



## AGENDA

### MEETING OF THE MINTURN PLANNING COMMISSION Minturn, CO 81645 • (970) 827-5645

**Meeting will be held via Zoom Conferencing and call-in.  
Public welcome to join meeting using the following methods:  
Join from PC, Mac, Linux, iOS or Android:**

**<https://zoom.us/j/95079272137>**

#### **Phone:**

+1 651 372 8299 US

+1 301 715 8592 US

**Meeting ID: 950 7927 2137**

**Wednesday, April 29, 2020**

**Work Session – 5:30 PM  
Regular Session – 6:30 PM**

**CHAIR – Lynn Teach**

#### **COMMISSION MEMBERS:**

Jeff Armistead

Lauren Dickie

Burke Harrington

Christopher Manning

Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

#### **Work Session – 5:30pm**

#### **1. Chapter 16 – Zoning, Article 2 – Definitions Minturn Municipal Code**

Review of draft updates to Article 2 – Definitions for the Town of Minturn Zoning Code

## **Regular Session – 6:30pm**

### **1. Call to Order**

- Pledge of Allegiance

### **2. Approval of Agenda**

- Items to be Pulled or Added

### **3. Approval of Minutes**

- April 8, 2020

### **4. Public comments on items, which are NOT on the agenda (5min time limit per person)**

### **5. Planning Commission Comments**

## **DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**

### **6. 1207 Main Street – Christiansan Residence Exterior Materials Modifications**

**Recommendation:** Denial.

## **PROJECTS AND UPDATES**

### **7. Project Updates**

- None

### **8. Planning Director Report & Minor DRB Approvals by Director**

- None

### **9. Future Meetings**

- May 13, 2020
- May 27, 2020

### **10. Adjournment**



## OFFICIAL MINUTES

### MEETING OF THE MINTURN PLANNING COMMISSION Minturn, CO 81645 • (970) 827-5645

**Meeting will be held via Zoom Conferencing and call-in.  
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Join from PC, Mac, Linux, iOS or Android:**

**<https://zoom.us/j/770680281>**

**Phone:**

- 651 372 8299 US
- 301 715 8592 US

**Meeting ID: 770 680 281**

**Wednesday, April 8, 2020**

**Work Session – 5:30 PM (Cancelled)  
Regular Session – 6:30 PM**

**CHAIR – Lynn Teach**

**COMMISSION MEMBERS:**

Jeff Armistead  
Lauren Dickie  
Burke Harrington  
Christopher Manning  
Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

**Work Session – 5:30pm - Cancelled**

#### **1. No Work Session Items**

#### **Regular Session – 6:30pm**

##### **1. Call to Order**

Lynn T. called the meeting to order at 6:30 p.m.

- Roll Call

Those present at roll call: Lynn T., Burke H., Chris M., Jeff A., Jena S., and Lauren D.

Staff Members Present: Town Planner Scot Hunn and Economic Development Coordinator Cindy Krieg.

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Motion by Chris M., second by Jena S., to approve the agenda as presented. Motion passed 5-0.

## **3. Approval of Minutes**

- March 11, 2020 Minutes

Lynn T. made some editing corrections.

Motion by Jena S., second by Chris M, to approve the minutes of March 11, 2020 as amended.

Motion passed 5-0

- March 25, 2020 Minutes

Lynn T. made some minor editing corrections, and also asked for clarification from Scot H. regarding 2 areas (update provided).

Also discussed the meeting on April 29<sup>th</sup>. This was rescheduled from April 22<sup>nd</sup> originally due to school spring break / planned vacations. Even though that's no longer in play, it was decided to keep the next meeting on April 29<sup>th</sup> (vs. the 22<sup>nd</sup>) to allow more time to prepare the updated Chapter 16 draft for review.

Motion by Jeff A., second by Jena S, to approve the minutes of March 25, 2020 as amended.

Motion passed 5-0.

## **4. Public comments on items, which are NOT on the agenda (5min time limit per person)**

Cindy Krieg, Town Announcements:

Announced election results:

Name of Office	Name of Candidate or Question/Proposition	Number of Votes	Number of Votes in Words
Mayor	<b>John K. Widerman*</b>	146	ONE HUNDRED FORTY SIX
	Gordon “Hawkeye” Flaherty	91	NINETY ONE
Council Member	DARIN TUCHOLKE	114	ONE HUNDRED FOURTEEN
	<b>ERIC GOTTHELF *2yr</b>	140	ONE HUNDRED FORTY
	SPENCE NEUBAUER	45	FORTY FIVE
	<b>GEORGE BRODIN *4yr</b>	165	ONE HUNDRED SIXTY FIVE
	<b>TERRY ARMISTEAD *4yr</b>	176	ONE HUNDRED SEVENTY SIX
	<b>GUSTY KANAKIS *4yr</b>	189	ONE HUNDRED EIGHTY NINE
	FLOYD DURAN	1	ONE (WRITE IN CANDIDATE)

Cindy K. also discussed updated Town Hall Closure dates (updated to April 30<sup>th</sup>), based on the updated public health order. This is subject to change based on direction from the state and county.

## 5. Planning Commission Comments

Jeff A. congratulated the election winners.

## DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

### No DRB Applications

## PROJECTS AND UPDATES

## 6. Food Truck Guidelines – DRAFT

Scot H. introduced the draft guidelines. The Town has received some recent inquiries

regarding the ability to have food trucks in town, so the planning department, along with the economic development department and Town Clerk, have been researching what other municipalities are doing, and have developed some draft guidelines for discussion.

Burke H. – 100 block area (where the market is).  
(How) would this interfere with the Market?

Cindy K. – We do allow food trucks within the market (must apply through the market). Food trucks near the market could be complimentary to the market if they bring more people in. Maintaining and getting new food vendors for the market has been a struggle, so this could really help offset that and offer a food draw.

Burke H. – Asked about the reasoning of the 4-hour restriction?  
How do we control them just moving down the street?

Scot H. – Doesn't want this to become a code issue. Feels that 4 hours is sufficient, but if they are parked in an approved location and having a minimal impact to surrounding neighbors and traffic, that is the intent. The 4-hour guideline was included as we saw this used in other municipalities. But it could be adjusted.

Burke H. - Sanitation / board of health regulations - How is that controlled / monitored?

Cindy K. - Vendors would need to apply and become licensed with the County Board of Health. So any food safety / health regulation would be handled by the County Board of Health (they typically do some random inspections for the market, so this would likely be done with food trucks as well).

Other enforcement (code items), such as hours, location, etc. could be enforced by the Town.

Jena S. – Several vendors in the area might be interested (and possibly even some restaurants that are struggling during this time that might want downgrade to a mobile food truck vs. brick and mortar). Thinks the 4-hour restriction seems limiting (some might want to do breakfast only, some might be lunch only, but some might be both – if offering breakfast and lunch, that could be up to a 16 hour window). Also, there may be less than an hour (or other short-term window) could be allowed at construction sites.

Jena S. – Also would like to see clarification included in the document that explains how special events are treated (handled separately). Also, for recreation. (For example, if the bike park project goes through down the road, it may be feasible to have a food truck there).

Jeff A. – Agrees re. hours of operation. Does not want to give too much leeway to neighbors to say no, but perhaps we should incorporate some sort of approval process with neighbors to ensure it does not become an issue after the fact.

Jeff A. - Regarding non private property – what about Little Beach Park as a location for multiple food trucks? This could be a great spot for food trucks.

Chris M. – Wondered how the market would be affected. Would like to see more food at or near the market, so perhaps this could be complimentary?

Lauren D. – Also has concerns about the 4-hour restriction. Thinks it should be longer.

Lynn T. – Under the current circumstances, has concerns about introducing food trucks that might compete with existing brick and mortar restaurants (and could create parking issues). Feels that it's important to support our brick and mortar businesses during this difficult time. Feels we could have food trucks, and would encourage them at the market and possibly across from / in the nearby vicinity of the market.

Lynn T. also asked about electricity and the need to anticipate hook-ups/logistics.

Jeff A. – Most have generators and/or adapters to deal with varying logistics. In other areas (cities), trucks pull up into public areas. Logistics question – if we are only allowing on private property, where do customers pull up and where do they stand to order, where do they sit to eat, etc? (is that an option)? Getting off the beaten path (such as Little Beach Park) might be the best option from a logistics and safety standpoint.

Jeff A. - Agrees that we do need to be sensitive with regard to our existing restaurants. Other locations discussed (in addition to Little Beach Park) include the Railroad lot (by the Turntable), the Municipal Lot, or possibly in Pope's old lot (MR Minturn space at the corner of Main and Nelson).

Jena S. - also brought up the concern of micromanaging the free market / competition of restaurants / businesses in town. This could be a great opportunity, and some of these could become brick and mortar down the road.

Burke H. – Going back to the time limit, not sure why that is there. Asked for more explanation.

Scot H. – The 4-hour time limit was included in this draft simply because we saw it used in other municipalities (but those were larger, more urban areas so possibly necessary). May not be necessary in our environment. It could be removed or adjusted as needed.

Burke H. – Regarding protection for businesses already in town – believes that more creates more. If we make Minturn a food destination, more people will come. If you have a thriving community, everyone can be successful. Looking back to how some restaurants performed here in the past, when a few were doing well they were all doing well.

Burke H. - also mentioned the “commercial zoning.” If someone is living in a

commercial zone, they will certainly have an impact from businesses. This is part of living in a commercial zone.

Jena S. – Regarding property / land-owner approval - What if someone gets an approval from CDOT to be on Highway 24? How would we address this? (CDOT as a property owner, could do this).

Jena S. - Regarding concern of neighbors – perhaps we have something in writing regarding complaints. (A certain number of complaints, we reserve the right to revoke the permit). This could be on the application form (agree to / acknowledge from the beginning). This might also encourage the food truck owner to approach and discuss with neighbors to be sure they are OK with it.

Jena S. - The property owner approval form – Suggest re-formatting, larger font, adding notes re. the above (nuisance / complaint clause). May also need to create an actual complaint form (and process).

Next Steps – Scot H. (and Cindy and Jay) to work on a revised draft.

## **7. Housing Ordinance – DRAFT**

Scot H. noted that the housing action plan was initially adopted in August of last year. The Planning Commission had another work session to take a deeper dive on some of the goals, specifically:

- 25% inclusionary housing (price-capped) – deed restricted at a price point
- 20% of overall housing stock would have to be deed-restricted for resident occupancy only.

Planning Commission had some concerns with this, feeling that these percentages might be high for some projects (of certain size).

Recommendation was that 20% of “new” projects be deed restricted for resident occupancy. And that as people build one-off projects (single family homes, ADUs, etc) they could voluntarily deed-restrict, and the Town can get to that overall 20% number (locals only) by 2030.

Scot H. (based on direction from the commission) suggested that any new project of substantial size (5 or more units), the requirement for the deed-restricted price capped (anything up to 200% AMI) would be 10%.

