

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 10 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16, ARTICLE 2 AND 26
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 Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning; and

WHEREAS, in 2023, the Town completed a comprehensive update to the 2009 Community Plan (hereinafter “the 2023 Town of Minturn Community Plan”); and

WHEREAS, a key objective of the 2023 Town of Minturn Community Plan is to review and update the Town’s zoning, land use, development and design regulations and standards; and

WHEREAS, Chapter 4, Attainable Housing & Historic Character, of the Community Plan sets forth recommendations to amend and update Chapter 16, Article 26, Community Housing Standards and Guidelines, of the Minturn Municipal Code, to address target Area Median Income (AMI) levels within the Town’s inclusionary housing requirements to promote “more equitable and inclusionary housing;” and

WHEREAS, Town Council has directed staff to draft text amendments to Chapter 16 of the Minturn Municipal Code, the Town Land Use Regulations, from time to time, in accordance with the Town’s Strategic Plan and Community Plan; and

WHEREAS, on May 8, 2024, the Minturn Planning Commission considered this ordinance and recommended approval; and

WHEREAS, on May 15, 2024, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the Minturn Planning Commission and Town Council have determined that the text amendments to Chapter 16 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 16 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 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 2 – Definitions

Price Capped For Sale Housing means housing subject to a deed restriction requiring that the Housing meet Initial Sales Prices, resale price appreciation limits, quality, and other criteria set forth in the Guidelines and Administrative Procedures.

Price Capped Rental Housing means rental housing subject to a deed restriction requiring that the Housing meet Rental Rate Restrictions, quality, annual compliance and other criteria set forth in the Guidelines and Administrative Procedures.

ARTICLE 26 – Community Housing Standards and Guidelines

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Sec. 16-26-100. - Mitigation for residential developments.

All new residential subdivisions and all new multi-family residential developments shall set aside lots or units for community housing as set forth in this Section.

- (a) Twenty percent (20%) of the total residential units in any new residential or mixed-use development proposing to create five (5) or more residential dwelling units shall be deed-restricted for resident occupied community housing. In determining whether this requirement applies, the Town shall consider all potential phases of development of the property or properties so that an owner cannot avoid the requirements by dividing the development into individual phases.
- (b) Ten percent (10%) of the total residential units in any new residential or mixed-use development proposing to create five (5) or more residential dwelling units shall be deed-restricted to limit the initial sales price (“Price Capped For Sale Housing”) to no greater than that which is affordable to households earning no more than two hundred one-hundred forty percent (200140%) AMI; and to limit or cap subsequent re-sale appreciation; or to limit the community housing rental unit rental prices (“Price Capped

Rental Housing”) in accordance with guidelines established by the Town and generally set at rates that are affordable to households with incomes no higher than eighty percent (80%) AMI.

- (c) Fractional remainders. The development's mitigation responsibility will be rounded to the nearest whole number: Below 0.5 round down (= 0 unit), and round up from 0.5 and higher (= 1 unit).
- (d) In lieu of the requirements of subsections (a) and (b) of this section, the development may meet mitigation requirements through a donation of land in an amount determined by the Town Council meeting the following requirements:
 - (1) Land shall be free of all liens and encumbrances and shall be conveyed by general warranty deed.
 - (2) Land shall be properly entitled and capable of supporting the applicable number of community housing units.
 - (3) Land shall be buildable, have suitable soils and drainage and available utilities, and should not be within an area that has potential geologic hazards associated with development.

(Ord. 7 2020 §4)

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Sec. 16-26-120. - Acceptable methods of community housing mitigation.

The following methods are provided for an applicant to comply with this Article:

- (a) Provision of price capped for sale deed-restricted community housing with a maximum initial sales price (“Price Capped For Sale Housing”) set at or below ~~two hundred one-~~ hundred forty percent (200140%) AMI affordability level and with re-sale appreciation rates capped in accordance with guidelines established by the Town.
- (b) ~~Provision of resident occupied deed restricted community housing for rental and for sale community housing units.~~ Provision of community housing rental unit rental prices (“Price Capped Rental Housing”) in accordance with guidelines established by the Town and generally set at rates that are affordable to households with incomes no higher than eighty percent (80%) AMI.
- (c) ~~Conveyance of land to the Town in lieu of community housing in an amount determined by the Town Council.~~ Provision of resident occupied deed-restricted community housing for rental and for sale community housing units.

(d) Conveyance of land to the Town in lieu of community housing in an amount determined by the Town Council.

(Ord. ~~7-2020~~ §4)

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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 ____ DAY OF _____ 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 ____ DAY OF _____ 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 ____ DAY OF _____ 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk