

**Town of Minturn
Development Review Process:
Guide To**

Zoning

*This guide describes the **Zoning** process. This guide should be utilized in conjunction with the **Town of Minturn Zoning Regulations, Town of Minturn Comprehensive Plan and the guide to Pre-Application Review.***



PLANNING AND ZONING DEPARTMENT
302 PINE STREET / PO BOX 309 MINTURN, COLORADO 81645
PHONE: 970-827-5645 FAX: 970-827-5545
<http://www.minturn.org/government/zoning.html>

AMENDMENTS TO THE TEXT OF THESE LAND USE REGULATIONS OR THE CHARACTER AREA AND ZONE DISTRICT MAP

(Minturn Municipal Code Section 16.21.8)

All amendments to the text of these Land Use Regulations or amendments to the Character Area Zoning Map shall comply with the following procedures and meet the standards set forth in this Section. The purpose of this Section is to provide a means for changing the boundaries or any other map incorporated in these Regulations by reference, and for changing the text of these Land Use Regulations. It is not intended to relieve particular hardships, or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

INITIATION

(Minturn Municipal Code Section 16.21.8)

Map Amendment

If the application requests an amendment to the CHARACTER AREA ZONING MAP or any other map incorporated in these Regulations, it shall include a map showing the present Character Area and zoning and other designation(s) of the subject property and of all adjacent properties. For a proposed amendment to the CHARACTER AREA ZONING MAP, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.

Regulation Amendment

An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, Planning Commission, Planning Director, the owner or another person having a recognized interest in land in the Town or their authorized agent, or any citizen of the Town.

Application Contents

An application for an amendment to the CHARACTER AREA ZONING MAP or any other map incorporated in these Regulations or an application for an amendment to the text of these Land Use Regulations shall contain the materials specified in Section 16.21.6 (E), Minimum Contents of Application, and the following additional materials:

Precise Wording

If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.

PROCEDURE

(Minturn Municipal Code Section 16.21.8)

Review of Applications

The submission of an application for an Amendment, determination of its sufficiency, staff review, and notice and scheduling of a public hearing for an application for amendment to the CHARACTER AREA ZONING MAP or any other map incorporated in these Regulations or the text of these Land Use Regulations shall comply with the procedures established in this Chapter.

Review and Recommendation of Planning Commission

The Planning Commission shall conduct a public hearing on an application for amendment to the CHARACTER AREA ZONING MAP or any other map incorporated in these Regulations or on an application for an amendment to the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the Staff Report, and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in Chapter 16 and forward the application to the Town Council.

Action by Town Council

After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the Staff Report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this chapter. Any amendment to the CHARACTER AREA ZONING MAP or any other map incorporated in these Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

STANDARDS

(Minturn Municipal Code Section 16.21.8)

The wisdom of amending the text of these Land Use Regulations or the CHARACTER AREA ZONING MAP or any other map incorporated in these Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications, or disapprove the proposed amendment, the Town Council shall consider the following:

Consistency with Master Plan

Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and CHARACTER AREA ZONING MAP of the Master Plan.

Compatible with Surrounding Uses

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate Character Area and Zone District for the land, considering its consistency with the purpose and standards of the proposed zone district;

CHANGED CONDITIONS
(Minturn Municipal Code Section 16.21.8)

Whether and the extent to which there are changed conditions that require an amendment to modify the use or density or intensity;

EFFECT ON NATURAL ENVIRONMENT
(Minturn Municipal Code Section 16.21.8)

Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation, and wetlands;

COMMUNITY NEED
(Minturn Municipal Code Section 16.21.8)

Whether and the extent to which the proposed amendment addresses a demonstrated community need;

DEVELOPMENT PATTERNS
(Minturn Municipal Code Section 16.21.8)

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services; and

PUBLIC INTEREST
(Minturn Municipal Code Section 16.21.8)

Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

ACTION BY PLANNING COMMISSION
(Minturn Municipal Code Section 16.21.8)

For each application heard by the Planning Commission, the Planning Commission shall forward within 30 days after the public hearing, one of the following recommendations to the Council or they may table an application for a maximum of 40 days to receive additional information. No public hearing shall continue for more than 40 days from the date of commencement without the written consent of the applicant.

- A. Recommend approval of the application as submitted or with certain conditions as stated;
- B. Recommend denial of the application with all reasons clearly stated.

ACTION BY TOWN COUNCIL
(Minturn Municipal Code Section 16.21.8)

For each application heard by the Town Council or the Zoning Board of Appeals, the Council or Zoning Board of Appeals shall take one of the following actions within thirty (30) days after the public hearing or they may table an application for a maximum of 40 days to receive additional information or to serve notice upon property owners or persons whom it decides may be interested in the proposed variance. Upon recessing for this purpose, the Town Council shall announce the time and date when the hearing will be resumed. No public hearing shall continue for more than 40 days from the date of commencement without the written consent of the applicant.