Direction previously from the planning commission was that 25% price-capped deed restriction was too high (10% was a more realistic number), 20% deed-restricted for local was still a good number.



The previous discussion also led to questions about why we are targeting 80 – 140% area median income, when a lot of the homes (even if price capped), still dealing with people earning 200% that still can't buy into our market.

Scot H. has since extended this up to (added a cap of) 200%.

Scot H. - Terming this “Community Housing” versus affordable housing or locals housing. It can be called whatever the planning commission feels is appropriate. The first section is targeting short term rental regulations.

Scot H. - Feels that it's appropriate that we have restrictions in the code that does not allow someone to short term rent, who has a deed restricted unit. (Chapter 6, Article 7).

Jena S. – Was on the workforce housing committee. Feels these numbers are adequate. Has had some discussions with Eagle County, regarding what they have and have not accomplished. Some input from the County is to get rid of the term “deed restricted” and use more modern language (different variation). Suggests using a buyer or seller restriction, or local resident housing nuance of some sort. Deed restriction term has a negative connotation.

Jena S. - Noted that she does find short term rentals concerning. We've already lost a lot of locals / long-term rental properties to short term rentals.

Jena S. - Also brought up the encouragement of ADUs (such as waiving water taps or other incentives), to help create these smaller, economical units.

Scot H.- Noted some suggested incentives that are in the document. There was previously no support (from the planning commission, housing task force, council) for waiving of fees as an incentive (whether it be tap fees, construction use tax, etc). This was primarily due to the significant costs that the Town is facing for the water improvements.

Scot H. - Suggested revisiting this, since we aren't talking about a lot of units that would get their fees waived all at once - would likely only be talking about a few small projects a year (would not have a huge impact). Also discussed a density bonus in the work sessions, and site design flexibility, and a tax rebate or reduction (vs. a waiver). Could be a tax rebate over a certain number of years.

Jena S. – Would also like to group in retirees (not just people who are actively working). Retirees on limited incomes still need housing. Would recommend that allowance (adding that language regarding eligibility).

Burke H. – Very strong supporter of restriction with deed restricted units not being able to short term rent. Regarding ADUs and whether to offer benefits / what benefits to offer – If waiving the tap fees doesn't work, we could move on to rebates. Feels there is a benefit to having a lock-off in your home, period. Doesn't feel we have to roll out the red carpet for it. Thinks that people who can afford to put these in see the benefit already. Many are doing this without incentives. It's a benefit to the property owner as well as the

Town.

Chris M. – Liked Jena’s comments regarding including retirees. Also agrees on short term rental restrictions. Incentives: he likes the idea of allowing more lot coverage. This would be an easy incentive.

Lauren D. – Torn on tap fees. Would like further discussion on this topic.

Jeff A. – Feels like maybe we’re confusing the issue. He never looked at incentives as one-offs? (Where one person putting in an ADU gets a financial incentive). His interpretation was that those incentives were for larger projects. (Minimum number of units). Percentages kick in at certain tiers. This would allow a larger project to deliver at a more affordable price.

Lynn T. – Does not agree with the tax rebate / reduction (does not like using the word “waive”, might be open to reductions in price vs. waivers. Does not see waiving tap fees with the costs that we have coming up with our water improvements. Would prefer to look at other items such as the construction use tax (discount), or other options.

Scot H. lost connection – 5-minute recess called.

Jena S. – Brought up that Colorado is a use tax state, therefore if you have a rental in your home that is considered an income-generating property and you are legally required to pay commercial taxes (vs. residential). So, although an ADU may help the property owner cover their mortgage, etc, it falls under commercial taxes. So it is not as equitable as one might think, therefore some incentives may still need to be considered. It was discussed that many property owners with rentals may not be following the tax guidelines.

Also, for an older home, to add on to create an ADU can be logistically problematic or cost prohibitive. We don’t want to turn down / de-incentivize an extra unit due to a logistical issue. We want to look at the bigger picture / greater good and be sure we are working toward our housing goals.

Scot H. – Brought up Peter Cranston’s ADU project. He will be bringing forth a revised plan soon. He was getting dinged (with tap fees) for the full square footage even though the entire structure was not designed to be rented. He believes the town wants to ensure the time and process are set up for success. And we don’t want to discourage development of units that meet our needs for locals housing.

Lynn T. - Asked Jena S. about the tax question that was brought up earlier. She inquired why short term rentals would not pay commercial tax if property owners that rent out long-term would be required to?

General Discussion - Short term rentals pay sales and lodging tax, but might require further discussion about the requirements of both.

Scot H. – Asked if the commission is comfortable with price caps?

Jena S. – Worried that this may just create non-conformity of the regulations (someone may just charge whatever they want and not report). Also, hard to enforce.

General Discussion - The planning commission expressed concerns that this might be an area that we should not wade into.

Jeff A. – Questioned the inclusion of price caps but also noted or sought to clarify that this clause (requirement for price appreciation or rent price caps) only relates to the units that are triggered by the applied definition?

**Scot H. – Direction / Next Steps**

- Look at different verbiage for deed restriction
- Scot H. to take a closer look at the language in some of the definitions discussed
- Need further discussion regarding maximum rental price
- Adding retirees as a qualified buyer
- Further discussion regarding acceptable incentives
- Clarify administration of the program (County)? That will require a new ordinance that deals just with the administration.

**8. Other Project Updates**

Jeff A. - Inquired whether there has been any additional discussion regarding the moratorium?

