



Agenda

Planning Commission Regular Meeting | 5:30 PM

Wednesday, September 24, 2025

Town Hall / Council Chambers - 302 Pine St Minturn, CO

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at www.minturn.org.

Meeting Access Information and Public Participation:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/88473962578>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 884 7396 2578

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. Call to Order

2. Roll Call and Pledge of Allegiance

3. Approval of Regular Agenda

Opportunity for amendment or deletions to the agenda.

4. Approval of Minutes

A. September 10, 2025

5. Declaration of Conflicts of Interest

6. Public Comment

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.

7. Special Presentations

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

- 8. Design Review and Land Use Public Hearings**
- 9. Discussion / Direction Items**
 - A. Minturn Forward: Land Use Code Update - Draft Article 3 Zoning Regulations
- 10. Staff Reports**
 - A. Manager's Update
- 11. Planning Commission Comments**
- 12. Future Meetings**
 - A. October 8, 2025
 - B. October 22, 2025
- 13. Adjourn**



Official Minutes

Planning Commission Regular Meeting | 5:30 PM

Wednesday, September 10, 2025

Town Hall / Council Chambers - 302 Pine St Minturn, CO

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at www.minturn.org.

Meeting Access Information and Public Participation:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/83960626687>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 839 6062 6687

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. Call to Order

Lynn Teach called the meeting to order at 5:30 p.m.

2. Roll Call and Pledge of Allegiance

Planning Commission Chair Lynn Teach and Planning Commission Members Jeff Armistead, Michael Boyd, Amanda Mire, Eric Rippeth, and Darell Wegert.

Staff Members Present: Planning Director Scot Hunn and Planner II Madison Harris.

3. Approval of Regular Agenda

Opportunity for amendment or deletions to the agenda.

Motion by Amanda M., second by Darell W., to approve the agenda as presented. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

4. Approval of Minutes

A. August 13, 2025

Darell W. asked that the language be cleaned up to get the double word of “supportive” out of the minutes.

Motion by Amanda M., second by Darell W., to approve the minutes of August 13, 2025 as amended. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

5. Declaration of Conflicts of Interest

No conflicts of interest.

6. Public Comment

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.

No public comment.

7. Special Presentations

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

8. Design Review and Land Use Public Hearings

9. Discussion / Direction Items

A. Minturn Forward: Land Use Code Update - Article 3 Use Standards

Michael B. thinks that ADUs that are currently STRs should be able to stay licensed. Should go back to the 2 year waiting period for STRs. Would like to talk about the growth in parking. Would like to decide exactly how building height is measured.

Amanda M. questioned why 2,500 square feet minimum lot size was called out under Fowl Permitting and no where else.

- Lynn T. also questioned if we needed to specify that coops need to comply with sight triangle rules

Amanda M. questioned if we were unduly restricting Mobile Vendor Courts to not allow drive-thru/up abilities.

- Darell W. questioned if we need to require bathroom facilities for food courts.
- Lynn T. brought up sight triangles for this as well.
- Michael B. doesn't have an issue with allowing drive-thru/up abilities. Would like to consider limiting a time frame that allows the moveable elements to be placed in setbacks.
- Matt Farrar stated that "moveable elements" should be defined to specify tables and chairs.

Amanda M. would like staff to re-look at Outdoor Storage, Accessory to a Non-Residential Use, specifically the Size and Design Standards.

- Lynn T. would like to ensure that there are definitions for Non-Residential Use.
- Michael B. would like to ensure that it counts towards your lot coverage.

Amanda M. not comfortable with making a decision on roof mounted solar until the max height above a roof is figured out.

- Michael B. doesn't like ground mounted solar. Michael B. is ok with 5 feet above the roof.
- Lynn T. doesn't want ground mounted solar to be allowed in setbacks and doesn't like fifteen feet high.
- Scot H. pointed out that it's required to comply with dimensional standards i.e. setbacks. Also we probably cannot prohibit solar. Proposed 36 inches in between each solar pedestal.
- Eric R. stated that we shouldn't discourage any of this because the technology is just going to get better.

Darell W. commented on Geothermal Loop, Accessory would like to specify Sewer District under 2b. Under Hydroelectric Energy Device would like to specify "other water rights holders" for 4 and 6 if the state doesn't do that. Under Keeping of Fowl might want to have something about preventing illness.

Lynn T. questioned if there are any studies done on the affect of wind turbines on wildlife.

Michael B. commented on Geothermal Loop, Accessory wanting to require a Final Plat.

- Scot H. said that wasn't the right avenue, but maybe an as-built location or an ILC or other survey to ensure that this is on the property.

Eric R. commented on Animal Hospital asking if we could allow animal boarding as part of this.

- Mr. Farrar pointed out that Animal Boarding is a separate use. Added that there's a possibility to allow for multiple principle uses.
- Commission supportive of this.

Eric R. under Wind Energy Facilities suggested letting people decorate them because creativity is something this Town focuses on.

- Amanda M. agrees.

Amanda M. wants to be sure that our code doesn't conflict with the state's definition for the noise standards.

- Darell W. would like to raise the allowable decibels.
- Jeff A. suggested looking at Vail's.

10. Staff Reports

A. Planning Department Update

Amanda M. would like to give a heads up that the tree moving for 0003 Miles End looks to be within 5 feet of the house and so might be subject to firewise guidelines in the future.

B. Manager's Report

11. Planning Commission Comments

Jeff A. would like to thank Arnold and Isaiah for their service. Wishes them the best.

Lynn T. would like to thank them for everything they did.

Michael B. would also like to thank them.

12. Future Meetings

A. September 24, 2025

B. October 8, 2025

Amanda M. won't be here.

13. Adjourn

Motion by Michael B., second by Darell W., to adjourn the regular meeting of September 10, 2025 at 7:15 p.m. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director



To: Planning Commission

From: Madison Harris

Date: September 19, 2025

Agenda Item: Minturn Forward: Land Use Code Update - Draft Article 3 Zoning Regulations

REQUEST:

Review and make recommendations to staff regarding Draft Article 3 Zoning Regulations.

INTRODUCTION:

Over the last two meetings, the Planning Commission has been reviewing use standards and prior to that reviewing uses in specific zone districts. That has now been compiled into one article for review. There are some outstanding areas and comments have been left throughout the attached document to draw attention to them. Some are comments about what staff has updated over the course of drafting this document, some comments are what the Town Attorney still needs to comment on, and some comments are specific questions to the Planning Commission that staff would like input on.

COMMUNITY INPUT:

Ongoing.

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

The Planning Commission's review and recommendation aligns with the following key strategies:

- Integrity
- Transparency
- Collaboration

ATTACHMENTS:

- Draft Article 3 Zoning Regulations

ARTICLE 3: ZONING REGULATIONS

Section 16-3-##: Establishment of Zone Districts

This Section establishes the zone districts that regulate the type and intensity of land uses within the Town and hereby divides the Town into said zone districts to implement the Community Plan and the provisions of this Code.

Table ##: Zone Districts

ZONE DISTRICT	PURPOSE
100-Block: A	The purpose of these zone districts is to accommodate sales tax-generating, street level uses and compatible, non-street level uses that include retail, office, and/or residential uses. These zone districts encompass Minturn's historic and primary retail/commercial area and work to bolster the Town's sales-tax revenue, encourage the reuse of existing structures, and maintain the visual character and scale of development in this part of the community.
100-Block: B	
Civic	The purpose of the Civic zone district is to accommodate uses that serve a public function including government facilities, recreation facilities, parks, open space areas, trails, schools, and utilities.
Federal Lands	The purpose of the Federal Lands zone district is to accommodate the use and development of lands within the Town of Minturn's boundary that are owned and managed by the federal government. This zone district works to protect environmentally sensitive and culturally significant areas, preserve scenic views and opens space, and maintain and enhance recreational opportunities. The management, use, and development of these lands must be in accordance with any conservation easements and direction of the applicable federal land manager.
Makerspace	The purpose of the Makerspace zone district is to accommodate a broad range of commercial and light industrial uses, as well as limited residential uses that are directly associated with businesses in this part of Minturn.
Maloit Park: Mixed-Use	The purpose of the Maloit Park: Mixed-Use zone district is to provide an area to accommodate a variety of land uses that may include residential development, educational facilities, recreation and other similar uses, and other community-oriented buildings, facilities and uses. This zone district also allows for the continuation of all existing land uses.
Maloit Park: Recreation & Open Space	The purpose of the Maloit Park: Recreation and Open Space zone district is to preserve lands in a predominately undeveloped state. Uses in this zone district are generally limited to infrastructure and utility installations, trails and other passive recreation uses.
Mixed-Use 1 (MU-1)	The purpose of the Mixed-Use 1 (MU-1) zone district is to accommodate a mix of complementary residential and commercial uses that support a compact, pedestrian-oriented environment and respect and enhance Minturn's historic character. Vertical mixed-use development, with ground floor commercial uses and residential uses on upper floors, and horizontal mixed-use development, with commercial uses adjacent to residential uses, are encouraged in this zone district. The types of uses that are appropriate in the MU-1 zone district include restaurants, shops, financial institutions, lodging facilities, professional offices, single-family homes, duplexes, accessory dwelling units, apartments and multi-family dwellings on larger lots.

Table ##: Zone Districts

ZONE DISTRICT	PURPOSE
Mixed-Use 2 (MU-2)	The purpose of the Mixed-Use 2 (MU-2) zone district is to accommodate a mix of complementary residential, commercial, and low-impact light industrial uses on larger lots. This zone district allows for mixed-use development that is more auto-oriented and less compact than the mixed-use development in the Mixed-Use 1 (MU-1) zone district. The MU-2 zone district is intended to encourage small business development. The types of uses that are appropriate in the MU-2 zone district include light manufacturing, automotive parts shops, appliance repair shops, wholesale businesses, offices, single-family homes, duplexes, and multi-family dwellings.
Mixed-Use 3 (MU-3)	The purpose of the Mixed-Use 3 (MU-3) zone district is to provide for a mix of primarily residential uses, such as single-family homes, duplexes, and multi-family dwellings, and limited, low-impact commercial uses. More intensive, commercial uses, such as restaurants, may be appropriate on a case-by-case basis. This zone district is intended to maintain a predominantly residential character.
PUD Holding	The purpose of the PUD Holding zone district is to serve as a placeholder for properties that the community has identified for master planned development. The Planned Unit Development (PUD) process set forth in Article 5 is the preferred procedure for developing a master development plan for these properties.
R1	The purpose of the R1 zone district is to provide for continued residential use, new development, and redevelopment that respects and enhances the unique character and scale of existing neighborhoods. The R1 district supports residential uses on small lots and support smaller scale residential uses on those lots. The R1 district is intended for single-family homes, duplexes, accessory dwelling units, home occupations, and civic uses.
R2	The purpose of the R2 zone district is to support the eclectic mix of housing types found in Minturn, where new development, major remodels, and redevelopment respect and enhance the unique character of existing neighborhoods. The R2 district is intended for single-family homes, duplexes, accessory dwelling units, and multi-family dwellings on larger lots.
R3	The purpose of the R3 zone district is to support low density residential uses on larger lots and to maintain existing rural development patterns. The types of uses that are appropriate in the R3 zone district include single-family homes, duplexes, and accessory dwelling units.
Railroad Right-of-Way/ Transportation	The purpose of the Railroad Right-of-Way/Transportation zone district is to provide a multi-modal corridor with transportation related land uses that connects Minturn to local and regional destinations and protects Minturn's natural environment from potential impacts resulting from the use of this corridor.
Recreation & Open Space	The purpose of the Recreation and Open Space zone district is to provide outdoor spaces for passive and/or active recreation, protect environmentally sensitive areas, and accommodate uses that serve a public function and are compatible with the intended character of these areas including recreation facilities, parks, open space areas, and trails.

Section 16-3-###: Incorporation and Interpretation of Zoning Map

A. Incorporation of Zoning Map

1. The location and boundaries of the zone districts established by this Article are shown on the Official Zoning Map ("Zoning Map") of the Town and incorporated into this Code.
2. The Zoning Map, together with all data shown thereon and all amendments thereto, is by reference made part of this Code.
3. The Zoning Map shall include the Town's logo and date of adoption.
4. The Zoning Map shall be maintained by the Planning Director and be available to the public in the Town's offices and/or on the Town's website.
5. All changes to the Zoning Map shall be made only upon amendment to this Code in accordance with [Article 5](#).

