

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 09 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 16 OF THE MINTURN  
MUNICIPAL CODE TO CREATE THE CEMETERY ZONE  
DISTRICT AND ASSOCIATED USE AND DEVELOPMENT  
STANDARDS WITHIN THE LIONSHEAD CHARACTER  
AREA

**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 Town of Minturn adopted the 2023 Little Beach Park Recreation Area Plan which addresses, in part, existing conditions and recommendations for the Riverview Cemetery and Mausoleum (hereinafter the “Cemetery”); and

**WHEREAS**, Town Council has directed staff to draft text amendments to Minturn Municipal Code Chapter 16, Zoning, and Chapter 17, Subdivisions, the Town Land Use Regulations, in accordance with the Town’s strategic plan and the Community Plans; and

**WHEREAS**, the Cemetery property is not currently zoned within the Town; and

**WHEREAS**, the creation of the Cemetery Zone District will facilitate the proper enforcement of the Town’s land use regulations while further the goals and policies of the Town’s strategic plan and community plans; and

**WHEREAS**, on April 10, 2024, the Minturn Planning Commission (hereinafter “Commission”) held a public hearing and recommended approval of Ordinance No. TBD, Series 2024; and

**WHEREAS**, on May 1, 2024, Town Council held a public hearing to consider Ordinance No. 09, Series 2024, along with the recommendation from the Commission, as well as testimony from staff and the general public; and

**WHEREAS**, Council has determined that the text and zoning map amendments to the Land Use Regulations Chapter 16 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 read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

SECTION 3. The following property is hereby zoned to Lionshead Character Area Cemetery Zone:

Subdivision: RIVER VIEW CEMETERY PARCEL A R798232 MAP 06-10-02 R798235 QCD 01-17-02

Subdivision: RIVER VIEW CEMETERY Lot: 2 R798232 MAP 06-10-02

SECTION 4. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall cause a printed copy of the amendment to the Town Zoning District Map to be made, which shall be dated and signed by the Mayor and attested to by the Town Clerk, and which shall bear the seal of the Town. The amended map shall include the number of this Ordinance. The signed original printed copy of the Zoning Map shall be filed with the Town Clerk. The Clerk shall also record a certified copy of this Ordinance with the Eagle County Clerk and Recorder. The Town staff is further directed to comply with all provisions of the Minturn Land Use Regulations, Minturn Municipal Code Chapter 16, to implement the provisions of this Ordinance.

**ARTICLE 2 - Definitions, Illustrations and Lot Standards**

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

Cemetery means the use of property for the interment of human remains, whether above or below ground, along with all accessory structures and uses which are commonly and reasonably associated with such use. Accessory uses shall include but are not limited to funeral homes, columbarias, cenotaph walls, and ossuaries.

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**Sec. 16-2-40. – General lot requirements and dimensional standards.**

Table 16-A  
Dimensional Standards

|                |       | A                    | B                   | C                    | D                  | E                     | F    | G    | H           |
|----------------|-------|----------------------|---------------------|----------------------|--------------------|-----------------------|------|------|-------------|
|                |       | LOT REQUIREMENTS     |                     |                      |                    | SETBACKS              |      |      |             |
| Character Area | Zones | Min. Lot Area / Max. | Min. Lot / Max. Lot | Maximum Building Lot | Maximum Impervious | Minimum Setbacks (ft) |      |      | Live Stream |
|                |       |                      |                     |                      |                    | Front                 | Rear | Side |             |

|           |                                | Lot Area (sq. ft.) | Dimension (feet) | Coverage (%) | Surface Area (%) |  |           |          | Setback (ft) |
|-----------|--------------------------------|--------------------|------------------|--------------|------------------|--|-----------|----------|--------------|
| Lionshead | Recreation & open space        | N/A                | N/A              | N/A          |                  | To be determined as part of conditional use review |           |          | 30           |
|           | Light ind. & public facilities | 10,000             | 100              | 45           |                  | 25   | 25        | 10       |              |
|           | <u>Cemetery</u>                | <u>N/A</u>         | <u>N/A</u>       | <u>40</u>    | <u>N/A</u>       | <u>25</u>  | <u>10</u> | <u>5</u> |              |

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**Sec. 16-2-60. – Building height limitations for all zone districts except 100 Block Zones.**

\* \* \*

**TABLE 16-B  
Building Height**

| CHARACTER AREA | ZONES                        | MAXIMUM BUILDING HEIGHT |
|----------------|------------------------------|-------------------------|
| Lionshead      | Light Ind. Public Facilities | 28 feet                 |
|                | <u>Cemetery</u>              | <u>28 feet</u>          |

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**ARTICLE 11 – Lionshead Character Area**

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**Sec. 16-11-10. - Character Area characteristics.**

The Lionshead Character Area is bordered on the north, east and west by large areas of open lands managed by the United States Forest Service. The intent of the Community Plan is that any future development plans for the Light Industry and Public Facilities Zone include appropriate infrastructure and improved access across the Eagle River. Potential geologic hazards and critical winter elk habitat exist along the east side of the area. The Lionshead Character Area also includes civic and cemetery uses. Other than the railroad use that borders this area on the south, future industrial uses are discouraged.

\* \* \*

**Sec. 16-11-35. – Cemetery Zone.**

- (a) This area is characterized by the Riverview Cemetery and Mausoleum which encompasses approximately 4.45 acres of south facing, gently sloped land. The Cemetery Zone consists of access drives, burial plots, a mausoleum, irrigated and non-irrigated turf areas, planting areas.

as well as administrative, storage, and accessory buildings. The Cemetery Zone is bordered on the west, north, and east sides by generally open, vacant lands; and to the south by the Town of Minturn Public Works facility, Union Pacific Railroad right-of-way, and Little Beach Park.

