

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

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 19 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 provide certainty for existing and new property owners; and

WHEREAS, the HPC believes that adding language to provide more certainty 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 May 21, 2024, the HPC considered this ordinance and recommended approval; and

WHEREAS, at their regularly scheduled meeting on June 5, 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 4 – Designation Procedure

Sec. 19-4-15. – Additional materials.

When an application for nomination is received and deemed complete by the Planning Department, the Planning Department shall send out an eblast, and post to the town website and posting boxes, the request for additional information about the nominated property.

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Sec. 19-4-70. – Limitation on resubmission and reconsideration of proposed designation.

Limitation on Resubmission and Reconsideration of Proposed Designation. Whenever the Town Council denies a proposed designation, no person shall submit an application ~~that is the same or substantially the same~~ for at least ~~one (1) year~~ five (5) years from the effective date of the final action on the denied application.

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

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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) Town staff shall also post to the Town's website and posting boxes a notice stating what was applied for, the age of the structure, and when nomination applications are due, as well as send out an eblast with this information.
 - (5) Prior to the issuance of 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 and location of the sign shall be determined by the Planning Department.
 - (6) 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).
 - (7) 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.
 - (8) 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. The Town Manager or designee has the authority to extend the permit to 365 days as necessary.
- (e) If a nomination is not made within the fourteen (14) day period, then except in the cases of a demolition application, a property shall not need to adhere to this article for the next five (5) years.

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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