Scot H. - Stated that Town Council will be having another work session on this prior to a first reading for adoption consideration. Scot – is that correct?

Jeff A. – We are a recommending body. Do we have a say in this? Or should we just offer input during public comment?

Scot H. – Speaking as a citizen during public comment is likely the best route. The proposed moratorium is not related to any amendments to Chapter 16, so that's why this goes straight to council vs. going through the planning commission.

**9. Planning Director Report & Minor DRB Approvals by Director**

- None

**10. Future Meetings**

- April 29, 2020

- May 13, 2020

## **11. Adjournment**

Motion by Jena S., second by Chris M., to adjourn the meeting of April 8, 2020 at 8:38pm. Motion passed 5-0.

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director

**Minturn Planning Department**  
Minturn Town Center  
302 Pine Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Lauren Dickie  
Burke Harrington  
Christopher Manning  
Jena Skinner

## **MEMORANDUM**

To: Minturn Planning Commission

From: Scot Hunn, Planning Director

Date: April 24, 2020

Re: Chapter 16 – Zoning (Article 2 Definitions) Amendment Project

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Beginning in the fall of 2019, the Planning Commission, citizens and staff have been reviewing Chapter 16 – Zoning of the Minturn Municipal Code. The purpose of this comprehensive review has been to review, reformat and update development, use and design standards for each zone district, as well as processes and definitions contained within the zoning chapter.

The attached Article 2 – *Definitions* red-line documents are presented for the Planning Commission's review. These are rough, working draft documents but they reflect (1) a red-line version showing strike through or deleted text, as well as proposed new or underlined text; and (2) a cleaner red-line version with several of the deleted sections of text "accepted" and just showing proposed new language along with staff comments.

Future drafts will more clearly show strike through font along with proposed underline or new text for ease in reviewing by the Planning Commission and the general public.

Of note, staff added several new definitions, using sources such as the American Planning Association Planners Dictionary (noted in the margins as 'Apa dictionary'), examples from other Colorado municipalities, as well as examples and suggested language by Jena Skinner, JS Designs who also provided several new illustrations for building height and lot coverage for the Planning Commission's consideration.

A review of Article 2 – *Definitions* is one of the last remaining steps in the review of Chapter 16 before the Town can initiate public review and adoption hearings of the amended zoning chapter.

Staff's intent during a work session to be held on April 29<sup>th</sup> will be to start the review of Article 2, but to anticipate at least one additional work session devoted to review of the definitions.

## ARTICLE 2 – Definitions

### Sec. 16-2-20. - Definitions.

For the purposes of this Chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

*Accessory apartment* means a dwelling unit ~~that has been added onto, or created located within, or adjacent to~~ a single-family dwelling ~~or commercial space or detached garage~~. ~~The accessory apartment~~ Accessory apartments shall be subordinate to the principal use located on a parcel and shall have has separate cooking, bathing and sleeping areas. AThe inclusion of an accessory apartments shall maintain the appearance of the structure as a single-family dwelling or may be located within or above a detached accessory building or garage, and shall. The accessory apartment shall remain under the same ownership as the single-family dwelling.

*Accessory building or structure* means a building or structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. An *accessory building or structure* is functionally dependent upon the principal use. (See Illustration No. 16-1 at [Section 16-2-30](#))

*Accessory dwelling unit* means an individual dwelling unit subordinate to, and contained within or on the same lot as, a single-family dwelling ~~unit or commercial unit~~. Accessory dwelling units (ADUs) include separate living facilities with provisions for sleeping, cooking, and sanitation, and are designed for residential occupancy independent from the principal residential or commercial unit or use.

*Accessory use* means a use of land, or of a building or portion thereof, customarily incidental to and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Addition means any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Adjacent property means the property touching any part of the property which is subject to a land use application. If an adjacent property is a public road, trail, or right-of-way, railroad right-of-way, stream, or river, the adjacent property shall also be the property located on the opposite side of such public rights-of-way, streams, or rivers.

*Adult use* means an establishment consisting of, including or having the characteristics of any or all of the following:

*Adult bookstore* means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes or films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

*Adult cabaret* means:

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1. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas;
2. A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators or similar entertainers for observation by patrons.

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*Adult massage parlor* means a similar establishment or portion of an establishment presenting material distinguished by emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement and customarily not open to the general public through the exclusion of minors.

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*Adult motion picture theater* means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

*Nude entertainment establishment* means an establishment where a person appears in a state of nudity when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of either sex.

~~*Agricultural use* means the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man means farm or ranch uses, as defined in 39-1-102 C.R.S., including buildings for shelter of farm or ranch animals or property primarily employed in any of the following uses, including but not limited to:~~

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*Animal husbandry* means raising of livestock, bees, apiary products and fur animals, including the incidental preparations for market, storage and delivery, but not the sale of retail products.

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*Horticulture* means the cultivation of a garden or orchard, including floriculture and viticulture, and comprises the production of crops and raising nursery stock, including incidental preparations for market, storage and delivery but not retail sale of products.

*Alley* means a public right-of-way or private service roadway providing a secondary means of access to abutting property and designated for service access to the rear or side of buildings.

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*Alteration* means any act or process that changes one (1) or more of the exterior architectural features of any building or structure. A change in exterior color is not an *alteration*.

~~*Alteration, site* means any act or process that changes the physical features of undeveloped or previously developed lands by means of earth moving, landscaping or construction.~~

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Commented [S4]: revisit this definition

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*Alteration, structural* means any change in the supporting members of a building or structure, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof, foundation or exterior walls.