B. Interpretation of Zoning Map

1. Except where otherwise indicated, zone district boundaries shall follow municipal boundaries, section lines, the center line of rivers (e.g., the Eagle River) or tributaries (e.g., Cross Creek and Game Creek), lot lines, right-of-way lines or extensions thereof.
2. Where a zone district boundary coincides with a right-of-way line that is abandoned, the boundary shall then follow the centerline of the former right-of-way.
3. Land that is not part of a public, railroad, or utility right-of-way and that is not indicated as being in any zone district shall be included in the most restrictive, adjacent zone district even if such zone district is separated from the land in question by a public, railroad, and/or utility right-of-way.
4. If a zone district boundary is uncertain and/or disputed, it shall be the responsibility of the Planning Director to determine the location of such boundary. A determination of a zone district boundary made by the Planning Director may be appealed in accordance with [Section 16-#-##](#).

Section 16-3-###: Overlay Zone Districts

A. Purpose & Applicability

1. The purpose of an Overlay Zone District is to supplement the regulations and/or standards of an underlying zone district. An Overlay Zone District may be superimposed over a portion, or the entirety, of one or more underlying zone district(s).
2. An Overlay Zone District is typically applied to an area where a unique condition(s) (e.g., floodplain, wildfire hazard, hillside/slope protection area, wildlife habitat, scenic view, etc.) exists that needs to be addressed with supplemental regulations and/or standards.

B. Establishment of an Overlay Zone District

An Overlay Zone District shall be established in accordance with [Section 16-#-##](#).

Section 16-3-##: Permitted, Limited Review, Conditional, and Prohibited Uses

The Table of Uses, set forth in [Section 16-3-##](#), identifies the Principal, Accessory, and Temporary uses allowed in Minturn's zone districts. The Table of Uses utilizes the following classification system to specify if a use is a "Use by Right," a "Limited Review Use," a "Conditional Use," or if a use is prohibited.

A. Uses by Right ("R")

An "R" indicates that a use is allowed by right in a zone district(s), subject to compliance with all applicable requirements of this Chapter including, but not limited to, General Use Standards (refer to [Section 16-3-##](#)), Use-Specific Standards (refer to [Section 16-3-##](#)), Dimensional Requirements (refer to [Article ##](#)), and [Development Standards](#) (refer to [Article ##](#)).

B. Limited Review Uses ("L")

An "L" indicates that a use is allowed in a zone district(s), subject to via the Limited Review Use process set forth in [Section 16-5-##](#) and compliance with all applicable requirements of this Chapter including, but not limited to, General Use Standards (refer to [Section 16-3-##](#)), Use-Specific Standards (refer to [Section 16-3-##](#)), Dimensional Requirements (refer to [Article ##](#)), and [Development Standards](#) (refer to [Article ##](#)).

C. Conditional Uses ("C")

A "C" indicates a use is allowed in a zone district(s), subject to approval via the Conditional Use process set forth in [Section 16-5-##](#) and compliance with all applicable requirements of this Chapter including, but not limited to, General Use Standards (refer to [Section 16-3-##](#)), Use-Specific Standards (refer to [Section 16-3-##](#)), Dimensional Requirements (refer to [Article ##](#)), and [Development Standards](#) (refer to [Article ##](#)).

D. Prohibited Uses ("N")

An "N" indicates a use is not allowed in a zone district(s).

Section 16-3-##: Classification of Unlisted Uses

The Town recognizes that a use(s), not identified in this Code, may be proposed. Such a use(s) shall be prohibited, unless one (1) of the following occurs:

A. Determination by Planning Director

1. The Planning Director shall have the authority to determine if an unlisted use is similar to a use identified in the Table of Uses (refer to [Section 16-3-##](#)). In making such a determination, the Planning Director must consider the purpose of the applicable zone district(s), the characteristics of the unlisted use, and potential impacts on surrounding properties.
2. If the Planning Director determines that an unlisted use is similar to a use identified in the Table of Uses, they shall provide written notice of their decision to the applicant. A determination by the Planning Director shall be effective upon such notice being sent to the applicant.
3. An unlisted use determined to be similar to a use identified in the Table of Uses is subject to all standards applicable to the use that is was determined to be similar to.
4. An applicant may appeal the Planning Director's determination on an unlisted use in accordance with [Section 16-#-##](#).

B. Code Amendment

An amendment to this Article (i.e., Code Amendment) may be proposed for an unlisted use(s) in accordance with [Section 16-5-##](#).

Section 16-3-##: Table of Uses

- A. [Table ##](#) lists the principal and accessory uses allowed within Minturn's zone districts and provides cross-references to the specific requirements associated with certain types of uses (e.g., Use-Specific Standards). Definitions for the uses listed in [Table ##](#) are set forth in [Article ##](#).
- B. [Table ##](#) classifies principal uses into general categories (e.g., Residential Uses, Commercial Uses, etc.) based on common functional, product, and/or physical characteristics. Uses that are customarily incidental and subordinate to principal uses are listed under the Accessory Use category.
- C. All uses listed in [Table ##](#) must comply with all applicable requirements of this Chapter including, but not limited to, General Use Standards (refer to [Section 16-3-##](#)), Use-Specific Standards (refer to [Section 16-3-##](#)), Dimensional Requirements (refer to [Article ##](#)), and [Development Standards](#) (refer to [Article ##](#)).

<Insert Table of Uses>

Table ##: Table of Allowed Uses

R = Use by Right | L = Limited Review Use | C = Conditional Use | N = Prohibited Use

USE TYPE	ZONE DISTRICTS																USE-SPECIFIC STANDARDS		
	100-Block: A	100-Block: B	Civic	Federal Lands	Makespace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	R1	R2	R3	Recreation & Open Space	Railroad Right-of-Way /Transportation	Maloit Park				
															Mixed-Use	Recreation & Open Space			
Commercial Uses																			
Adult Business	N	N	N	N	C	N	N	N	1	N	N	N	N	N					
Animal Boarding	N	N	N	N	C	N	N	N	1	N	N	N	N	N					
Animal Hospital	N	N	N	N	L	N	HL	N	1	N	N	N	N	N					
Art Gallery, Arts/Crafts/Performing Arts Studio, or Art Center	N	N	NR	N	N	R	R	R	1	N	N	N	N	N					
Automotive Detail Shop	N	N	N	N	R	L	R	N	1	N	N	N	N	N					
Bakeries and Delicatessens with Food Service	R	R	N	N	N	N	R	N	1	N	N	N	N	N					
Banks and Financial Institutions	N	N	N	N	R	R	R	N	1	N	N	N	N	N					
Bar or Tavern	R	R	N	N	R	R	R	C	1	N	N	N	N	N					
Bed and Breakfast	L	L	N	N	N	C	L	L	1	C	C	C	N	N					
Building Material and Supply Sales	N	N	N	N	N	C	N	N	1	N	N	N	N	N					
Car Washes	N	N	N	N	C	C	R	N	1	N	N	N	N	N					
Commercial Accommodations	R	R	N	N	R	R	R	N	1	N	N	N	N	N					
Commercial Parking Lot/Garage	N	N	NR	N	N	C	N	N	1	N	N	N	N	N					
Continuing Care Facility	N	N	R	N	N	R	R	N	1	N	N	N	N	N					
Day Care Center, Adult or Child	L	L	HL	N	N	CL	CL	R/CL	1	C	C	C	N	N					
Drive-Through/Drive-Up Establishments	N	N	N	N	N	N	L	N	1	N	N	N	N	N					
Drugstores and Pharmacies	R	R	N	N	R	R	N	N	1	N	N	N	N	N					
Dry Cleaners, Storefront	N	N	N	N	R	N	N	N	1	N	N	N	N	N					
Gas Stations	N	N	N	N	C	C	C	N	1	N	N	N	N	N					
Health/Medical Offices (Street Level)	N	N	N	N	R	R	R	HL	1	N	N	N	N	N					
Health/Medical Offices (Second Level or Above)	R	R	N	N	R	R	R	HL	1	N	N	N	N	N					
Laundries	N	N	N	N	C	C	C	N	1	N	N	N	N	N					

Commented [MF2]: Note:

The uses currently allowed in the Maloit Park: Mixed Use and Maloit Park: Recreation & Open Space zone districts to be added to the table. No changes are proposed to these existing zone districts.

Commented [MF1]: Note:

Cross-references to the Use-Specific Standards for certain Use Types to be added at a later time.

Commented [MF3]: Requesting Planning Commission Input:

“Continuing Care Facility” is a new Use Type that has been added.

Commented [MF4]: Note:

Adult and Child Day Care Centers have been consolidated.

Table ##: Table of Allowed Uses

R = Use by Right | L = Limited Review Use | C = Conditional Use | N = Prohibited Use

USE TYPE	ZONE DISTRICTS														Maloit Park		USE-SPECIFIC STANDARDS
	100-Block: A	100-Block: B	Civic	Federal Lands	Makespace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	R1	R2	R3	Recreation & Open Space	Railroad Right-of-Way /Transportation	Mixed-Use	Recreation & Open Space	
Laundromats	NR	NR	N	N	R	R	R	C	1	N	N	N	N	N			
Liquor Stores	R	R	N	N	R	R	R	C	1	N	N	N	N	N			
Membership Organization	N	N	N	N	N	N	N	C	1	C	N	N	N	N			
Outdoor Food Vendor Park/Court	N	N	NR	N	L	N	N	N	1	N	N	N	N	N			
Motor Vehicle/Recreational Vehicle Sales, Service, and Rental	N	N	N	N	C	C	1	N	1	N	N	N	N	N			
Natural Medicine Business, Other	N	N	N	N	C	N	N	N	1	N	N	N	N	N			
Natural Medicine Healing Center	R	R	N	N	R	R	R	R	1	N	N	N	N	N			
Nursery and Landscape Supply Sales	N	N	N	N	R	R	R	N	1	N	N	N	N	N			
Office Uses (Street Level)	CL	CL	NR	N	N	R	NR	R	1	N	N	N	N	N			
Office Uses (Second Level or Above)	R	R	NR	N	N	R	NR	R	1	N	N	N	N	N			
Personal Services	R	R	N	N	R	R	R	1	1	N	N	N	N	N			
Professional Offices, Business Offices, and Studios (Street Level)	C	C	N	N	C	C	C	C	1	N	N	N	N	N			
Professional Offices, Business Offices, and Studios (Second Level and Above)	R	R	C	C	C	C	C	C	1	N	N	N	N	N			
Rental Businesses	NR	NR	N	N	R	NR	NR	N	1	N	N	N	N	N			
Restaurant	R	R	N	N	R	NR	R	C	1	N	N	N	N	N			
Retail	R	R	N	N	R	R	R	C	1	N	N	N	N	N			
Retail Uses (Greater than 5,000 Square Feet)	N	N	N	N	C	N	N	N	1	N	N	N	N	N			
Service Businesses	N	N	N	N	R	R	N	N	1	N	N	N	N	N			
Small Appliance Repair Shops	C	C	N	N	R	R	R	L	1	N	N	N	N	N			
Studios for Arts, Crafts, and Performing Arts	N	N	NR	N	R	R	N	N	1	N	N	N	N	N			

Commented [MF2]: Note:

The uses currently allowed in the Maloit Park: Mixed Use and Maloit Park: Recreation & Open Space zone districts to be added to the table. No changes are proposed to these existing zone districts.

Commented [MF1]: Note:

Cross-references to the Use-Specific Standards for certain Use Types to be added at a later time.

Commented [MF5]: Note:

Consolidated with "Office Uses."

Commented [MF6]: Requesting Planning Commission Input:

Staff is recommending that this Use Type be eliminated.

