

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 19, ARTICLE 9 OF THE
MINTURN MUNICIPAL CODE

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Town Council has adopted Chapter 19 Historic Preservation, Minturn Municipal Code (“MMC”); and

WHEREAS, Sec. 19-1-30. – Intent, MMC, states that the “intention of this Chapter is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of buildings, structures, sites, objects, and historic districts for preservation;” and

WHEREAS, Sec. 19-2-10. – Creation, MMC, states that “There is hereby established a Historic Preservation Commission, which shall be appointed by the Town Council, and hereinafter referred to as the (“HPC”).

WHEREAS, the HPC recognizes that Chapter 19 does not adequately address the process of alteration, relocation, or demolition for non-designated properties over 75 years old; and

WHEREAS, the HPC believes that adding language to create a streamlined process to permit review of applications for certain alterations, relocation, and/or demolitions for non-designated properties over 75 years old will promote the intent of Chapter 19 by creating a reasonable balance between private property rights and the public interest; and

WHEREAS, on at their regularly scheduled meeting of March 19, 2024, the HPC considered this ordinance and recommended approval; and

WHEREAS, at their regularly scheduled meeting on March 20, 2024, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the HPC and Town Council have determined that the text amendments to Chapter 19 of the Minturn Municipal Code as provided herein are necessary and proper.

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

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

SECTION 2. Chapter 19 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 19 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 9 – Alteration, Relocation, or Demolition of Non-Designated Properties Greater than Seventy-Five Years Old

* * *

Sec. 19-9-10. – Requirements.

- (a) Any permit application for alteration, relocation, or demolition of a property that is not designated as a historic property and that is greater than seventy-five (75) years old shall be subject to the following requirements:
 - (1) No person shall alter, relocate, or demolish any building which is over seventy-five (75) years old without first applying to the Town for a permit under this section, receiving the permit and conducting the alteration, relocation or demolition of the building before the permit expires. The application and permit shall be in addition to any application or permit required by other sections of this Code, and shall be on a form provided by the Town. The Town Administrator may combine the application and permit with any other form at the Town Administrator's discretion.
 - (2) The application shall contain a statement of the effective age of the improvements on the property and their actual age as set forth in the County Assessor's records for the property. The actual age of the improvements shall be controlling for determining the applicability of this Article. The application shall also contain a detailed description of any alteration, relocation, or demolition being applied for. The Planning Department may require the applicant to provide information about the building, including, without limitation, the date of original construction, significant events and occupants, architectural features and a description of the building through photographs, plans and maps.
 - (3) A copy of the application shall be forwarded to HPC by the Town staff member acting as the Secretary.

- (4) Prior to the issuance of ~~a~~ the permit, the applicant shall be required by this Section to post a sign on the property that is furnished by the Planning Department. The sign shall state that an application for alteration, relocation, or demolition has been submitted to the Town for the property and that the application is subject to this Article. The sign shall further state that the property may be eligible for nomination to be designated as a historic property under Chapter 19 of this Code, and that any qualified person desiring to submit an application for nomination of the property to be designated as a historic property must do so in accordance with the provisions of Chapter 19. The exact wording of the sign shall be determined by the Planning Department.
 - (5) The property shall be posted with the sign furnished by the Planning Department for a period of at least fourteen (14) days. The applicant shall be responsible for posting the property in accordance with Section 16-21-610(6).
 - (6) Prior to issuance of the permit, the applicant must provide to the Planning Department a sworn certification of posting as provided in Section 16-21-610(e). The permit shall not be issued until at least five (5) days after such certification is provided to the Planning Department.
 - (7) If an application for nomination of the property for designation as a historic property under this Chapter is submitted before issuance of the permit, then the permit shall not be issued until the application is finally determined in accordance with this Chapter. If the property is designated as a historic property, then the permit shall be processed as required for the alteration, relocation, or demolition of a historic property under this Chapter. If the property is not designated as a historic property, then the permitting shall proceed in accordance with this Code.
- (b) Permit applications for work on the interior of a property, minor repair as determined by the Building Official, and/or replacement of materials in-kind are exempt from this requirement.
 - (c) This Article shall not apply to mobile homes.
 - (d) Any approval pursuant to this Article shall expire one hundred eighty days after such approval is made if the applicant has failed to procure the permit, or if the work authorized by such permit has not commenced.