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*Alteration, watercourse* means any act or process that changes the physical nature and properties of a water course including but not limited to channelization or flow diversions within live streams or other water bodies.

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*Amusements* means an establishment or enterprise for the purpose of amusing or entertaining persons, including by way of example but not in limitation, museums, bowling alleys, pool halls, arcades, dance halls, puppet shows, theaters, cinemas, concerts, stage shows, roller and ice skating rinks, sport facilities and recreational facilities, whether such establishments are indoor or outdoor, for profit or not for profit or in conjunction with another use on the premises. However, amusements shall not include devices for amusement and entertainment such as jukeboxes, pool tables, coin-operated games, pinball machines or television and radio where such devices are clearly incidental and subordinate to the principal use of the premises.

*Applicant* means a property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit, or approval.

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*Apartment house* means a structure containing three (3) or more dwelling units that have not been subdivided into separate ownership units.

Commented [S5]: This term is not used anywhere else in the chapter 16.

*Area median income (AMI)* means the median household income estimates and program income limits compiled and released annually by the United States Department of Housing and Urban Development (HUD).

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*Automobile body shop* means a facility which provides collision repair services, including body frame straightening, replacement of damaged parts, undercoating of body or frame parts, and painting.

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*Automobile dealership* means the use of land for the display or sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles.

*Automobile service station* means any building, land area or other premises or portion thereof used for the retail dispensing or sales of vehicular fuels; serving and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories. Motor vehicle service is listed as an industrial use.

Commented [S8]: Check use table for this use (Motor vehicle service) – why does Auto service station allow for serving and repair of vehicles presumably in commercial zone districts but motor vehicle service is only allowed in industrial district?

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*Automotive detail shop* means a building, or portion thereof, containing facilities for complete or partial cleaning and/or restoration of automobiles as a service to a customer, including but not limited to hand-washing of automobiles; applying paint protectors; interior and exterior cleaning and polishing; and the installation of after-market accessories such as window tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items, as a service to a customer.



*Automotive parts/sales* means any building or premises whose primary use is for the dispensing or sale at retail to the public of lubricating oil or grease, tires, batteries and other minor automobile accessories.

*Bakeries* ~~Bakery, retail and confectioneries~~ means an establishment primarily engaged in the preparation and sale of baked products for consumption on- or off-site. Such use includes the baking of bread, cake, cookies and other similar confectionary items

*Bakery, wholesale* means a bakery where production of baked goods and confectionaries are permitted for delivery to wholesale customers or for door-to-door sale or delivery to retail customers, but where over-the-counter or other retail dispensing of baked goods shall be prohibited.

*Bakeries and delicatessens with food service* means stores engaged in the sale at retail of bread, cake, cookies and other similar items, including the baking of such items on the premises, but excluding the baking of such items for delivery to wholesale customers or for door-to-door sale or delivery to retail customers.

*Banks and financial institutions* means commercial banks, savings and loan associations, brokerage offices and other similar financial institutions, but not including pawnshops, a financial institution that is open to the public and which provides retail banking, deposit banking and the exchange of money, mortgage lending, financial services, and/or check cashing services to individuals and businesses.

*Bar* means an establishment or part of an establishment either indoors or outdoors primarily devoted to the selling, serving, dispensing and consumption of alcoholic beverages and in which the service of food is incidental and customary to the consumption of such beverages.

*Barbershop* means a fixed place of business wherein barbering is practiced.

*Batch plant* means a facility where the raw materials such as rock, sand and gravel aggregates are stored and processed, manufacturing using apparatus such as crushers and mixers for the production and preparation of asphalt or concrete, which may include the storage of related component materials, for use onsite or for transport to another site.

*Bathroom* means a room containing at least the following fixtures: (1) sink; (2) toilet; and (3) tub or shower.

*Beauty salon* means any commercial establishment wherein cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

*Bedroom* means that portion of a dwelling unit designed to be suitable for sleeping purposes, which may contain closets, may have access to a bathroom, and meets building and fire code requirements for light, access, egress and ventilation.

*Bed and breakfast and tourist home* means a dwelling unit in which the bed and breakfast proprietor and/or manager resides on the premises and in which overnight

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accommodations and a morning meal are provided only to guests of the facility for compensation. There are no cooking or dining facilities provided in individual rooms, and the length of stay is less than thirty (30) days. (See also *Commercial accommodations*.)

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, storage or enclosure of any individual persons, animals, process, equipment, goods or materials of any kind.

*Building, attached* means a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

*Building, detached* means any building or structure separated as required by building and/or fire codes from another building or structure on the same lot.

*Building bulk* means the visual and physical mass of a building.

*Building footprint* means the exterior outline of a structure where it meets the earth; a building's perimeter at the ground level measured at the outside of all exterior walls of a building or structure.

*Building height or height of building* means the maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished or natural grade (whichever is more restrictive) and a point on the roof depending on the roof type. No portion of any structure shall exceed the applicable building height limitation contained in this Code. (See Illustration No. 16-2.)

*Building height* means the maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished or natural grade (whichever is more restrictive) and a point on the roof depending on the as required per roof type. Grade points shall be located on the finished grade elevation. Heights from each point are to be measured vertically to the midpoint of the roof as shown (or as specified for the applicable roof design), from grade points, established every 5' along the building face. If building length is not divisible equally using 5', grade points may be closer. Example: Building length is 22'.  $22'/5' = 4.4'$  Result: Grade points to be used every 4.4 feet along building face. Building height limitation shall not apply to spires, belfries, cupolas, antennas, communication towers, silos, agricultural barns, water towers, ventilators, chimneys, monuments, flag poles or other appurtenances, usually required to be placed above the roof level and not intended for human occupancy. No portion of any structure shall exceed the applicable building height limitation contained in this Code. (See Illustration No. 16-2.)

