



## Minturn Forward Memo

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TO: Minturn Planning Commission  
FROM: Matt Farrar, Western Slope Consulting  
DATE: August 8, 2024  
ATTACHMENTS: None

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To support the Planning Commission’s review of the initial draft of Article 5: Land Use Application Requirements and Procedures, this memo lists the key changes that have been made to Minturn’s existing requirements for Land Use applications.

### Section 16-5-10: General Provisions

- Language has been added to clarify that a Land Use application submitted to the Town will not be made available to the public until the application has been deemed complete by Town staff.
- Language has been added to clarify what happens if no final action is taken on an application. The proposed language states that no final action on an application equates to a denial. This is under review by the Town Attorney.
- Language has been added to clarify the requirements for an applicant to withdraw their application and for the Town to deem an application withdrawn.

### Section 16-5-20: Land Use Application Types & Review Procedures

- A table has been added to provide a summary of the town’s Land Use applications and their applicable review process.

### Section 16-5-30: Public Notice Requirements

- A table has been added to provide a summary of the public notice requirements for each Land Use application.
- The distance for notifying “adjacent property owners” has been reduced from 250-feet to 100-feet. This is under review by the Town Attorney.
- Language has been added to clarify that a Major PUD Amendment requires notifying all property owners in the PUD. It is believed that this is required by State statute and is under review by the Town Attorney.
- Language has been added to clarify that an applicant, or their agent, is solely responsible for addressing the public notice requirements for their application.

- Language has been added to clarify that certain issues associated with public notice do not invalidate the notice.

#### **Section 16-5-40: Public Hearing Requirements**

- Most of the language in this Section comes from the Town's existing regulations. It is recommended that the following Subsections be deleted. Town staff is working with the Town Attorney to determine if it is okay, from a legal perspective, to delete these Subsections.
  - Subsection 16-5-40(B): Order of Proceedings
  - Subsection 16-5-40(D): Record of Public Hearing
- Language has been added to clarify the requirements for a continuance of a public hearing.

#### **Section 16-5-50: Code Amendment**

- The Town's existing regulations combine Code Amendments (Amendments to Text of Land Use Regulations) and Rezonings (Amendments to Character Areas and Zone District Map) into one Section. The draft of Article 5 separates Code Amendments and Rezonings into two Sections.
- The review criteria for a Code Amendment have been modified to make them more applicable to a change(s) to the Town's regulations.
- Language has been added to clarify each step of the process required for a Code Amendment application.

#### **Section 16-5-60: Conditional Use**

- The Town's existing regulations list the requirements for a Conditional Use application under "Division 4 – Miscellaneous Provisions." The draft of Article 5 lists the requirements for a Conditional Use application as a standalone Section.
- The submittal requirements for a Conditional Use application have been modified to ensure that sufficient detail is included in an application.
- The Town's existing regulations list factors to be considered and required criteria for a Conditional Use application. This makes the requirements for a decision confusing. The review criteria have been modified to only list the criteria that are required for making a decision, to clarify the language of the criteria, and to make the criteria more applicable to a Conditional Use.
- Language has been added to clarify each step of the process required for a Conditional Use application.

#### **Section 16-5-70: Design Review**

- Language has been added to clarify the difference between a Design Review and a Minor Design Review.
- Language has been added to clarify the submittal requirements for a Design Review application.
- Language has been added to clarify each step of the process required for a Design Review application.

- If the Town wants to continue the practice of decisions by the Design Review Board (Planning Commission) being ratified by the Town Council, language will need to be added to Article 5 to clarify that this is required as part of the process for a Design Review application.
- Language needs to be added to Article 5 to clarify the process for modifying an approved plan or design.

#### **Section 16-5-80: Minor Design Review**

- This is a new Section that does not currently exist in the Town’s regulations. This Section addresses the requirements and process for a Minor Design Review application.

#### **Section 16-5-90: Limited Review Use**

- The Town’s existing regulations list the requirements for a Limited Review Use application under “Division 4 – Miscellaneous Provisions.” The draft of Article 5 lists the requirements for a Limited Review Use application as a standalone Section.
- The submittal requirements for a Limited Review Use application have been expanded and modified to ensure that sufficient detail is included in an application. The Town’s existing regulations just require the submittal of the Town’s application form.
- Language has been added to clarify each step of the process required for a Limited Review Use application.
- Language has been added to clarify the information to be included as part of a Certificate of Zoning Compliance issued for an approved Limited Review Use.

#### **Section 16-5-100: Rezoning (Amendment to Zoning Map)**

- The Town’s existing regulations combine Code Amendments (Amendments to Text of Land Use Regulations) and Rezoning (Amendments to Character Areas and Zone District Map) into one Section. The draft of Article 5 separates Code Amendments and Rezoning into two Sections.
- Language has been added to clarify what constitutes a rezoning.
- The submittal requirements for a Rezoning application have been expanded and modified to ensure that sufficient detail is included in an application.
- The review criteria for a Rezoning have been modified to make them more applicable to changes to the Town’s Zoning Map.
- Language has been added to clarify each step of the process required for a Rezoning application.
- Language has also been added to clarify that a “comprehensive rezoning” initiated by the Town only requires publishing notice in the local newspaper.
- Language has been added to clarify that conditions of approval are not permitted for a Rezoning.