Table ##: Table of Allowed Uses

R = Use by Right | L = Limited Review Use | C = Conditional Use | N = Prohibited Use

USE TYPE	ZONE DISTRICTS														Maloit Park		USE-SPECIFIC STANDARDS
	100-Block A	100-Block B	Civic	Federal Lands	Makespace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	R1	R2	R3	Recreation & Open Space	Railroad Right-of-Way /Transportation	Mixed-Use	Recreation & Open Space	
Theaters, Meeting Rooms, and Convention Centers	N	N	NR	N	R	R	R	N	1	N	N	N	N	N			
Veterinary Clinic	N	N	N	N	R	N	R	N	1	N	N	N	N	N			
Vehicle Repair, Major	N	N	N	N	R	N	C	N	1	N	N	N	N	N			
Vehicle Repair, Minor	N	N	N	N	R	N	R	N	1	N	N	N	N	N			
Industrial Uses																	
Commercial Indoor Storage	N	N	GR	N	R	N	N	N	1	N	N	N	N	N			
Contractor Storage	N	N	NR	N	N	C	N	N	1	N	N	N	N	N			
Manufacturing, Light	C	C	GR	N	L	L	L	N	1	N	N	N	N	N			
Natural Medicine Cultivation Facility	N	N	N	N	C	N	N	N	1	N	N	N	N	N			
Natural Medicine Product Manufacturer	N	N	N	N	C	N	N	N	1	N	N	N	N	N			
Natural Medicine Testing Facility	N	N	N	N	C	N	N	N	1	N	N	N	N	N			
Outdoor Storage, Screened	N	N	NR	N	C	N	N	N	1	N	N	N	N	N			
Outdoor Storage, Unscreened	N	N	R	N	N	N	N	N	1	N	N	N	N	N			
Power Plant, Biomass	N	N	C	N	N	N	N	N	1	N	N	N	N	N			
Power Plant, Geothermal	N	N	C	N	N	N	N	N	1	N	N	N	N	N			
Self-Service Storage	N	N	N	N	R	N	N	N	1	N	N	N	N	N			
Solar Energy System, Community-Scale	N	N	C	N	N	N	N	N	1	N	N	N	N	N			
Warehouse/Wholesale Establishment	N	N	N	N	R	N	N	N	1	N	N	N	N	N			
Public, Institutional, Civic Uses																	
Athletic Fields	N	N	R	N	N	N	N	N	1	N	N	N	R	N			
Cemetery	N	N	R	N	N	N	N	N	1	N	N	N	N	N			
Cemetery Office Uses	N	N	R	N	N	N	N	N	1	N	N	N	N	N			
Indoor Recreational Facilities	NR	NR	R	N	R	R	R	N	1	N	N	N	R	N			

Commented [MF2]: Note:

The uses currently allowed in the Maloit Park: Mixed Use and Maloit Park: Recreation & Open Space zone districts to be added to the table. No changes are proposed to these existing zone districts.

Commented [MF1]: Note:

Cross-references to the Use-Specific Standards for certain Use Types to be added at a later time.

Commented [MF7]: Note:

"Self-Service Storage" has been consolidated with "Commercial Indoor Storage."

Commented [MF8]: Note:

"Athletic Fields" have been consolidated with "Outdoor Recreation Facilities."

Table ##: Table of Allowed Uses

R = Use by Right | L = Limited Review Use | C = Conditional Use | N = Prohibited Use

USE TYPE	ZONE DISTRICTS														Maloit Park		USE-SPECIFIC STANDARDS
	100-Block A	100-Block B	Civic	Federal Lands	Makespace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	R1	R2	R3	Recreation & Open Space	Railroad Right-of-Way /Transportation	Mixed-Use	Recreation & Open Space	
Institutional Uses (Street Level)	N	N	NR	N	R	N	R	C	1	C	N	N	N	N			
Institutional Uses (Second Level and Above)	N	N	NR	N	R	N	R	C	1	C	N	N	N	N			
Maintenance Facility	N	N	RA	N	N	N	N	N	1	N	N	N	N	R			
Multi-Modal Transportation	N	N	RA	N	N	N	N	N	1	N	N	N	N	R			
Municipal Parking/Garage	NR	NR	NR	N	N	N	R	N	1	N	N	N	N	N			
Open Space	N	N	N	N	N	N	N	N	1	N	N	N	N	N			
Outdoor Recreational Facilities	N	N	R	N	N	N	N	N	1	N	N	N	R	N			
Parks, and Playgrounds, and Open Space	NR	NR	R	NR	NR	R	R	R	1	R	R	R	R	RA			
Public Events and Mass Gatherings	N	N	R	N	N	N	N	N		N	N	N	R	N			
Public Facilities and Uses	N	N	R	N	N	N	N	N	N	N	N	N	N	N			
Rail	N	N	RA	N	N	N	N	N	1	N	N	N	N	R			
School-Related Uses and Facilities in Accordance with Section 22-32-124, C.R.S.	N	N	N	N	N	N	N	N		N	N	N	N	N			
Trails and Trailheads	N	N	R	N	N	N	N	N	1	N	N	N	R	R			
Uses Allowed Under Federal Regulations	N	N	N	R	N	N	N	N	1	N	N	N	N	N			
Utility Facilities and Improvements	N	N	R	N	N	N	N	N	1	N	N	N	R	N			
Water Treatment Facilities	N	N	R	N	N	N	N	N	1	N	N	N	N	R			
Wireless Communication Facilities	LA	LA	L	LA	LA	LA	LA	LA	1	LA	LA	LA	LA	LA			
Residential Uses																	
Duplexes (Street Level)	N ² ***	N ² ***	NR	N	N	R	R	R	1	R	R	R	N	N			
Duplexes (Second Level and Above)	R	R	NR	N	N	R	R	R	1	R	R	R	N	N			
Group Home (Street Level)	N	N	NR	N	N	LR	RG	RL	1	NR	NR	NR	N	N			

Commented [MF2]: Note:

The uses currently allowed in the Maloit Park: Mixed Use and Maloit Park: Recreation & Open Space zone districts to be added to the table. No changes are proposed to these existing zone districts.

Commented [MF1]: Note:

Cross-references to the Use-Specific Standards for certain Use Types to be added at a later time.

Commented [MF9]: Note:

“Open Space” has been consolidated with “Parks and Playgrounds.”

Commented [MF10]: Note:

Staff is recommending that “Parks, Playgrounds, and Open Space” be a permitted use/use by right in all zone districts.

Commented [MF11]: Note:

“Public Events and Mass Gatherings” to be a Temporary Use. “Public Events” and “Mass Gatherings” to be included as examples in the revised definition for “Temporary Use.”

Commented [MF12]: Note:

Consolidated with “Institutional Uses.”

Table ##: Table of Allowed Uses

R = Use by Right | L = Limited Review Use | C = Conditional Use | N = Prohibited Use

USE TYPE	ZONE DISTRICTS															Maloit Park		USE-SPECIFIC STANDARDS
	100-Block: A	100-Block: B	Civic	Federal Lands	Makerspace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	R1	R2	R3	Recreation & Open Space	Railroad Right-of-Way /Transportation	Mixed-Use	Recreation & Open Space		
Group Home (Second Level and Above)	R	R	R	N	R	R	R	R	1	R	R	R	N	N				
Group Residential Facility (Street Level)	N	N	R	N	N	R	R	R	1	N	N	R	N	N				
Group Residential Facility (Second Level and Above)	R	R	R	N	N	R	R	R	1	N	N	R	N	N				
Multi-Family Dwellings (Street Level)	N ^{2***}	N ^{2***}	R	N	N ¹	R	R	R	1	C ¹	C ¹	N	N	N				
Multi-Family Dwellings (Second Level and Above)	R	R	R	N	N ¹	R	R	R	1	C ¹	C ¹	N	N	N				
Senior Housing	N	N	N	N	N	N	N	C		C	C	N	N	N				
Senior Housing, Retirement Communities	N	N	N	N	N	N	N	C		N	N	N	N	N				
Short Term Rental*	R	R	R	N	N	R	R	R	1	R	R	R	N	N				
Single-Family Residential Dwellings	N	N	N ¹	N	N	R	N	R	1	R	R	R	N	N				
Accessory Uses																		
Accessory Building or Structure	R ¹	R ¹	R	R ¹	R ¹	R ¹	R ¹	R ¹	1	R ¹	R ¹	R ¹	N ¹	R				
Accessory Dwelling Unit (Street Level)	N ^{2***}	N ^{2***}	R ¹	N	N	R	R	R	1	R	R	R	N	N				
Accessory Dwelling Unit (Second Level and Above)	R	R	R ¹	N	N	R	R	R	1	R	R	R	N	N				
Accessory Uses Customarily Associated with Allowable Uses ¹	N ¹	N ¹	R	N ¹	N ¹	N ¹	N ¹	N ¹	1	N ¹	N ¹	N ¹	R	R				
Dwelling Accessory to a Business	N	N	N	N	N	N	N	N		N	N	N	N	N				
Family Child Care Home	N ¹	R ¹	R ¹	N	R ¹	R ¹	R	R	1	R	R	R	N	N				
Geothermal Loop or Direct Use, Accessory	R ¹	R ¹	R ¹	R ¹	R ¹	R ¹	R ¹	R ¹	1	R ¹	R ¹	R ¹	R ¹	R ¹				
Home Business	C ¹	C ¹	N	N	R ¹	C	C	C	1	C	C	C	N	N				

Commented [MF2]: Note:

The uses currently allowed in the Maloit Park: Mixed Use and Maloit Park: Recreation & Open Space zone districts to be added to the table. No changes are proposed to these existing zone districts.

Commented [MF1]: Note:

Cross-references to the Use-Specific Standards for certain Use Types to be added at a later time.

Commented [MF13]: Note:

It is staff's understanding that "Group Homes" are required to be treated in the same manner as other housing types.

An example definition for "Group Homes" is as follows:

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of residents protected by the provisions of the Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado, including but not limited to facilities providing housing for people experiencing disabilities, mental health conditions, or developmental disabilities.

Commented [MF14]: Requesting Planning Commission Input:

"Group Residential Facilities" is a new Use Type that has been added.

An example definition for "Group Residential Facility" is:

A residence that provides a community living environment for persons requiring custodial care, medical treatment, or specialized social services, but that does not meet the

Commented [MF15]: Note:

Staff is recommending that "Senior Housing" and "Senior Housing, Retirement Communities" be eliminated as these Use Types are addressed under other Use Types.

Commented [MF16]: Note:

Staff is recommending deleting this proposed Use Type.

Table ##: Table of Allowed Uses

R = Use by Right | L = Limited Review Use | C = Conditional Use | N = Prohibited Use

USE TYPE	ZONE DISTRICTS															Maloit Park		USE-SPECIFIC STANDARDS
	100-Block: A	100-Block: B	Civic	Federal Lands	Makerspace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	R1	R2	R3	Recreation & Open Space	Railroad Right-of-Way /Transportation	Mixed-Use	Recreation & Open Space		
Home Occupation	R	R	RA	N	RA	R	R	R	¹	R	R	R	N	N				
Hydroelectric Energy Device, Accessory	L	L	L	AL	L	L	L	L	¹	L	L	L	L	L				
Keeping of Fowl	R	R	R	N	N	R	R	R	¹	R	R	R	N	N				
Outdoor Food Vendor	AR	AR	AR	N	AR	AR	AR	AR	¹	N	N	N	R	N				
Outdoor Storage, Accessory to a Non-Residential Use	N	N	L	N	L	N	N	N	¹	N	N	N	L	N				
Parklet	AR	AR	AR	N	AR	AR	AR	AR	¹	N	N	N	AR	N				
Solar Energy System, Ground-Mounted, Accessory	RL	RL	RL	RL	RL	RL	RL	RL	¹	RL	RL	RL	RL	RL				
Solar Energy System, Roof-Mounted, Accessory	AR	AR	RL	RL	RL	RL	RL	RL	¹	RL	RL	RL	RL	RL				
Wind Energy Facility, Accessory	L	L	L	L	L	L	L	L	¹	L	L	L	L	L				
Temporary Uses																		
Temporary Use with a valid Temporary Use Permit	R	R	R	R	R	R	R	R	¹	R	R	R	R	R				

Notes:

- ¹ Permitted uses to be established as part of the Planned Unit Development (PUD) process (refer to Article 5: Land Use Application Requirements & Procedures).
² Street level residential uses in the 100-Block: A and 100-Block: B zone districts are permitted on historic properties subject to all applicable requirements of this Chapter.
³ Only applies to accessory uses that are not specifically listed in the Table of Allowed Uses.