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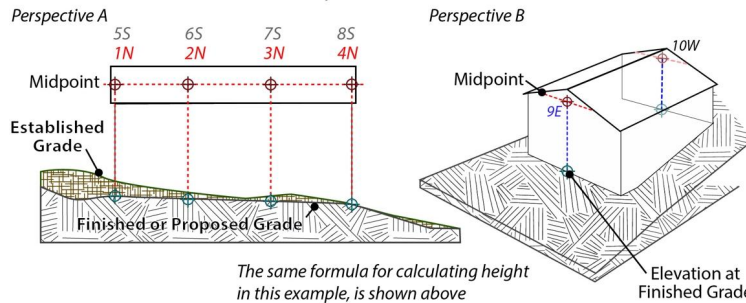
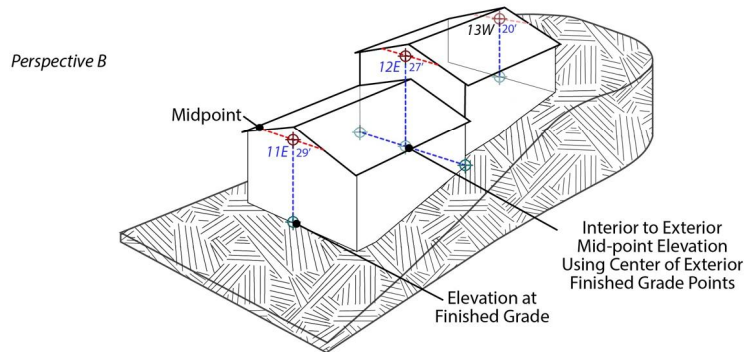
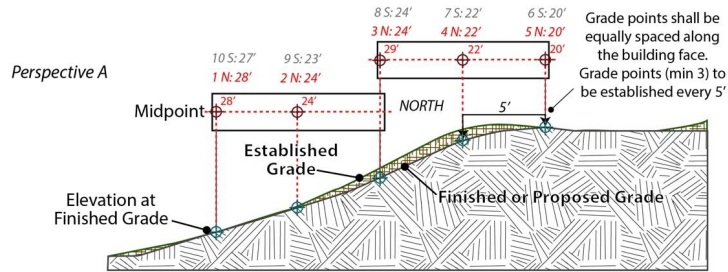
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### Building Height Calculation using Perspectives A and B

Average of heights as measured from all sides, divided by the number of measurement points =  
Average Height of structure from Finished grade or

$$\frac{N\ 28+24+29+22+20 + E\ 29+27+20 + S\ 27+23+24+22 + W\ 20}{13\ (\text{number of measurements})} = 24' BH$$



Height measurement points specified for the following types of roofs:

**Flat roof:** Height shall be measured to the highest point of the building, including parapet walls and rooftop appurtenances, but excluding architectural features and chimneys which may be permitted by Planning Director.

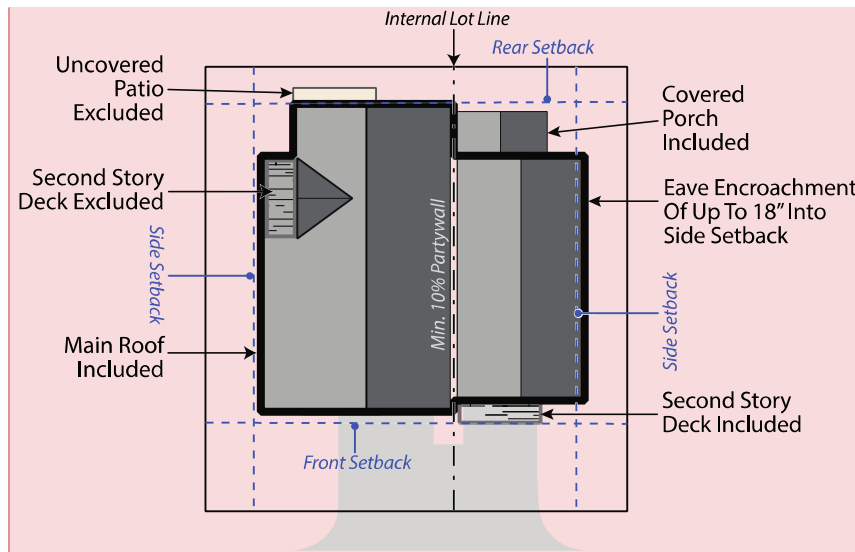
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*Gable, hip, gambrel or shed roof:* Height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet. Mansard roof height shall be measured to the decline of the roof.

See also [Section 16-3-30](#).

*Building lot coverage* means the portion of a lot that is covered by buildings and ~~accessory buildings, including all interior space including garages, and including~~ all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. For purposes of establishing lot coverage, buildings are measured at the outside exterior wall and do not include roof overhangs. Additionally, fifty percent (50%) of the total area of second and third level decks shall be counted towards the allowable building lot coverage. Second and third level decks that cover a portion of a building that has already been counted towards the allowable lot coverage shall not count towards the total lot coverage. Second and third level decks that are structurally supported from the ground level shall have their entire area counted towards the allowable lot coverage. (See Illustration No. 16-3.)