- A. Approve the application as submitted or with certain conditions as stated;
- B. Deny the application with all reasons clearly stated.

FEES, RATES AND CHARGES IMPOSED PURSUANT TO THE
MINTURN TOWN CODE
(Minturn Municipal Code Appendix A)

• Administrative Amendment to Zoning Ordinance	=	\$300.00
• Zone District Map Amendment Application	=	\$750.00
• Zone Change Processed Concurrently with PUD or Annexation Plans	=	\$2,000.00

Town of Minturn
302 PINE STREET,
P. O. BOX 309, MINTURN, CO 81645
(970) 827-5645
FAX (970) 827-5545

TOWN COUNCIL
MAYOR - GORDON FLAHERTY
MAYOR PRO-TEM - GEORGE BRODIN
COUNCILWOMAN - KELLY BRINKERHOFF
COUNCILMAN - TOM SULLIVAN
COUNCILWOMAN - SHELLY BELLM
COUNCILMAN - JERRY BUMGARNER
COUNCILMAN - BILL BURNETT



ZONE CHANGE APPLICATION

Date: _____

Name of Applicant: _____

Address of Applicant: _____
(Street) (City) (State/Zip)

Phone: _____(H) _____(C) _____(W)

Email Address (Optional): _____

Owner(s) and Address(es) Involved in Proposed Rezone

(Attach a separate list with all owners if there are more than three)

(1) Property Owner Name(s): _____

Property Address: _____
(Street) (City) (State/Zip)

Existing Zone: _____ Proposed Zone: _____

Direction From Nearest Street Intersection: _____

(2) Property Owner Name(s): _____

Property Address: _____
(Street) (City) (State/Zip)

Existing Zone: _____ Proposed Zone: _____

Direction From Nearest Street Intersection: _____

(3) Property Owner Name(s): _____

Property Address: _____
(Street) (City) (State/Zip)

Existing Zone: _____ Proposed Zone: _____

Direction From Nearest Street Intersection: _____

County Assessor's Book, Page and Parcel Number

- (1) _____
(Book) (Page) (Parcel Number)
- (2) _____
(Book) (Page) (Parcel Number)
- (3) _____
(Book) (Page) (Parcel Number)

Size of Proposed Rezone Property

- (1) _____
(Acres) (Square Feet)
- (2) _____
(Acres) (Square Feet)
- (3) _____
(Acres) (Square Feet)

Special Districts

- (1) _____
- (2) _____
- (3) _____

School District

Owner/Applicant Acknowledgement of Responsibilities

The signature(s) hereby certify that the statements made by myself and constituting part of this application are true and correct. I(we) am(are) fully aware that any misrepresentation of any information on this application may be grounds for denial of this application. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. The applicant/owner by their signature understands and agrees that they are responsible for the completion of all required on-site and off-site improvements as shown on the sketch plan (including landscaping, paving, lighting, etc.) prior to receiving a Certificate of Occupancy.

ZONING REQUIREMENTS CHECKLIST

This application should be submitted to the Town of Minturn Planning Department at 302 Pine Street. Any application which does not include the reviewing planner's signature will be considered incomplete and not accepted for review. An application must be completed in full and accompanied by the following:

APPLICANT	STAFF	REQUIREMENTS
		For an amendment to the CHARACTER AREA ZONING MAP or any other map incorporated in the Minturn Zoning Regulations, it shall include a map showing the present Character Area and zoning and other designation(s) of the subject property and of all adjacent properties.
		The map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres.
		Written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for development.
		If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.
		Indication of the scale (e.g. 1" = 100') and a bar scale.
		North Arrow.
		Sheet size of 24" x 36" including a 1/2" border.
		Vicinity Map (does not have to be drawn to scale). The vicinity map should show the proposed site outlined with the existing adjacent streets within the neighborhood.
		Proposed Zoning
		An accurate and clear legal description along with the acreage of the proposed property to be zoned/rezone.
		Location of each ownership parcel with the name(s) of the owner(s) for all the platted land in the proposed zone/rezone.

		The plat boundaries lot and block number(s) and the name(s) or the owner(s) for all the platted land in the proposed zone/rezone.
		Surveyor's statement and certification. Certification by a registered land surveyor to the effect that the plat shows the described tracts of land to the best of their knowledge and belief.
		Notarized signatures of the owner(s) of the property(ies).
		Approval blocks for signatures of the Director of Public Works and Town Planning and subsequent to a statement that the subject zone/rezone approved for filing as of the date and signature. Signature lines for the Town Clerk and Mayor subsequent to a statement that the annexation is approved pursuant to an ordinance by the Town on the date of the Town Council meeting.
		Certificate of filing for the County Clerk and Deputy.