Commented [MF2]: Note:

The uses currently allowed in the Maloit Park: Mixed Use and Maloit Park: Recreation & Open Space zone districts to be added to the table. No changes are proposed to these existing zone districts.

Commented [MF1]: Note:

Cross-references to the Use-Specific Standards for certain Use Types to be added at a later time.

Section 16-3-##: Principal & Accessory Uses

A. Principal Uses

More than one (1) principal use per lot is allowed in all zone districts if each use is allowed in the applicable zone district and all uses comply with all applicable requirements of this Chapter including, but not limited to, General Use Standards (refer to [Section 16-3-##](#)), Use-Specific Standards (refer to [Section 16-3-##](#)), Dimensional Requirements (refer to [Article ##](#)), and [Development Standards](#) (refer to [Article ##](#)).

B. Accessory Uses

1. A principal use must be established on a lot before an accessory use(s) is permitted. This requirement does not apply to fences, which are permitted on a lot prior to a principal use being established.
2. An accessory use(s) is permitted on a lot without a principal use if an abutting lot has an established principal use and both lots are under the same ownership.
3. More than one (1) accessory use per lot is allowed in all zone districts if each use is allowed in the applicable zone district and all uses comply with all applicable requirements of this Chapter including, but not limited to, General Use Standards (refer to [Section 16-3-##](#)), Use-Specific Standards (refer to [Section 16-3-##](#)), Dimensional Requirements (refer to [Article ##](#)), and [Development Standards](#) (refer to [Article ##](#)).

Section 16-3-##: Dimensional Standards, Authorized Exceptions & Measurement Standards

A. Dimensional Standards

[Table ##](#) sets forth the dimensional standards for Minturn's zone districts. All uses, structures, and buildings must comply with these standards, unless otherwise exempted in this Chapter.

<Insert table of Dimensional Standards>

Table ##: Table of Dimensional Standards

SF = Square Feet | FT = Feet | LF = Linear Feet | N/A = Not Applicable

ZONE DISTRICTS																
	100-Block: A	100-Block: A (Incentive Floor) ⁵	100-Block: B	Civic	Federal Lands	Recreation & Open Space	Makerspace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	Railroad Right-of-Way /Transportation	R1	R2	R3	Maloit Park
Lot Requirements																
Lot Area (Minimum)	2,500 SF	2,500 SF	2,500 SF	N/A	N/A	N/A	5,000 SF	2,500 SF	2,500 SF	5,000 SF	3	4	2,500 SF	5,000 SF	2 Acres	5,000 SF
Lot Area (Maximum)	7,500 SF	7,500 SF	7,500 SF	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3	4	N/A	N/A	N/A	N/A
Lot Area per Three (3) or More Dwelling Units (Minimum)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7,500 SF	7,500 SF	7,500 SF	3	4	5,000 SF	7,500 SF	N/A	N/A
Frontage on a Public Street or Right-of-Way (Minimum)	25 LF	25 LF	25 LF	N/A	N/A	N/A	25 LF	25 LF	25 LF	25 LF	3	4	25 LF	25 LF	N/A	N/A
Building Lot Coverage (Maximum)	80%	80%	80%	80%	N/A	N/A	70%	50% ¹	50% ¹	50%	3	4	50%	50%	20%	40%
Impervious Surface Area (Maximum)	90%	90%	90%	90%	N/A	N/A	80%	60% ¹	60% ¹	60%	3	4	60%	60%	N/A	N/A
Setback Requirements																
Front Yard Setback (Minimum)	5 FT (Min.)	25 FT	5 FT	10 FT	20 FT	5 FT	20 FT	10 FT	20 FT	10 FT	3	4	10 FT	20 FT	40 FT	20 FT
	15 FT (40% of Main Street Frontage) ⁶															
	40 FT (Parking) ⁷															
Front Yard Setback (Maximum)	20 FT	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3	4	N/A	N/A	N/A	N/A
Side Yard Setback (Minimum)	5 FT	5 FT	5 FT	5 FT	5 FT	5 FT	10 FT	5 FT	5 FT	5 FT	3	4	5 FT	5 FT	20 FT	5 FT
Rear Yard Setback (Minimum)	25 FT 30 FT	25 FT	5 FT	10 FT	10 FT	5 FT	10 FT	10 FT	10 FT	10 FT	3	4	10 FT	10 FT	20 FT	10 FT

Commented [MF1]: Note:
Staff is recommending the following changes for the Civic zone district based on an analysis of Minturn Town Hall...

- 1.Increase Building Lot Coverage from 45% to 80%.
- 2.Change Impervious Surface Area from N/A to 90%.

Table ##: Table of Dimensional Standards

SF = Square Feet | FT = Feet | LF = Linear Feet | N/A = Not Applicable

	ZONE DISTRICTS															
	100-Block: A	100-Block: A (Incentive Floor) ⁵	100-Block: B	Civic	Federal Lands	Recreation & Open Space	Makerspace	Mixed-Use 1	Mixed-Use 2	Mixed-Use 3	PUD Holding	Railroad Right-of-Way /Transportation	R1	R2	R3	Maloit Park Mixed-Use Recreation & Open Space
	(south of Nelson on Williams)	30 FT (south of Nelson on Williams)														
Live Stream Setback (Minimum)	Cross Creek: 50 FT All Other Bodies of Water: 30 FT															
Setback Between Detached Structures on Same Lot (Minimum)	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT	6 FT
Building Height Requirements																
Building Height (Maximum)	28 FT/2 Stories ⁶ (Flat Roof)	35 FT/ 3 Stories ⁶	35 FT/ 3 Stories ⁶	28 FT	28 FT	28 FT	28 FT	28 FT ¹	28 FT	28 FT	3	4	28 FT	28 FT	28 FT	28 FT
	32 FT/2.5 Stories ⁶ (Pitched Roof)	(Any Roof)						35 FT ²								

Notes:

¹ For development on a lot that is one hundred percent (100%) residential in nature.

² For development on a lot that is one hundred percent (100%) non-residential in nature or that includes a mix of non-residential and residential uses, with sales tax generating use(s) at the street level.

³ Dimensional standards to be established as part of the Planned Unit Development (PUD) process (refer to [Article 5: Land Use Application Requirements & Procedures](#)).

⁴ Dimensional standards to be determined as part of the applicable review process.

⁵ Refer to [Section 16-#-##](#) for the applicability of an incentive floor.

⁶ Forty percent (40%) of a lot's frontage along Main Street/US Highway 24 must have a minimum front yard setback of fifteen (15) feet. The remaining sixty percent (60%) of the lot's frontage along Main Street/US Highway 24 must have a minimum front yard setback of five (5) feet.

⁷ Parking must be setback a minimum of forty (40) feet from Main Street/US Highway 24.

⁸ The maximum building height in feet and maximum number of stories. For example, a building with a flat roof in the 100-Block: A zone district can have a maximum height of twenty-eight (28) feet and no more than two (2) stories.

B. Authorized Exceptions to Required Setbacks

Every part of a required yard shall be unobstructed from ground level to the sky. Select improvements and architectural features may encroach into required setbacks as specified in [Table ##](#) or [Section 16-##-##](#):

Table ##: Authorized Exceptions to Required Setbacks

Improvement or Architectural Feature	Conditions or Limitations
ADA access ramps, alleys, driveways, sidewalks, stairways (including associated landings), streets, trails, walkways, and other similar access improvements.	May encroach into any required setback, except for a live stream setback, subject to compliance with the clear vision area requirements set forth in Section 16-##-## .
Awnings or shading devices	May encroach into a required rear yard setback but must be a minimum of five (5) feet from the rear lot line.
Bay windows, eave lines, and roof overhangs	May encroach up to three (3) feet into a front yard setback. Roof overhangs may project up to eighteen (18) inches into a live stream setback if the encroachment does not detrimentally impact the proper, natural functioning of the protected live stream setback area.
Chimneys	May encroach into a rear yard setback but must be a minimum of five (5) feet from the rear lot line.
Fences, Hedges, and Walls	May encroach into any required setback, except for live stream setback, subject to the following limitations: 1. Height shall not exceed six (6) feet in a rear yard setback. 2. Height shall not exceed six (6) feet in a side yard setback between the front of the primary structure on the lot and the rear lot line. 3. Height shall not exceed four (4) feet in a side yard setback between the front of the primary structure on the lot and the front yard lot line. 4. Height shall not exceed four (4) feet in a front yard setback. Opaque fences in a front yard setback in the 100-Block: A and 100-Block: B zone districts shall not exceed a height three (3) feet. 5. Height may be further restricted in clear vision areas (refer to Section 16-##-##).
Landscaping	May encroach into any required setback, except for a live stream setback, subject to compliance with the clear vision area requirements set forth in Section 16-##-## .

Commented [MF1]: Requesting Planning Commission Input:

Should setback exceptions be added for the following:

1. Electric vehicle charging stations
2. Raised garden beds
3. Community exchange or charitable boxes (e.g., little library book exchanges or pantry food supply boxes)

Table ##: Authorized Exceptions to Required Setbacks

Improvement or Architectural Feature	Conditions or Limitations
Unroofed decks, patios, porches, or terraces that do not exceed a height of forty-eight (48) inches above grade	May encroach into a required rear yard setback but must be a minimum of five (5) feet from the rear lot line.
Upper floor(s) of buildings on lots in the 100 Block: A zone district with rear setbacks along Williams Street or Eagle River Street	Enclosed space may encroach up to five (5) feet into a rear yard setback.
	Terraces and balconies may encroach up to ten (10) feet into a rear yard setback.
Utility lines and minor, incidental utility structures (e.g., fire hydrants, manholes, transformers, etc.)	May encroach into any required setback, except for a live stream setback, subject to compliance with the clear vision area requirements set forth in Section 16-## .
	Underground utilities may be located in a live stream setback only if there is no practical alternative location for such utilities, and that plans and/or reports related to proposed disturbance within the setback area are prepared by qualified professionals showing limits of disturbance, erosion control measures and revegetation are approved by the Town Council.

Commented [MF1]: Requesting Planning Commission Input:

Should setback exceptions be added for the following:

1. Electric vehicle charging stations
2. Raised garden beds
3. Community exchange or charitable boxes (e.g., little library book exchanges or pantry food supply boxes)

Commented [MF2]: Requesting Planning Commission Input:

Should uncovered (and possible covered) front porches be allowed to encroach into a required front yard setback as long as a minimum of five (5) feet from a front lot line?

Commented [MF3]: Note:

The 100-Block Design Standards state:

"The upper floor(s) of a building may encroach into the rear setback in 100 Block: A a maximum of five (5) feet for enclosed space and ten (10) feet for balconies and terraces."

The Design Standards don't limit these encroachments to properties with rear setbacks along Williams Street and Eagle River Street, but [Subsection 16-2-50\(g\)\(4\)](#) does.

C. Authorized Exceptions to Building Height Standards

Select improvements and architectural features may exceed the maximum building height as specified in [Table ##](#) or in [Section 16-##-##](#):

Table ##: Authorized Exceptions to Building Height Standards

Improvement or Architectural Feature	Conditions or Limitations
Antennas	May exceed the maximum building height by no more than ten (10) feet.
Belfries, cupolas, domes, spires, steeples, towers or similar uninhabitable architectural feature(s)	
Chimneys	
Elevator enclosures	
Mechanical appurtenances/equipment	
Parapet walls	
Ridge vents	
Skylights	
Ventilators	
Water tanks/towers	

Commented [MF4]: Requesting Planning Commission Input:

Should parapet walls be allowed to exceed max. building height by ten (10) feet?

D. Measurement Standards

The following standards shall be used for measuring, interpreting, and enforcing the dimensional standards set forth in this Chapter.