### **Section 16-5-110: Temporary Use**

- The Town’s existing regulations list the requirements for a Temporary Use application under “Division 4 – Miscellaneous Provisions.” The draft of Article 5 lists the requirements for a Temporary Use application as a standalone Section.
- It is recommended that as part of the update to the Town’s Land Use regulations, a table be created that lists the types of Temporary Uses and Structures (e.g., food truck, special event, parklet, shade structure, etc.) permitted in each of the Town’s zone districts. The Town’s existing regulations only allow Temporary Uses that are classified as a Use by Right or Limited Review Use in the applicable zone district.
- The submittal requirements for a Temporary Use application have been expanded and modified to ensure that sufficient detail is included in an application.
- The review criteria for a Temporary Use have been modified to clarify the language and make them more applicable.
- Language has been added to clarify each step of the process required for a Temporary Use application.
- The Town’s existing regulations list criteria that may require a public hearing for a Temporary Use application. These criteria and the possible requirement for a public hearing have been removed.
- Language has been added to clarify the information to be included as part of an approved Temporary Use Permit.
- Language has been added to clarify the requirements and allowances for an extension of a Temporary Use.

### **Section 16-5-120: Zoning Variance**

- The Town’s existing regulations list “Approval Criteria” and “Required Findings” for a Zoning Variance application. This makes the requirements for a decision confusing. The review criteria have been modified to only list the criteria that are required for making a decision, to clarify the language of the criteria, and to make the criteria more applicable to a Zoning Variance.
- The review process for a Zoning Variance has been modified to be a one-step process that is reviewed and decided on by the Town Council (acting as the Zoning Board of Appeals).
- Language has been added to clarify each step of the process required for a Zoning Variance application.

### **Sections 16-5-130 – 16-5-160: Planned Unit Developments (PUDs)**

- The Town’s existing regulations for Planned Unit Developments (PUDs) are disorganized, confusing, and ambiguous in places. A fair amount of time has gone into re-organizing, clarifying, and enhancing the language for PUDs in the draft of Article 5. Additional work on the updated language is necessary. Specifically, the following items need further refinement:
  - Standards for common open space, park, and recreation areas.

- PUD Application Standards.
- Authorized Variations and Basis for Granting Variations.
- Enforcement of PUD
- Review criteria and submittal requirements for Concept, Preliminary, and Final Development Plans.

**Section 16-5-170: Minor PUD Amendments**

- Language has been added to clarify that all Minor Amendments to an approved PUD must comply with the requirements and process set forth in Article 5, unless a different Minor Amendment process is specifically approved as part of a PUD.
- Language has been added to clarify that the Town Planner is responsible for determining if an amendment to a PUD is consider a Minor or Major Amendment.
- The Town’s existing regulations list two types of Minor PUD Amendments. One type of Minor Amendment can be approved by the Town Planner and the other can be approved by the Planning Commission. In the draft of Article 5, the two types of Minor PUD Amendments have been consolidated and can be decided on by the Town Planner.
- The submittal requirements for a Minor PUD Amendment application have been expanded and modified to ensure that sufficient detail is included in an application.
- The review criteria for a Minor PUD Amendment have been modified to clarify the language.
- Language has been added to clarify each step of the process required for a Minor PUD Amendment application.

**Section 16-5-180: Major PUD Amendments**

- Language has been added to clarify that all Major Amendments to an approved PUD must comply with the requirements and process set forth in Article 5, unless a different Major Amendment process is specifically approved as part of a PUD.
- Language has been added to clarify the types of changes that constitute a Major Amendment and to clarify that the Town Planner is responsible for determining if an amendment to a PUD is consider a Minor or Major Amendment.
- The submittal requirements for a Major PUD Amendment application have been expanded to ensure that sufficient detail is included in an application.
- The review criteria for a Major PUD Amendment have been modified to clarify the language.
- Language has been added to clarify the process required for a Major PUD Amendment application.

**Section 16-5-190: Sign Permit**

- The submittal requirements for a Sign Permit application have been expanded to ensure that sufficient detail is included in an application.
- Language has been added to clarify each step of the process required for a Sign Permit application.
- The review process for a Sign Permit application has been modified to authorize the Town Planner to make a decision on an application and not require a decision by the Planning Commission (which is required under the Town's existing regulations). The process for an extension of an approved Sign Permit has also been changed to allow the Town Planner to authorize an extension, instead of the Planning Commission.
- Language has been added to clarify the information to be included as part of an approved Sign Permit.

**Section 16-5-200: Master Sign Program**

- This is a new Section that does not currently exist in the Town's regulations. This Section addresses the requirements and process for a Master Sign Program that is required for all multi-tenant buildings and developments with more than one (1) building.

**Section 16-5-210: Sign Variance**

- Under the Town's existing regulations an application for a Sign Variance must comply with the requirements and process for a Zoning Variance. In the draft of Article 5, a Section specific to Sign Variances has been created. This new Section lists submittal requirements tailored to a Sign Variance. The review criteria and process for a Sign Variance are the same as that for a Zoning Variance.
- Like the modified review process for a Zoning Variance, the review process for a Sign Variance is intended to be a one-step process that is reviewed and decided on by Town Council (acting as the Zoning Board of Appeals).