* * *

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20th DAY OF MARCH, 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 3RD DAY OF APRIL, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



Earle Bidez, Mayor

ATTEST:

By:  _____
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 3RD DAY OF APRIL, 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 02 - SERIES OF 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, REZONING LOT 3A SOUTH
MINTURN ADDITION SUBDIVISION FROM
SOUTH TOWN CHARACTER AREA COMMERCIAL
ZONE DISTRICT TO SOUTH TOWN CHARACTER
AREA RESIDENTIAL ZONE DISTRICT

THE TOWN OF MINTURN, COLORADO, ORDAINS
THIS ORDINANCE ENACTED ON SECOND
READING AND ORDERED PUBLISHED BY TITLE
ONLY AND POSTED IN FULL ON THE OFFICIAL
TOWN WEB SITE THIS 20th DAY OF MARCH 2024.

TOWN OF MINTURN

Earle Bidez, Mayor

Attest

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 03 - SERIES 2024

AN ORDINANCE APPROVING DISCONNECTION
OF REAL PROPERTY FROM THE TOWN OF
MINTURN INTRODUCED, READ BY TITLE,
APPROVED ON THE FIRST READING AND
ORDERED PUBLISHED BY TITLE ONLY AND
POSTED IN FULL ON THE OFFICIAL TOWN
WEBSITE THE 20TH DAY OF MARCH 2024. A
PUBLIC HEARING ON THIS ORDINANCE SHALL
BE HELD AT THE REGULAR MEETING OF THE
TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO ON THE 3RD DAY OF APRIL 2024 AT
5:30PM, AT THE MINTURN TOWN HALL 302 PINE
STREET, MINTURN COLORADO 81645. TOWN
OF MINTURN, COLORADO Earle Bidez, Mayor
ATTEST: By: Jay Brunvand, Town Clerk

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THE 3RD DAY OF APRIL 2024 AT 5:30PM, AT
THE MINTURN TOWN HALL 302 PINE STREET,
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
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THE MINTURN TOWN HALL 302 PINE STREET,
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**PUBLISHED IN THE VAIL DAILY ON SATURDAY,
MARCH 23, 2024.**



To: Town Council
From: Madison Harris
Date: March 14, 2024
Agenda Item: Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting

REQUEST:

Review Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting.

INTRODUCTION:

At the February 27, 2024 Historic Preservation Commission Meeting, a member of the public commented that the current process for alteration, relocation, and demolition of non-designated properties over 75 years of age had some flaws that hadn't previously been exposed. In response to that, staff has drafted an amendment to Chapter 19, Article 9 which addresses that section.

ANALYSIS:

The way the Town Code is currently written, it doesn't contemplate partial permit applications, it just says "permit application" which means the whole complete application needs to be submitted to the Town before Section 19-9-10 is triggered and the two week stay notifying people that an application for alteration, relocation, or demolition has been submitted starts. The described flaw hasn't been exposed up until now as most times this section comes into play it's been for minor building permits (ex. A re-roof) that don't need a lot of information for submission of the application so it hasn't been an undue hardship for people to make a complete application. Where this flaw has been exposed is that the complete demolition application requires proof that water, sewer, gas, electric, etc. have all been disconnected, as well as an asbestos report and a permit from CDPHE to mitigate any asbestos. If an applicant submits a complete demolition permit application, triggers the two week stay, and gets nominated and then designated, then that house has been sitting there without power which could negatively impact this now Historically Designated property.

As a response to this, staff has attached a draft ordinance that is being presented to HPC on March 19th and Council March 20th. Due to input from Dr. Lindsey Flewelling, staff has taken inspiration from Boulder, but fashioned a more streamlined process. This ordinance is intended to create a separate permit form that people can apply for describing what they are doing and kick-starting that two week stay without having to provide a complete application for demolition or other permit forms such as Design Review Board. Also attached is the form that Boulder uses that staff anticipates amending and making our own as referenced in the ordinance.

COMMUNITY INPUT: Ongoing

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT
SUSTAIN AND INVEST IN THE THINGS THAT DEFINE MINTURN AS A PROUD,
STURDY MOUNTAIN TOWN TO “KEEP MINTURN MINTURN”

ATTACHMENTS:

- Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting
- Boulder’s Permit Form