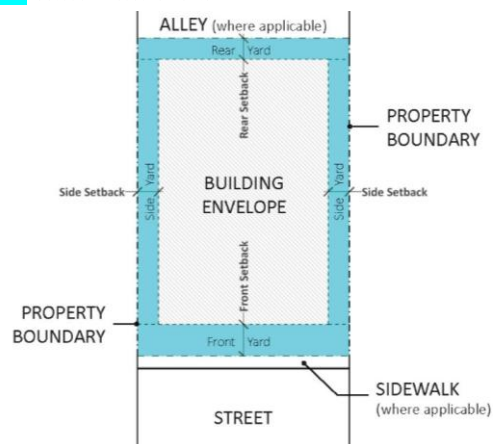
1. Lot Measurements.

- a. *Lot Area.* Lot area is measured as the total area within the legal boundaries of a lot.

- b. *Lot Width.* Lot width is measured as the average, horizontal distance between the side lot lines. The average, horizontal distance is measured perpendicularly from one (1) of the side lot lines.
 - c. *Lot Depth.* Lot depth is measured as the average, horizontal distance between a front and a rear lot line. If there is no rear lot line, lot depth is measured as the average, horizontal distance between a front lot line and the intersection of two, side lot lines.
 - d. *Building Lot Coverage.*
 - i. Building lot coverage is measured as the area of a lot that is covered by a building(s), including all enclosed cantilevered portions of a building, covered porches, covered walkways, and similar covered areas. The area of a building(s) is measured to the outside face of exterior walls.
 - ii. Fifty percent (50%) of the total surface area of any deck(s) above the first floor of a building is to be included in the measurement of building lot coverage. The surface area of a deck(s) that covers a portion of a building that has already been counted towards the allowable building lot coverage shall not be included in the measurement of building lot coverage.
 - iii. Any portion of a lot contained in a river, creek, or similar body of water, as defined by the ordinary high-water mark, shall not be included in a lot's square footage for purposes of calculating building lot coverage.
 - e. *Impervious Surface Area.*
 - i. Impervious surface area is measured as the area of a lot that is covered by any nonpermeable material that prevents absorption of water into the ground, including, but not limited to, concrete, asphalt, and roofing materials. The area of the following improvements are to be included in the measurement of impervious surface area:
 - The principal building, excluding roof overhangs.
 - All accessory buildings, parking garages, carports and sheds.
 - Porches, stairways, decks, elevated walkways, sheds and other structures, together with paved areas or areas otherwise covered with materials impervious to water.
 - Parking areas, sidewalks and driveways regardless of surface materials.
 - ii. Any portion of a lot contained in a river, creek, or similar body of water, as defined by the ordinary high-water mark, shall not be included in a lot's square footage for purposes of calculating impervious surface area.
2. **Setback Measurements.**
- a. *Front Setback.* A front setback is measured as the horizontal distance of a line perpendicular to the front lot line extending towards the rear lot line.

- b. *Side Setback.* A side setback is measured as the horizontal distance of a line perpendicular to a side lot line extending towards the opposite side lot line.
- c. *Rear Setback.* A rear setback is measured as the horizontal distance of a line perpendicular to the rear lot line extending towards the front lot line.

Diagram ##: Setback Measurements



Commented [MF5]: Note:
This is a placeholder graphic.

- d. *Live Stream Setback.*
 - i. A live stream setback is measured as the horizontal distance between the ordinary high-water mark on either side of a live stream, river, creek, or similar body of water and any structure, building, and/or other improvement on a lot. Additional setback distance may be required by the Planning Commission if necessary to protect the live stream, river, creek, or similar body of water.
 - ii. The live stream setback area is to be protected in its natural state and vegetated with natural riparian vegetation.
 - iii. The ordinary high-water mark of a live stream, river, creek, or similar waterbody must be delineated by a professional land surveyor licensed in the State of Colorado.

Commented [MF6]: Note:
This is existing Code language (refer to Section 16-2-50). If this language is retained, staff recommends incorporating with the table of Dimensional Standards.

Commented [MF7]: Note:
This is existing Code language (refer to Section 16-2-50). Given that this Subsection is focused on how a live stream setback is measured, staff recommends that this language be incorporated elsewhere in the updated Code (e.g., Development Standards).

Diagram ##: Live Stream Setback Measurement

<Insert Graphic Depicting Live Stream Setback Measurement>

3. Height Measurements.

- a. *Building or Structure Height.* The height of a building or structure is measured as the vertical (plumb) distance measured between finished, natural, or established grade (whichever is more restrictive) at any point along the perimeter of a building or structure to the following:

- i. The top of a flat roof; OR
 - ii. The midpoint between the eave and the highest point of a gable, gambrel, hip, shed, mansard, or other similar pitched roof.
- b. *Fence, Hedge, or Wall Height.*
- i. The height of fences, hedges, and walls is measured as the vertical distance between the natural grade at the base of a fence, hedge, or wall and the highest point of the fence, hedge, or wall.
 - ii. If a berm or retaining wall is used underneath, or in combination with, a fence, the height of a fence height is measured as the vertical distance between the toe of the slope of a berm or the bottom of the wall and the highest point of the fence.

Commented [MF8]: Requesting Planning Commission Input:
This is a modified version of existing Code language for measuring the height of buildings/structures. The modified language aims to clarify how height is measured for buildings/structures with flat roofs or pitched roofs.

Section 16-3-###: General Use Standards

A. Applicability

All uses, structures, and buildings in Minturn must comply with the standards set forth in this Section.

B. Purpose

The purpose of this Section is to establish standards for the operation of all uses, structures, and buildings in Minturn that are intended to protect people and property from nuisances, health hazards, safety hazards, and/or other adverse impacts associated with excessive noise, vibration, smoke, heat, glare, radiation, fumes, water pollutants and/or the improper storage of hazardous or nonhazardous materials.

C. Compliance with Town, State, and Federal Regulations Required

All applicable regulations of the Town, Eagle County, the state of Colorado, and/or the federal government must be complied with at all times.

D. Noise Standards

1. All noise generating activities must comply with the applicable state statute(s).
2. Any noise that exceeds the maximum permissible decibel level set forth in the applicable state statute(s) and radiates beyond the boundary line of the property where the activity is located constitutes prima facie evidence that such noise is a public nuisance, unless a permit has been issued by the Town that purpose in connection with a special event.
3. Sound level measurements will be made with a sound level meter at any point along any boundary line of the property on which a noise generating activity is located. If more than one (1) use is located on a property, sound level measurements will be made with a sound level meter along any wall of any other building on the property.

Commented [MF9]: Note:
Staff is still working to review and revise these standards to ensure that they are measurable and not subjective.

Commented [MF10]: Note:
Staff is working with the Town Attorney to determine if Minturn is required to comply with the State Noise Abatement statutes.

E. Vibration Standards

Every use shall be so operated that it does not inherently and recurrently generate a ground vibration that is perceptible at any point along any boundary line of the property on which the use is located. Where more than one (1) use is located within the boundaries of a property, then this standard shall also be measured along any wall of any other building on the property.

F. Air Quality, Smoke, and Particulate Standards

1. Smoke Emission. Every use shall be so operated that it does not emit smoke exceeding a density of No. 1 on the Ringleman Chart.
2. Emission of Particulate Matter. Every use shall be so operated that it does not emit particulate matter exceeding two-tenths (0.2) grains per cubic foot of the flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.
3. Projection of Dust. Every use shall be operated so that dust shall not be projected beyond any boundary line of the property on which the use is located. Where more than one (1) use is located within the boundaries of a property, then each use shall be operated so that dust is not projected onto any wall of any other building on the property.
4. Projection of Fumes. Every use shall be so operated that it does not emit an obnoxious or dangerous degree of fumes beyond any boundary line of the property on which the use is located. Where more than one (1) use is located within the boundaries of a property, then each use shall be operated so that dust is not projected onto any wall of any other building on the property.

G. Water Quality Standards

1. No use may discharge a water pollutant, unless otherwise permitted by the Colorado Department of Public Health and Environment.
2. In the event a potential hazard(s) exists, it shall be necessary to install safeguards and mitigation acceptable to the Planning Director and in compliance with the laws of the State and the Environmental Protection Agency before operation of the facility may begin. All required site tests, including but not limited to percolation tests, groundwater resource tests and drainage and discharge analysis, as may be required, shall be performed and certified by a registered professional engineer and accepted by the Town before operation of the facilities may begin.

H. Heat, Glare, Radiation, and Electrical Interference Standards

1. Every use shall be operated so that it does not emit a dangerous or discomforting degree of heat, glare, radiation or electrical interference and does not interfere with the normal operation of other equipment or instruments, including normal radio or television reception, beyond any boundary line of the property on which the use is located.
2. Sources of emissions shall be shielded, operated indoors or pointed away from neighboring properties.
3. Where more than one (1) use is located within the boundaries of a property, then these standards shall also apply along any wall of any other building on the property.

I. Storage of Hazardous and Nonhazardous Material Standards

1. **Storage of Hazardous Materials.**
 - a. *Flammable or Explosive Materials.* Flammable or explosive liquids, solids or gases shall be stored only in a manner that complies with all applicable town, state and federal regulations. Hazardous materials stored on site shall be reported to the County's Emergency Planning

Committee, in compliance with the Superfund Amendments Reauthorization Act, Title III, as amended.

- b. *Outdoor Storage in Closed Containers.* All materials or wastes which might cause fumes or dust that constitute a fire hazard or that may be edible by or otherwise attractive to rodents, insects or pests may be stored outdoors only when stored in closed containers.
 - c. *Safety.* More restrictive standards for the storage of hazardous materials may be applied when required for the safety of occupants of other land uses in proximity to the storage area or to address other pertinent neighborhood conditions.
2. **Prevent Transfer by Natural Causes.** No materials or wastes shall be stockpiled, deposited or otherwise placed upon a property in such form or manner that they may be transferred off the property by natural causes or forces.

Section 16-3-###: Use-Specific Standards

A. Applicability

1. The standards set forth in this Section apply to specific uses identified in the Table of Uses set forth in [Section 16-3-###](#).
2. These standards apply regardless of whether a use(s) is identified as a Use by Right, a Limited Review Use, or a Conditional Use.
3. These standards cannot be modified except through the Code Amendment process set forth in [Section 16-5-###](#).

B. Accessory Building(s) or Structure(s)

All accessory buildings and structures must comply with the following standard:

1. **Use.** If the principal use of a property is a residential use (i.e., single-family dwelling, duplex, multi-family dwelling, and/or similar type of use) an accessory building(s) or structure(s) shall be limited to and intended for use only by the resident(s) of the property.
2. **Building Permit.** A building permit is not required for an accessory building or structure that has a ground floor area of no more than two hundred (200) square feet (200 SF), a height of no more than twelve (12) feet, and complies with all applicable requirements of this Chapter. A building permit is required for an accessory building or structure that does not meet these standards.
3. **Location of Sheds.** A shed(s) is only permitted in a rear or side yard and may encroach into a required rear yard setback if it is a minimum of five (5) feet from any lot line.

C. Accessory Dwelling Unit (ADU)

All accessory dwelling units must comply with the following standards:

1. **Limit.** Only one (1) accessory dwelling unit per lot is permitted.

Commented [MF11]: Requesting Planning Commission Input:
Staff has some concerns about this provision as it would prohibit projects such as the Agora. Staff would like to discuss this provision with the Planning Commission.

2. **Size.**

- a. The floor area of an accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet.
- b. In the 100-Block: A and 100-Block: B zone districts, no more than fifty percent (50%) of the street level floor area can be allocated to residential uses.

3. **Location.** An accessory dwelling unit is permitted to be located as follows:

- a. Within or attached to the structure containing the principal use on a lot.
- b. Within a detached structure on the same lot as the principal use.
- c. In the 100-Block: A, 100-Block: B, Makerspace, Mixed-Use 1 (MU-1), Mixed-Use 2 (MU-2), and Mixed-Use 3 (MU-3) zone districts, a street level accessory dwelling unit is not permitted to front on Main Street/US Highway 24.

4. **Ownership.** An accessory dwelling unit shall not be subdivided or sold from the primary unit on the parcel.

5. **Use.** An accessory dwelling unit cannot be used as a short-term rental.

Commented [MF12]: Note:

This is a new provision included by staff to limit non-sales tax generating uses fronting on Main Street in certain zone districts.