(b) The purpose of the Cemetery Zone is to provide appropriate zoning and associated standards for the Cemetery Zone District. The zone district is intended to provide regulations that allow for a cemetery and accessory uses associated with the Cemetery District.

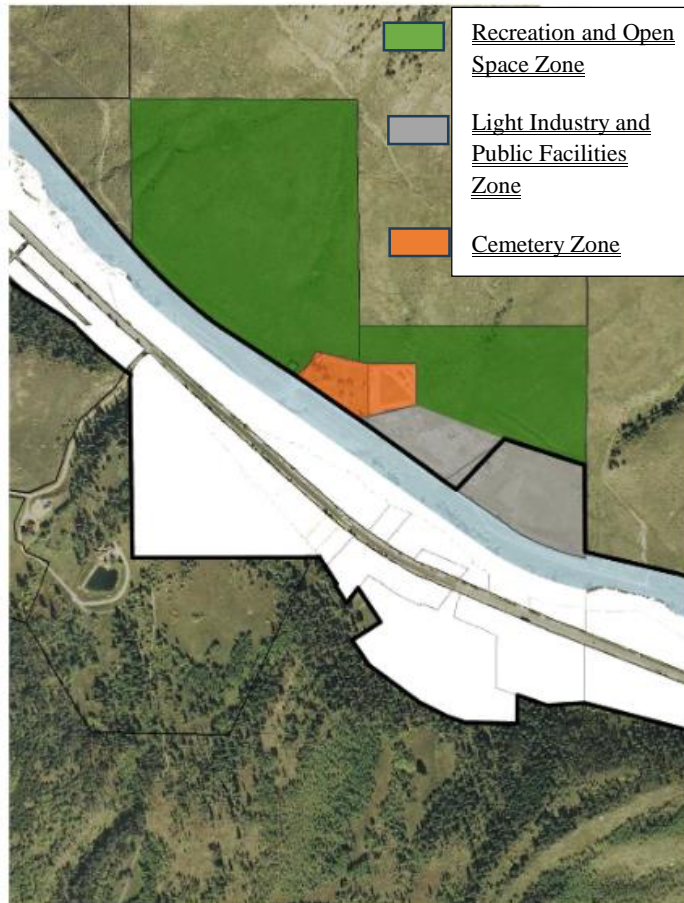
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**Sec. 16-11-40. – Lionshead Character Area map.**

The Lionshead Character Area map is set forth in Illustration 16-11 below.

**Illustration 16-11**

**Lionshead Character Area Map**



\* \* \*

**Sec. 16-11-50. – Lionshead Character Area use table.**

| <i>Use</i>  | <i>All Cemetery<br/>Zones</i> |
|---|-------------------------------|
| R - Use by right      C - Conditional use      L - Limited use      N - Not allowed |                               |
| Accessory apartments  | <u>N</u>                      |
| <u>Accessory building and structures</u>  | <u>R</u>                      |
| Accessory dwellings   | <u>N</u>                      |
| <u>Accessory Use</u>  | <u>R</u>                      |
| Automotive detail shops   | <u>N</u>                      |
| Automotive parts sales  | <u>N</u>                      |
| Bakeries and confectioneries  | <u>N</u>                      |
| Bakeries and delicatessens with food service  | <u>N</u>                      |
| Banks and financial institutions  | <u>N</u>                      |
| Barbershops   | <u>N</u>                      |
| Beauty shops  | <u>N</u>                      |
| Business and office services  | <u>N</u>                      |
| Car washes  | <u>N</u>                      |
| <u>Cemetery</u>   | <u>R</u>                      |
| Cocktail lounges, taverns   | <u>N</u>                      |
| Commercial accommodations   | <u>N</u>                      |
| Convenience stores  | <u>N</u>                      |
| Delicatessens and specialty food stores   | <u>N</u>                      |
| Drive-thru/up establishments  | <u>N</u>                      |
| Drugstores and pharmacies   | <u>N</u>                      |
| Dry cleaners  | <u>N</u>                      |

|  |          |
|--|----------|
| Duplexes   | <u>N</u> |
| Garden landscaping supply and seed stores  | <u>N</u> |
| Gas stations   | <u>N</u> |
| Grocery stores   | <u>N</u> |
| Health/medical offices   | <u>N</u> |
| Laundries  | <u>N</u> |
| Laundromats  | <u>N</u> |
| Liquor stores  | <u>N</u> |
| Manufacturing, light   | <u>N</u> |
| Multi-family dwellings   | <u>N</u> |
| Office uses  | <u>R</u> |
| Pawn shops   | <u>N</u> |
| Photographic studios   | <u>N</u> |
| Professional activities  | <u>N</u> |
| Professional offices, business offices and studios   | <u>N</u> |
| Radio and television stores and repair shops   | <u>N</u> |
| Restaurant   | <u>N</u> |
| Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores. | <u>N</u> |
| Retail uses greater than 5,000 square feet   | <u>N</u> |
| Service businesses   | <u>N</u> |
| Single-family residential dwellings  | <u>N</u> |

|  |          |
|--|----------|
| Small appliance repair shops, excluding furniture repair | <u>N</u> |
| Tailors and dressmakers                                  | <u>N</u> |
| Theaters   | <u>N</u> |
| Theaters, meeting rooms and convention centers           | <u>N</u> |
| Travel and ticket agencies                               | <u>N</u> |

\* \* \*

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 1<sup>st</sup> DAY OF MAY 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 15<sup>th</sup> DAY OF MAY 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 15<sup>th</sup> DAY OF MAY 2024.

TOWN OF MINTURN, COLORADO

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Earle Bidez, Mayor

ATTEST:

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