conformed with minimum lot area regulations in effect at the time of their development; and

**WHEREAS**, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, §29-20-101 through §29-20-108, C.R.S., as amended, and §31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

**WHEREAS**, the Planning Commission at a duly noticed public hearing on October 10, 2018 considered the Code amendment and provided a recommendation to the Town Council; and

**WHEREAS**, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Town Code to provide relief for properties that fall below the Town’s minimum lot size and setback requirements as a result of condemnation actions.

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. Articles 2 and 22, Chapter 16 of the Minturn Municipal Code are hereby amended to read as follows, with additions shown in double underlined text, and ~~strike-through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**Sec. 16-2-20. - Definitions.**

Lot means a parcel of land as established by survey, plat or deed. (See Illustration No. 16-1 at Section 16-2-30.)

Lot area means the ~~horizontal area of~~ number of square feet contained within a lot exclusive of any area in a street or public right-of-way, unless said street or public right-of-way was created as a result of either an act of condemnation under the eminent domain authorities of Articles 1 through 7, Title 38, C.R.S, or the grant of a deed to a condemning authority in lieu of condemnation.

Lot depth means the average distance from the median of the front property line to the median of the rear property line measured perpendicularly from one (1) of the sides.

**Sec. 16-22-50. - Nonconforming lots of record.**

(a) Where a legal lot of record on the effective date of the initial ordinance codified herein does not conform to the standards of the zone district in which it is located, it shall be considered a legal nonconforming lot, subject to the provisions of this Article.

(b) A legal nonconforming lot may be used for construction of a building allowed in the zone district, provided that all other zone district regulations, including but not limited to setbacks, are met.


(c) The owner of a legal nonconforming lot of record may apply for any other use that is allowed by limited use review or allowed by conditional use review in the applicable underlying zone.

(d) No lot conforming in size at the time the initial ordinance was codified herein shall be subdivided or reduced in size in such a way that it would become nonconforming.


(e) For the purposes of compliance with the requirements of this Chapter, lots that have been reduced in size as a result of either an act of condemnation under the eminent domain authorities of Articles 1 through 7, Title 38, C.R.S, or the grant of a deed to such a condemning authority in lieu of condemnation, shall be considered to include such area transferred as a result of the condemnation action.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 17<sup>TH</sup> DAY OF OCTOBER 2018. 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 7<sup>TH</sup> DAY OF NOVEMBER 2018 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

TOWN OF MINTURN, COLORADO

  
\_\_\_\_\_  
Matt Scherr, Mayor

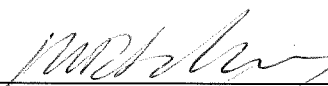
ATTEST:

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk




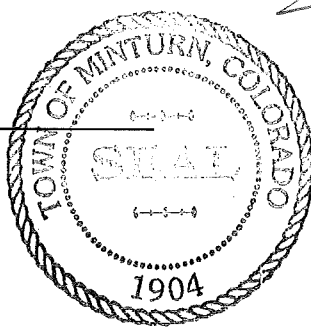
**THE TOWN OF MINTURN, COLORADO, ADOPTS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 7<sup>TH</sup> DAY OF NOVEMBER 2018.**

TOWN OF MINTURN, COLORADO

  
\_\_\_\_\_  
Matt Scherr, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk



TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 05 - SERIES 2018

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 16, ARTICLE 22 OF THE MINTURN MUNICIPAL CODE TO PROVIDE FOR NONCONFORMING LOTS CREATED BY ACTS OF CONDEMNATION UNDER EMINENT DOMAIN AUTHORITY.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 17TH DAY OF OCTOBER 2018. 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 7TH DAY OF NOVEMBER 2018 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

*/s/ Matt Scherr*, Mayor

ATTEST:

By: */s/ Jay Brunvand*, Town Clerk

Published in the Vall Daily on October 21, 2018.  
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**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 05 - SERIES 2018  
AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 16,  
ARTICLE 22 OF THE MINTURN MUNICIPAL  
CODE TO PROVIDE FOR NONCONFORMING  
LOTS CREATED BY ACTS OF CONDEMNATION  
UNDER EMINENT DOMAIN AUTHORITY.**

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 7TH DAY OF NOVEMBER 2018.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor  
ATTEST:

By:  
Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO ORDINANCE  
NO. 06 - SERIES 2018  
AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO ANNEXING CERTAIN LANDS  
KNOWN AS LOTS 1, 2, 3, AND PARCEL A, RIVER  
VIEW CEMETERY, COUNTY OF EAGLE, STATE  
OF COLORADO**

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 7th DAY OF NOVEMBER, 2018. 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 21 ST DAY OF NOVEMBER, 2018 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor  
ATTEST:

By:  
Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO ORDINANCE  
NO. 07 - SERIES 2018  
AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING VARIO US CHAPTERS  
OF THE MINTURN MUNICIPAL CODE TO  
PROVIDE FOR A STANDARDIZED GRADUATED  
GENERAL PENALTY, AND COUNSEL FOR  
INDIGENT DEFENDANTS.**

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 7th DAY OF NOVEMBER, 2018. 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 21 ST DAY OF NOVEMBER, 2018 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor  
ATTEST:

By:  
Jay Brunvand, Town Clerk

Published in the Vall Daily on November 10, 2018.  
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