Commented [MF13]: Note:

This provision has been added per the Planning Commission's direction.

D. Adult Use

NOTE: Staff is working with the Town Attorney on standards for "Adult Uses." These standards will be provided to the Planning Commission for review at a later time.

E. Animal Boarding

All animal boarding facilities must comply with the following standards:

1. **Licensing.** Prior to operation, must provide proof that all applicable state licensing requirements have been satisfied.
2. **Location.** Must be operated entirely within a fully enclosed building(s) that prevents any sounds in excess of the maximum permissible noise levels set forth in this Article. An outdoor animal run, in accordance with the requirements of this Subsection, is permitted.
3. **Odor.** Must be designed and operated to mitigate any foul and/or offensive odor from being detected beyond the boundaries of the premises.
4. **Hours of Operation.** Between the hours of 7:00 p.m. and 7:00 a.m., all animals being boarded shall be kept within a fully enclosed building(s) on the premises.
5. **Outdoor Animal Run.**
 - a. Animals shall only be permitted outside if within a secure animal run that is fully enclosed and screened by an opaque fence and/or wall with a height of six feet (6') that complies with the provisions of Section 16-##-##.
 - b. An animal run is only permitted in a side or rear yard.

Commented [MF14]: Note:

This provision has been added per the Planning Commission's direction.

F. Animal Hospital

All animal hospitals must comply with the following standards:

1. **Licensing.** Prior to operation, must provide proof that all applicable state licensing requirements have been satisfied.
2. **Location.**
 - a. Must be operated entirely within a fully enclosed building(s) that prevents any sounds in excess of the maximum permissible noise levels set forth in this Article. An outdoor animal run, in accordance with the requirements of this Subsection, is permitted.
 - b. An Animal Hospital that is adjacent to a property with a residential use(s) and provides emergency services between 7:00 p.m. and 7:00 a.m. must incorporate mitigation measures to minimize adverse impacts (e.g., noise, light, etc.) on the adjacent residential use(s).
3. **Boarding of Animals.** Boarding of animals (including overnight stays) is permitted for post-medical care and must be customarily incidental and subordinate to the Animal Hospital.
4. **Outdoor Animal Run.**
 - a. Animals shall only be permitted outside if within a secure animal run that is fully enclosed and screened by an opaque fence and/or wall with a height of six feet (6') that complies with the provisions of Section 16-#-##.
 - b. An animal run is only permitted in a side or rear yard.

Commented [MF15]: Note:

Staff has included this provision based on the Planning Commission's direction regarding "Animal Boarding."

G. Automotive Detail Shop

All automotive detail shops must comply with the following standards:

1. **Wastewater.** Wastewater must be discharged in accordance with all applicable requirements of the Town, the Eagle River Water & Sanitation District, the State, and/or the federal government.
2. **Hazardous Materials.** All hazardous chemicals, materials, and/or similar items must be stored, handled, and disposed of in accordance with all applicable requirements of the Town, Eagle River Fire Protection District, the state of Colorado, and/or federal government.

H. Bed and Breakfast

All bed and breakfast facilities must comply with the following standards:

1. **Character.** The use of a single-family detached dwelling for a bed and breakfast shall maintain the residential character of the premises.
2. **Number of Guest Rooms.** A bed and breakfast shall be permitted a maximum of four (4) guest rooms.
3. **Length of Stay.** Each guest stay is limited to a maximum of thirty (30) consecutive calendar days.

4. **Prohibited Amenities.** No cooking and/or dining facilities (e.g., stoves, hot plates, microwave ovens, etc.) are permitted in any guest room.
5. **On-Site Operator.** The operator of a bed and breakfast shall reside on the premises when the use is in operation.
6. **Other Commercial Activities Prohibited.** Other than providing lodging, meals, and/or guide services for guests, a bed and breakfast shall not conduct any other commercial activities such as for-profit private parties or receptions, retail sales, and/or similar activities.

I. Day Care Center

All day care centers must comply with the following standards:

1. **Licensing.** Prior to operation, the day care center shall be required to provide proof that state and/or county licensing requirements have been satisfied.
2. **Size.** The applicant must demonstrate that the size of the facility is suitable for the maximum number of children or adults to be permitted.
3. **Vehicle Queueing.** Must provide adequate queueing for vehicles during peak hours (e.g., pick-up and drop-off times), in accordance with Section 16-###-##.
4. **Location.** In the 100-Block: A, 100-Block:B, Mixed-Use 1 (MU-1), Mixed-Use 2 (MU-2), and Mixed-Use 3 (MU-3) zone districts, a street level day care center is not permitted to front on Main Street/US Highway 24.

J. Drive-Through/Drive-Up Establishment

All drive-through/drive-up establishments and/or facilities must comply with the following standards:

1. **Location.** A drive-through/drive-up facility must be located to the side or rear of the principal building on the property and accessed from an existing access point for the premises. This does not apply when there is no principal building on a property and the drive-through/drive-up facility is the principal use (e.g., drive-up movie theater).
2. **Design.** To the maximum extent practicable, a drive-through/drive-up facility is to be designed and constructed so that pedestrians accessing the principal building(s) on the premises are not required to cross a drive-thru lane(s). If it is necessary for pedestrians to cross a drive-thru lane(s), the crossing(s) shall be clearly demarcated with signage and striping, unique paving material, and/or other similar treatment(s) to minimize potential conflicts between pedestrians and automobiles.
3. **Operation.**
 - a. Drive-through/drive-up facilities shall not create adverse noise, light, and/or other impacts on abutting residential properties.
 - b. The hours of operation of a drive-through/drive-up facility abutting a residential property shall be limited to 7:00am- 10:00pm.

Commented [MF16]: Requesting Planning Commission Input:

After further thought, staff is thinking that it might be appropriate for a Bed & Breakfast to:

1. Serve as a venue for private parties, weddings, and other similar events.
2. Have retail sales (e.g., sell postcards, ornaments, hand painted mugs, etc.) that are secondary to the primary function as a Bed & Breakfast.

Commented [MF17]: Note:

This is a new provision that has been added to limit non-sales tax generating uses fronting on Main Street in certain zone districts.

4. **Vehicle Queueing.** Must provide adequate queueing for vehicles during peak hours, in accordance with Section 16-##-##.

K. Duplexes and Multi-Family Dwellings (Street Level)

All street level duplexes and multi-family dwellings in the 100-Block: A, 100-Block: B, and Makerspace zone districts must comply with the following standards:

1. **Location.** Not permitted to front on Main Street/US Highway 24.
2. **Size.** No more than fifty percent (50%) of the street level floor area can be allocated to residential uses.

L. Family Childcare Home

All family childcare homes must comply with the following standards:

1. **Residential Use.** Considered a residential use in all residential zone districts.
2. **Licensing.** Must comply with all applicable state licensing requirements, including without limitation the Family Home Childcare License applicable to the population for which care is being provided, and shall maintain such license in effect at all times when care is being provided.
3. **Vehicle Queueing.** Must provide adequate queueing for vehicles during peak hours (e.g., pick-up and drop-off times), in accordance with Section 16-##-##.

M. Geothermal Loop or Direct Use, Accessory

All geothermal systems must comply with the following standards:

1. **Location.**
 - a. Must be located on the same lot as the principal and/or accessory use(s) that the system serves.
 - b. Underground systems may be located anywhere on a lot and are permitted to encroach into any required yard, except for a required live stream setback. An underground system may encroach into an easement(s) with written permission from the easement(s) holder(s).
 - c. Any above-ground system components (e.g., pumps, manifolds, piping connections, etc.) must:
 - i. Be located in a primary or accessory building or structure on the lot or screened in accordance with Section 16-##-##.
 - ii. Be located in a side or rear yard.
 - iii. Comply with the dimensional standards for the applicable zone district set forth in Section 16-##-##.
 - iv. Not exceed a maximum height of six (6) feet.

Commented [MF18]: Note:

These are new standards that have been added to limit street level, non-sales tax generating uses in certain zone districts.

2. **Design Requirements.**

- a. All fluids used in a system must be non-toxic and non-hazardous.
- b. Direct discharge of system fluids to surface water, sewer systems, and/or stormwater systems is prohibited, unless expressly permitted by the appropriate authority (e.g., the Town, the Eagle River Water & Sanitation District, the State, etc.).

3. **As-Built Drawing Required.** Following the installation of a system(s), the property owner must provide the Town with an as-built drawing, prepared by a qualified professional, to verify that the system(s) is located entirely on the same lot as the principal and/or accessory use(s) that the system serves.

4. **Abandoned System.** Any system that is abandoned by the property owner must be properly decommissioned in accordance with all applicable requirements of the Town, County, State, and/or Federal government.

Commented [MF19]: Note:
This is a new provision that has been added based on discussions with the Planning Commission.

N. Home Business

All home businesses must comply with the following standards:

1. **Use.** The use of a dwelling for a home business must be clearly incidental and subordinate to its use for residential purposes and cannot change the residential character of the premises.
2. **Operator and Employees.** Must be operated by a person(s) residing on the premises. A home business may employ persons residing off-premises.
3. **Nuisance.** Must not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors, and/or alter the residential character of the premises.
4. **Storage of Materials and Equipment.** All materials and equipment associated with a home business must be stored in a building or in a rear yard that is screened from all abutting properties with a fence, wall, berm, and/or landscaping. All vehicles associated with a home business must be stored on the premises.
5. **Sales.** Incidental sales of supplies or products associated with a home business are permitted on the premises. A home business whose primary activity is retail sales shall be prohibited, except if the function of the home business is the sale of goods off the premises (e.g., online sales).

O. Home Occupation

All home occupations must comply with the following standards:

1. **Use.** The use of a dwelling for a home occupation must be clearly incidental and subordinate to its use for residential purposes and cannot change the residential character of the premises.
2. **Operator and Employees.** Must be operated by a person(s) residing on the premises. A home occupation cannot employ any person residing off-premises.
3. **Location.** All activities associated with a home occupation must be conducted indoors.

4. **Nuisance.** Must not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors, and/or alter the residential character of the premises.
5. **Storage of Materials and Equipment.** All materials and equipment associated with a home occupation must be stored in a building.
6. **Sales.** Incidental sales of supplies or products associated with a home occupation are permitted on the premises. A home occupation whose primary activity is retail sales shall be prohibited, except if the function of the home occupation is the sale of goods off the premises (e.g., online sales).
7. **Serving Patrons.** A home occupation cannot serve patrons on the premises, except in an incidental manner and on an appointment basis.

P. Hydroelectric Energy Device, Accessory

All hydroelectric energy devices must comply with the following standards:

1. **Maximum Generating Capacity.** The maximum generating capacity for all devices serving a lot shall be less than five hundred (500) kilowatts.
2. **Location.**
 - a. The device(s) must be located on the same lot as the principal and/or accessory use(s) that the device(s) serves.
 - b. Components of a device(s) (e.g., turbines, generators, etc.) may be located within a required live stream setback if in compliance with the standards for Flood Hazard Areas set forth in [Section 16-#-##](#).
3. **Off-Site Service Prohibited.** The device(s) can only serve the principal and/or accessory use(s) on the premises.
4. **Compliance with Town, County, State, and/or Federal Requirements.** The device(s) must comply with all applicable Town, County, State, and/or Federal requirements, including all applicable permitting requirements.
5. **Design Requirements.**
 - a. The device(s) must be designed and sited to ensure that aquatic and riparian ecosystems will not be adversely impacted. Any device(s) located in any fish bearing river, stream, or similar waterbody must be designed to prevent any adverse impacts on fish. At the discretion of the Planning Director, information from a certified riparian biologist or similar professional may be required to demonstrate that there will be no adverse impacts to the aquatic and riparian ecosystems.
 - b. The device(s) must be designed and sited to avoid being a public hazard and/or obstructing public access to, along, and/or within a river, stream, or other similar body of water. Measures to prevent unauthorized access (e.g., grates, signage, etc.) must be incorporated.

- c. The device(s) must be designed so that stream flows are not adversely impacted.