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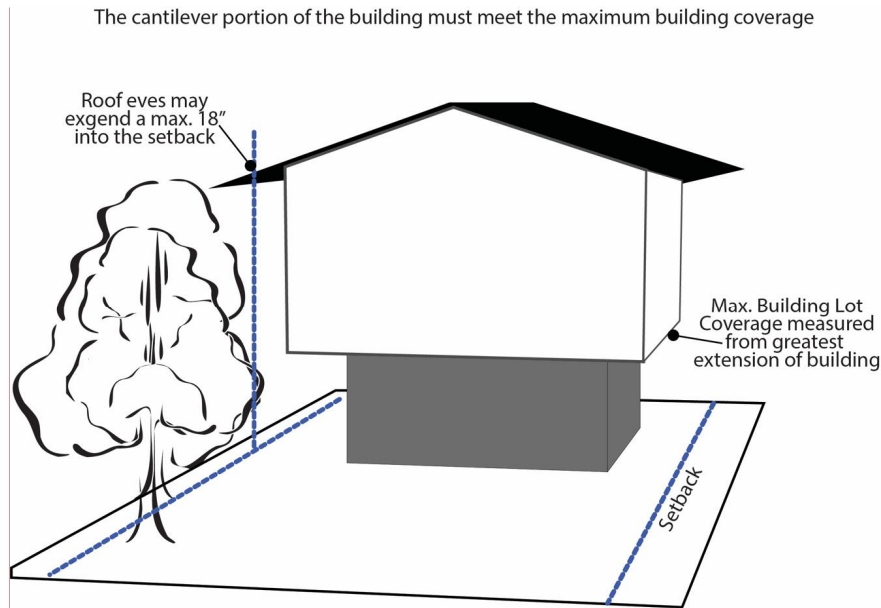
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*Bulk plane* means a theoretical incline plane rising over a lot, beginning atabove a setback line or directly above a street-property line at a maximum height of twenty (20) feet and rising over a slope determined by a forty-five (45) degree angle measured down from the vertical. (See Illustration No. 16-3)

*Business improvement district* means a special district established to provide services to a business district that extend beyond the level of services provided by the local government, including extra maintenance, improved street lighting or beautification, capital improvements, promotional activities and special events.

*Business incubator* means a facility dedicated to the start-up and growth of small businesses, accomplished through management and facility support systems for the cultivation and enhancement of future businesses or business-oriented developments.

*Camper/trailer* means a vehicle eligible to be registered and insured for highway use, designed to be used as temporary shelter for travel, recreational and vacation purposes for not more than thirty (30) days. The term includes, but is not limited to, equipment commonly called fifth wheels, independent travel trailers, dependent travel trailers, tent trailers, pickup campers, motor homes and converted buses, but does not include mobile homes.

*Campground* means any property ~~utilized for~~ utilized for temporary occupancy, such as tents or recreational vehicles, are located or placed for camping and/or parking of a camper/trailer for a period not to exceed thirty (30) days.

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*Car wash* means a building, or portion thereof, containing facilities for washing automobiles, using production line ~~methods with a chain conveyor, blower, steam cleaning device or other mechanical devices~~; or providing space, water, equipment or soap for the complete or partial hand-washing of such automobiles, whether by an operator or by a customer.

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*Caretaker unit* means ~~a stand-alone building that houses an~~ attached or detached accessory dwelling ~~use and is~~ unit intended to be occupied by not more than four (4) unrelated individuals, or by a family, which individuals are employed for the purpose of taking care of the property and improvements located ~~within a ranch lot or within an estate lot and/or~~ providing domestic services to the principle single family dwelling located on such lot.

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*Cemetery* means land used for interring of the dead.

*Church* means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

*Clear vision area* means

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~~*Club* means any nonprofit organization exclusively serving members and their guests whose facilities are limited to meeting, eating and recreational uses; and further, whose activities are not conducted principally for monetary gain.~~

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*Cluster subdivision* means a form of planned residential development that concentrates buildings on a part of the site (the cluster area) to allow the remaining land (the open space) to be used for recreation, common open space, or preservation of environmentally sensitive areas.

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*Commercial accommodations* means a building or group of buildings containing guest units designed to be rented for less than thirty (30) days to the general public for compensation and which may or may not have eating or drinking facilities as an accessory use. *Commercial accommodations* include bed and breakfasts, inns, hostels, motels, hotels, boarding houses, lodging houses and dormitory housing.

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*Commercial use* means an ~~activity involving the sale of goods or services carried out for profit, occupation, employment, or enterprise that is carried out for profit by the owner, lessee, or licensee.~~

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*Community center* means a building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

*Community character* means the image of a community or area as defined by such factors as its social and economic characteristics, ~~and~~ the built environment, natural features and open space elements, type of housing, architectural style, infrastructure and the type and quality of public facilities and services.

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*Community facilities* means a use, or a building or structure owned ~~and operated~~ and/or managed by a governmental agency to provide a governmental service to the public.

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*Community housing* – A Residential dwelling unit within the Town of Minturn that is deed restricted in accordance with the Town of Minturn’s Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with a deed restrictions approved by the Town of Minturn Town Council or its designee

*Community housing rental unit* – A Community Housing unit that is deed-restricted in accordance with the Town of Minturn’s Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with deed restrictions approved by the Town of Minturn Town Council or its designee, to establish a maximum rental prices, as well as residency, employment and income qualifications for owners and occupants.