- 6. **Discontinued Use.** If the use of a device(s) is discontinued for more than twelve (12) consecutive months, the device(s) must be removed by the property owner and the site restored in accordance with all applicable Town, County, State, and/or Federal requirements.

Commented [MF20]: Note:

This provision has been added per the Planning Commission's direction.

Q. Keeping of Fowl

The following requirements, restrictions, and standards shall apply to the keeping of fowl within the Town of Minturn corporate limits. No other animals not otherwise allowed as "pet animals" by Article 9, Chapter 8 of this Code may be kept in the Town.

- 1. **Applicability.** The keeping of fowl and the erection of coops, runs and associated enclosures are allowed as an accessory use only on those parcels where the principal use of the parcel meets one (1) of the configurations listed in this Subparagraph. An existing coop shall cease to be allowed where the principal use of the parcel is altered to no longer meet one (1) of the following configurations:
 - a. Detached single-family dwelling;
 - b. Detached single-family dwelling with either one (1) attached or one (1) detached accessory dwelling unit;
 - c. A two-family dwelling (duplex); or
 - d. A school or community centered board facility.
- 2. **Where Permitted.**
 - a. Permitted on a lot with a minimum area of two thousand five hundred (2,500) square feet.
- 3. **Number and Type.**
 - a. No more than two (2) fowl permits shall be allowed per permitted property. If a parcel has more than one (1) dwelling unit, all adult residents (twenty-one (21) years of age or older) and the owners of the parcel must consent in writing, on a form provided by the Planning Director, to allow the keeping of fowl on the property. If a property contains a bonafide rental unit, tenants may be permitted to keep and maintain fowl so long as the property owner/authorized landlord approves in writing, on a form provided by the Planning Director, the use and permitting.
 - b. There shall be a maximum number of fowl allowed based on the square footage required in a coop per type of bird.
 - c. Roosters are allowed.
- 4. **Site Layout and Design.**
 - a. A coop shall be located so that it has the least amount of impact to adjacent dwellings and properties. Coops and associated runs or other enclosures may be located in the front, side, or rear yards of the permitted property based on review by the Planning Director. Applicants

for fowl permits are required to provide a site plan and other information detailing the location, size and layout of any coop, run or enclosed yard.

- b. Neither the coop nor any portion of the run or other associated outdoor enclosure may be located less than five (5) feet from any abutting property line unless the property owner or keeper of the fowl obtains the written consent of the owners of all properties to which the enclosure is proposed to be closer than five (5) feet from their property line; in which event, the agreed-upon location shall then be deemed acceptable to all such abutting property owners. The property owner or keeper of the fowl need only get permission from the original neighboring property owner. The consent, once obtained, lasts until the permit is relinquished or revoked.
 - c. The footprint of a coop shall not exceed one hundred twenty (120) square feet. The maximum height of the coop shall be twelve (12) feet. Coops and runs shall be completely enclosed with wire or other material to contain the fowl and prevent wildlife intrusion.
5. **Operation.**
- a. Fowl must be confined at all times in a yard, coop or run. However, fowl may be permitted to roam, in a free range manner, outside the coop and/or run to allow for access to sunlight and open air described above so long as:
 - i. The entire perimeter of such free range area (a yard) is fenced in a manner to adequately confine the fowl;
 - ii. Such area is part of the permitted property and within an area immediately surrounding the residence of the owner of the fowl.
 - b. All fowl must be provided with a covered, predator-resistant house or coop that is properly ventilated, designed to be easily accessed, cleaned and maintained and at least two (2) square feet per chicken in size, four (4) square feet per duck or pair of pigeons in size, six (6) square feet per turkey or goose in size, and no portion of the floor shall exceed six (6) feet from grade.
 - c. During daylight hours, the fowl must have access to the coop, must have access to adequate fresh water, and must also have access to an enclosure that is screened on all sides and on top and adequate to protect them from predators.
 - d. Fowl shall be further protected by being enclosed within the coop from dusk till dawn.
 - e. Feed shall be kept within a rodent resistant container within the residence, garage, shed or other permitted structure so that it can be secured from rodents and other wildlife.
 - f. Coops and runs shall be maintained in a clean fashion to prevent odors, and manure shall be removed and stored in a sealed container or removed from the property immediately. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors.

6. **Permit Procedures.**

- a. **Application Requirements.** The owner shall submit an application on the form provided by the Planning Director and shall pay the application fee set by Town Council resolution.
 - i. Applicants for fowl permit(s) may be required to provide a site plan of the subject property drawn to scale showing the location of proposed coop(s), run(s), and fencing and yard areas. Applicants will also be required to provide details of proposed coop, run, and fence designs, inclusive of structural dimensions and materials.
 - ii. If the parcel upon which the keeping of fowl is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this Article shall be considered minimum requirements. Any such association shall have the right to lawfully adopt more stringent fowl-keeping standards, including the outright prohibition of fowl-keeping, for any parcel within the regulatory authority of such association.
7. **Issuance of Permit.**
- a. All fowl keeping uses shall require a permit from the Planning Director. Such permit shall only be issued after the fowl application has been approved in accordance with the Municipal Code. The fowl permit shall specify any terms and conditions of the permit. All permits shall be issued to the owner of the property or approved tenant of a bonafide rental (dwelling) unit. A change in ownership shall necessitate issuance of a new permit.
 - b. Any pre-existing keeping of fowl shall come into conformance by May 31, 2022 or be considered illegal and therefore must comply with this Section or be removed.
8. **Revocation of Permit.** A fowl permit may be revoked at any time by the Planning Director should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code.

R. Manufacturing, Light

All light manufacturing uses must comply with the following standards:

- 1. **Location.** All operations, including the storage of materials and equipment, must be conducted entirely within a fully enclosed building or structure except for outdoor storage pursuant to [Section 16-#-##](#).
- 2. **Design Requirements.** Any exhaust system must be designed to minimize adverse impacts (e.g., odors, particulate emissions, etc.) on adjacent properties.

S. Motor Vehicle/Recreational Vehicle (RV) Sales, Service, and Rental

All motor vehicle and recreational vehicle (RV) sales, service, and/or rental uses must comply with the following standards:

- 1. Any service activities must be customarily incidental and subordinate to the sale and/or rental of vehicles.
- 2. All service activities must be conducted entirely within a fully enclosed building or structure.

T. Natural Medicine Businesses

***NOTE:** Staff will be incorporating the standards for Natural Medicine Businesses recently adopted by the Town.*

U. Office Uses (Street Level)

All street level office uses in the 100: Block A and 100-Block: B zone districts must comply with the following standards:

1. **Location.** Not permitted to front on Main Street/US Highway 24.
2. **Size.** No more than fifty percent (50%) of the leasable, street level floor area can be occupied by office uses.

Commented [MF21]: Note:

These are new standards that have been added to limit street level, non-sales tax generating uses in certain zone districts.

V. Outdoor Food Vendor

All outdoor food vendors must comply with the following standards:

1. All applicable requirements set forth in Chapter 6 of Minturn's Municipal Code.
2. Allowed as a principal use on a vacant lot if permitted in the applicable zone district and is actively being operated.
3. If an outdoor food vendor located on a vacant lot ceases operations for more than thirty (30) consecutive calendar days, any food cart, food trailer, food truck, and/or similar equipment must be removed from the premises.

Commented [MF22]: Requesting Planning Commission Input:

Staff is requesting input from the Planning Commission on the amount of time that should be allowed to lapse before a non-operational vendor needs to vacate a property.

W. Outdoor Food Vendor Park/Court

All outdoor food vendor parks/courts and every outdoor food vendor operating within an outdoor food vendor park/court, including associated activities (e.g. seating areas), must comply with the following standards:

1. All applicable requirements set forth in Chapter 6 of Minturn's Municipal Code.
2. Cannot block public streets, sidewalks, trails, and/or similar accessways. May be located in a private or public right-of-way or easement with the permission of the owner or holder of such right-of-way or easement.
3. Drive-through/drive-up service for automobiles is permitted if in compliance with the applicable standards for a Drive-Through/Drive-Up Establishment set forth in Subsection 16-#-##.
4. Tables, chairs, shading devices, trash and/or recycling containers, and other similar moveable elements associated with an outdoor food vendor park/court may be located in any required front, side, or rear yard setback. Food carts, food trailers, and food trucks must comply with the applicable dimensional standards set forth in Section 16-#-##.

Commented [MF23]: Note:

These are new provisions added by staff to allow an "Outdoor Food Vendor" to be a principal use on a property and to mitigate potential issues arising from a vendor that is no longer active on a property.

Commented [MF24]: Note:

This provision has been modified per the discussion with the Planning Commission.

X. Outdoor Storage, Accessory to a Non-Residential Use

All outdoor storage that is accessory to a non-residential use(s) must comply with the following standards:

Commented [MF25]: Note:

This provision has been modified per the Planning Commission's direction.

1. **Size.** The storage area shall not cover an area larger than fifty percent (50%) of the total area of the premises.
2. **Location.**
 - a. The storage area must be located to the side or rear of the principal building or structure on the property.
 - b. Cannot be located on the roof of any building or structure on the property.
3. **Design & Screening Requirements.**
 - a. The storage area shall be surfaced with concrete, asphalt, or other durable, all-weather surfacing material.
 - b. Opaque fencing, a wall(s), a berm(s), landscaping, or combination thereof, must be used to screen the storage area from view when observed from any adjoining public or private right-of-way, public or private park and/or open space, and/or residential zone district.
 - c. The maximum height of fencing and/or a wall used to screen the storage area may be up to 6 feet.
 - d. Screening fences with structural support members on one side, must be constructed with the structural members facing the interior of the property.
4. **Operation.**
 - a. The height of all items in the storage area shall not exceed the height of the screening fence, wall, berm, and/or landscaping.
 - b. Any emergency access lane(s) required by an emergency service provider(s) shall be maintained and remain unobstructed.
 - c. All fences, walls, berms, and/or landscaping used to screen a storage area must always be maintained in a good and safe condition.
 - d. Use of a shipping container(s) for storage is permitted if the container(s) is maintained in a good and safe condition so that the container can be moved intact, does not have holes due to damage or rust, and is not infested with vermin or other pests.

Commented [MF26]: Note:

This provision has been modified per the discussion with the Planning Commission. The previous iteration of this provision stated:

"The storage area shall not cover an area larger than that of the principal building or structure on the property or fifty percent (50%) of the total area of the property, whichever is greater."

Y. Outdoor Storage, Screened

All screened, outdoor storage must comply with the following standards:

1. **Design & Screening Requirements.**
 - a. The storage area shall be surfaced with concrete, asphalt, or other durable, all-weather surfacing material.
 - b. Opaque fencing, a wall(s), a berm(s), landscaping, or combination thereof, must be used to screen the storage area from view when observed from any adjoining public or private right-of-way, public or private park and/or open space, and/or residential zone district.

- c. The maximum height of fencing and/or a wall used to screen the storage area may be up to 6 feet.
 - d. Screening fences with structural support members on one side, must be constructed with the structural members facing the interior of the property.
2. **Operation.**
- a. The height of all items in the storage area shall not exceed the height of the screening fence, wall, berm, and/or landscaping.
 - b. Any emergency access lane(s) required by an emergency service provider(s) shall be maintained and remain unobstructed.
 - c. All fences, walls, berms, and/or landscaping used to screen a storage area must always be maintained in a good and safe condition.
 - d. Use of a shipping container(s) for storage is permitted if the container(s) is maintained in a good and safe condition so that the container can be moved intact, does not have holes due to damage or rust, and is not infested with vermin or other pests.

Z. Parklet

All parklets must comply with the following standards:

- 1. **Location.**
 - a. A parklet can only occupy areas of on-street parking (i.e., on-street parking lanes), within a public or private right-of-way.
 - b. No part of any parklet can extend or protrude into a travel lane of any adjacent street.
 - c. A parklet cannot be located within twenty-five (25) feet of any intersection or in a location that obstructs access to utilities.
- 2. **Maximum Number Per Block Face.** The maximum number of parklets allowed per block face is two (2).
- 3. **Size.** The maximum dimensions of a parklet are as follows:
 - a. A parklet, located in an area where on-street parking is parallel to the abutting street, can have a width of up to ten (10) feet from the edge of asphalt or curb line and a length of up to twenty (20) feet.
 - b. In areas where parallel parking is delineated by on-street striping, a parklet can only occupy one (1), parallel on-street parking space.
 - c. A parklet, located in an area where on-street parking is diagonal to abutting street, can have a width of up to sixteen (16) feet from the curb line or edge of asphalt and a length of up to twenty-six (26) feet.

Commented [MF27]: Requesting Planning Commission Input:
These are new standards that have been added for "Parklets."

- d. In areas where diagonal parking is delineated by on-street striping, a parklet can occupy up to two (2), diagonal on-street parking spaces.
- 4. **Length of Occupancy.**
 - a. The maximum length of occupancy for a parklet is to be identified in the temporary use permit.
 - b. A parklet's length of occupancy cannot interfere with or impede snow removal operations.
- 5. **Buffer Between abutting Parking Spaces Required.** Each side of a parklet that abuts an on-street parking space must be buffered, using a wheel stop, a minimum distance of four (4) feet from the abutting parking spaces.
- 6. **Stormwater Drainage Requirements.** The siting and design of a parklet must provide for adequate drainage of stormwater runoff, where applicable.
- 7. **Access.** Access to a parklet cannot be provided from the abutting street or any adjacent on-street parking spaces.
- 8. **ADA Requirements.** All parklets must be designed and constructed to accommodate any ADA ramping that is required to access the parklet.
- 9. **Building Materials.**
 - a. All parklets must be constructed from durable, weather resistant materials.
 - b. Use of a slip-resistant material for the floor of the parklet is recommended, but not required.
 - c. It is recommended, not required, that a parklet be constructed of heavy materials to prohibit or deter theft.
- 10. **Parklet Base or Sub-Structure.**
 - a. The design and construction of a parklet base, or sub-structure, must accommodate the slope (i.e., crown) of the abutting street and provide a level surface for the floor of the parklet.
 - b. The base, or sub-structure, for a parklet must be designed to provide a flush transition between the floor of the parklet and the abutting public sidewalk, where applicable. This transition must provide easy access between the parklet and public sidewalk, where applicable, and minimize any tripping hazards.
- 11. **Floor Load-Bearing Weight Requirement.** The floor of a parklet must have a minimum load-bearing weight of one hundred (100) pounds per square foot, or as otherwise required by the applicable Town regulations.
- 12. **Railing Required.** All parklets must have a three (3) foot tall railing along all sides, except for the side abutting a public sidewalk. Such railing shall be designed to withstand a minimum of two

hundred (200) feet of horizontal force, or as otherwise required by the applicable Town regulations.

13. **Visibility Requirements.** A parklet must incorporate elements that make it visible to traffic. Such elements include, but are not limited to, reflectors, flexible posts, and/or flexible bollards.
14. **Alcohol Service Permitted.** A parklet may be used for alcohol service when the necessary liquor license(s) is obtained in accordance with all applicable Town and State requirements.
15. **Maintenance & Upkeep Required.**
 - a. The owner(s) of a parklet is solely responsible for the maintenance and upkeep of their parklet.
 - b. The structural integrity and physical appearance of all parklets must be maintained to avoid any parklet from becoming a public health or safety concern and/or an eyesore.
16. **Temporary Use Permit Required.**
 - a. No person shall construct, install, and/or erect a parklet without first obtaining the approval, and issuance, of a temporary use permit in accordance with [Section 16-#-##](#).
 - b. A temporary use permit for a parklet within the town's right-of-way shall not become effective until the applicant does the following:
 - i. Provides the town with proof of liability insurance, in an amount to be determined by the Town Attorney, that lists the Town of Minturn as an additional insured.
 - ii. Obtains the approval, and issuance of, an encroachment license from the Town.
 - c. A temporary use permit for a parklet within the Colorado Department of Transportation's (CDOT) right-of-way shall not become effective until the applicant provides the Town with evidence that all required permits have been obtained from CDOT.

AA. Rental Business

All rental businesses must comply with the following standards:

1. **Outdoor Display Requirements.** Any outdoor display associated with a rental business must be located on the premises unless the Town and/or the Colorado Department of Transportation (CDOT) authorizes an outdoor display to be located in a public right-of-way.
2. **Repair and Maintenance Services.**
 - a. Any repair and/or maintenance service activities must be customarily incidental and subordinate to the rental business.
 - b. All repair and/or maintenance service activities must be conducted entirely within a fully enclosed building or structure or in an outdoor area that is screened from view when observed from any adjoining public or private right-of-way and/or residential zone district.

BB. Solar Energy System, Ground-Mounted, Accessory

Commented [MF28]: Requesting Planning Commission Input:
These are new standards that have been added for "Rental Businesses."

All ground-mounted solar energy systems must comply with the following standards:

1. **Location.**
 - a. An accessory ground-mounted solar energy system is only permitted in a side or rear yard.
 - b. Must comply with the dimensional standards for the applicable zone district set forth in [Section 16-#-##](#).
2. **Height.** Ground-mounted solar energy systems are limited to a maximum height of six (6) feet. The height is measured as the vertical distance between the highest point of the system and the finished grade beneath it.
3. **Design Requirements.** Must incorporate an anti-reflectivity coating provided by the manufacturer and use non-reflective materials for racking, structural, and/or other similar equipment.

Commented [MF29]: Note:

Maximum height of ground-mounted solar energy systems reduced from fifteen (15) feet to six (6) feet per Planning Commission's direction.

CC. Solar Energy System, Roof-Mounted, Accessory

All roof-mounted solar energy systems must comply with the following standards:

1. **Height.**
 - a. On a pitched roof, may exceed the applicable maximum building height by no more than two (2) feet.
 - b. On a flat roof, may exceed the applicable maximum building height by no more than five (5) feet.
2. **Design Requirements.**
 - a. Must incorporate an anti-reflectivity coating provided by the manufacturer and use non-reflective materials for racking, structural, and/or other similar equipment.
 - b. Systems mounted flush with the roof of, and architecturally integrated with, the building or structure they are attached to are encouraged.

Commented [MF30]: Requesting Planning Commission Input:

Staff has included these provisions to clarify allowances for roof-mounted solar energy systems to exceed the maximum building height based on whether the roof is flat or pitched.

DD. Short-Term Rental

All short-term rentals must comply with all applicable requirements set forth in Chapter 6 of Minturn's Municipal Code.

EE. Small Appliance Repair Shops

***NOTE:** Staff is still working on clarifying the definition of "small appliances" to help inform discussions about whether "Small Appliance Repair Shops" should continue to be a Limited Review Use in the Mixed-Use 3 (MU-3) zone district. This definition will be provided to the Planning Commission at a later time.*

FF. Wind Energy Facility, Accessory

All wind energy facilities must comply with the following standards:

1. **Location.**
 - a. May be ground-mounted or attached to a building or structure.
 - b. If ground-mounted, must:

- i. Comply with the minimum setback requirements for the applicable zone district set forth in **Section 16-#-##** and be setback from any property line a minimum of two (2) times the height of the wind turbine.
 - ii. Be setback from any habitable structure on the premises a distance that is equivalent to, or greater than, the combined height of the tower and blade radius.
- 2. **Height.**
 - a. If roof-mounted, may exceed the applicable maximum building height by no more than ten (10) feet.
 - b. If ground-mounted, must comply with the maximum building height for the applicable zone district set forth in **Section 16-#-##**.
- 3. **Clearance.** All rotor blade tips shall, at their lowest point, have a clearance of no less than ten (10) feet. The clearance is measured as the vertical distance between the lowest point of the arc of the rotor blades and the finished grade beneath the wind turbine.
- 4. **Design Requirements.**
 - a. Must have a non-reflective finish, unless otherwise required by the Federal Aviation Administration or other federal air safety authority.
 - b. Shall not be illuminated unless required by the Federal Aviation Administration or other federal air safety authority.
 - c. Shall not display any sign, flag, streamer, and/or decorative additions to the structure, except for identification of the turbine manufacturer, facility owner, and/or operator.

Commented [MF31]: Note:
This provision has been modified per the Planning Commission's direction.

GG. Wireless Communication Facilities

***NOTE:** Staff is working with the Town Attorney on standards for "Wireless Communication Facilities." These standards will be provided to the Planning Commission for review at a later time.*

AUGUST 2025 TOWN MANAGER'S REPORT



MANAGER'S REPORT

AUGUST 2025



Top Updates

1. **Highlands Property** – Broker interviews scheduled; recommendation expected **Aug 20**.
2. **Municipal Advisor** – Interviews scheduled; recommendation expected **Aug 20**.
3. **Water Treatment Plant** - 60% design complete; updated cost estimate **\$11M**.
4. **Bellm Bridge** - CDOT RFQ approved; repurposed bridge option deemed infeasible.
5. **Taylor Street Repaving** - Public meeting set for **Aug 21, 4:30–6:30 p.m.**

Active Initiatives

Highlands Property

- Council formed a committee (July 8) to engage brokers for valuation/marketability.
- **Next step:** Committee interviews and recommendation for **Aug 20 meeting**.

Municipal Advisor

- Council formed a committee (July 8) to engage an advisor for water plant financing.
- Interviews delayed for scheduling; **recommendation to Council Aug 20**.

Minturn Forward

- Four modules total; current focus on Modules 1 & 2.
- **Module 1 (Completed – March 2025):**
 - Article 5: Land Use Application Requirements & Procedures
 - Article 8: Subdivision Application Requirements & Procedures
 - Articles 10 & 11: Annexation and Disconnection of Land
 - Article 12: Environmental/Development Impact Report
- **Module 2 (In Progress)**
 - Article 2: Zone Districts
 - Article 3: Use Regulations & Standards
 - Article 4: Dimensional Requirements
 - Article 9: Community Housing Standards & Guidelines
- **Next Steps**
 - Incorporate direction from the last two Planning Commission meetings and the upcoming Joint Work Session.
 - Aim to **wrap up Module 2 in August** and begin **Modules 3 & 4**.

Emerging Initiatives

Housing

- Staff are exploring **town-led strategies** to increase local housing supply and maintain/increase the share of full-time resident households.
- Expect a Council presentation from Scot Hunn on a Town Housing Action Plan by **September**.

MANAGER'S REPORT

AUGUST 2025



- Avon-Eagle County led Multijurisdictional Housing Authority exploratory project will begin this fall, expect a presentation and discussion with Town Council.

Community Activation

- Conducting meetings with staff and residents about exploring expanded community events.
- Evaluating options for downtown streetlight replacements that would facilitate placemaking and community event promotion.

Parks and Recreation

- Evaluating the potential for conducting a Parks and Recreation Master Plan in FY 2026

Economic Development

- Staff are exploring potential town-led strategies to develop and grow small business.
- Examining regulatory reform of mobile business/mobile vendor regulations to allow increased flexibility for pop-up business.
- Working to identify barriers to entry for small businesses and how the town could facilitate increased commercial space for startup businesses.

Capital Projects

Minturn Water Treatment Plant

- **Status:** 60% design reviewed with HDR on July 10.
- **Cost Estimate:** ~\$11M, including Memcor membranes selected by Council in July.
- **Next Step:** Full plan walkthrough by HDR's Jarod Limke at a September Council meeting.

Little Beach Park & Historic Meyer's Barn

- **Engineering:** Access road & retaining wall in design; additional southern survey by Aug 1.
- **Funding:** GOCO submission postponed to early 2026 to allow shovel-ready plan. DOLA EIAF grant reimbursement is active.
- **Next Step:** Complete access road & retaining wall this year.

US 24 Pedestrian Improvement

- Contract with Phoenix Industries executed; work to begin in the **coming weeks**.

North Main Street Pedestrian Improvement & Cemetery Road Crossing

- Notice of award issued to 360 Civil Inc.
- **Next Step:** Contract execution pending; construction to follow.

Bellm Bridge Design RFQ

- CDOT approved RFQ to hire design firm.
- Repurposed CDOT truss bridge not feasible; will explore premanufactured truss option.

Taylor Street Repaving

- Design complete.
- **Next Step:** Public meeting at Town Hall on **Aug 21, 4:30–6:30 p.m.**