*Community housing residency requirements and guidelines* means the requirements adopted by resolution by the Town Council, from time to time, which may include, but shall not be limited to, standards concerning the procedure for qualifying to own or rent Community Housing Units; the requirements (e.g. residency) for qualifying to own or rent Community Housing Units; forms of approved deed restrictions; limitations on appreciation of sales prices of Community Housing; procedures for sale of Community Housing; priorities for persons bidding to purchase Community Housing Units; maximum sales and rental rate increases; standards for the number of residents per dwelling unit; quality of construction requirements for new Community Housing Units; and possible incentives for the construction of Community Housing. The Community Housing requirements and guidelines, and amendments thereto, shall be adopted following a duly noticed public hearing at which such guidelines are considered.

*Community housing for sale unit* means a Community Housing unit that is deed-restricted in accordance with the Town of Minturn’s Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with a deed restrictions approved by the Town of Minturn Town Council or its designee to establish maximum initial sales and resale prices, as well as residency, employment and income qualifications for owners and occupants.

*Community-oriented building, facility or use* means a predominately noncommercial use established primarily for the benefit and service of the general public or the community in which it is located. Such facilities include, but are not limited to: community centers, art/performing arts or cultural centers, libraries, museums and other similar uses.

*Conditional use* means a use listed in the ~~Character Area~~ zone district use tables and permitted upon approval of the Town Council upon showing that such use in a specified location will comply with the conditions and standards for the zone and location proposed.

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*Conditional use permit* means a use permit issued by the Town stating that the conditional use meets all the standards and conditions set forth in this Chapter.

*Condominium* means ~~a building or group of buildings in which dwelling units, offices or floor areas are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis, a form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.~~

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*Contiguous* means sharing a common border at more than a single point of intersection and in such a manner that the shared boundaries are touching. Lands that are separated by a right-of-way that is dedicated in fee simple shall not be considered to be *contiguous*-. Lands that touch at points of intersection shall also not be considered to be *contiguous*-.

*Convenience store* means a small-scale food store less than two thousand five hundred (2,500) square feet in size, generally located in small neighborhood convenience centers. Such stores may have on-site service of food or drink for immediate consumption, and carry for sale general food items, as well as medicines, cosmetics and limited beer and wine items.

*Cottage industry:* See *Home occupation*.

*Day care center* means a licensed residence or facility which provides regular care and supervision, for an entire day or a portion of a day, for seven (7) or more children ~~or adults~~ who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care.

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*Day care home* means a licensed residence or facility which provides regular care and supervision, for an entire day or a portion of a day, for more than two (2) but not more than six (6) children who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care.

~~*Deck* means a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure. Decks typically have access to the ground level.~~

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*Deed restriction* means a contract entered into between the Town and the owner or purchaser of real property identifying the conditions of occupancy, ~~rental~~ and ~~or~~ resale.

*Delicatessens* and *specialty food stores* means establishments selling specialty foods at retail and less than two thousand five hundred (2,500) square feet in size.

~~*Demolition* means any act or process that dismantles, destroys or removes in part or in whole a building or structure, site, utilities or other improvements.~~

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*Density* means a unit of measurement indicating the number of dwelling units per acre of land.

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*Gross density* ~~means the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a~~

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~~development includes all the area within the boundaries of the particular area, excluding nothing.~~

~~Net density means the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel excluding street rights-of-way, the areas within the one-hundred-year floodplain and portions of land with slopes in excess of thirty percent (30%).~~

*Design continuity* means a unifying or connecting theme or physical feature of the Town or Character Area, provided by one (1) or more elements of the natural or created environment.

*Design fit* means consistency in scale, quality or character between new and existing development so as to avoid abrupt and/or severe differences.

*Design review* means the submission of a site or building design for review by the Town Design Review Board. See Appendix B to this Code.

*Design standards* means the Town's Design Standards and Guidelines defining parameters to be followed in site and/or building design and development. See Appendix B to this Code.

*Designated buildable area(s)* has the meaning stated in [Section 17-2-10](#).

*Development* means any man-made change to improved or unimproved real estate, including but not limited to construction, demolition, renovation, rehabilitation, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Dormitory housing* means a building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar institutional use.

*Drive-in use* means an establishment that, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

*Drive-through/drive-up establishment* means a place of business operated for the retail sale and purchase of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of food or beverages in automobiles on the premises or elsewhere on the premises, but outside any completely enclosed structures.

*Drugstores and pharmacies* means a retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of five thousand (5,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores, but such a store shall not be deemed to be a *pharmacy*.

*Dry cleaners* means an establishment engaged in providing laundry, dyeing and dry-cleaning services to individual customers.

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*Duplex* means a structure that is used exclusively by two (2) families, each living as an independent house keeping unit. Joining Requirements: a shared roof line, buildings connected by a common roof, including covered walkways; or a minimum ten percent (10%) of a party wall; or a structure divided into two (2) living spaces by one (1) wall or floor. (See Illustration No. 16-5.)

*Duplex lot* means a lot located within a character area and zone that permits duplexes that has a minimum lot size of at least five thousand (5,000) square feet.

*Dwelling* means a structure or portion thereof that is used exclusively for human habitation.

*Dwelling, multiple-family* means a building containing three (3) or more dwelling units, including apartments, condominium units or townhouses, designed for and used by three (3) or more families each living as an independent housekeeping unit.

*Dwelling, single-family* means a building containing a single dwelling unit.

*Dwelling unit* means any room or group of rooms with not more than one (1) indoor kitchen facility designed for or used as a dwelling for one (1) family as an independent housekeeping unit. *Dwelling unit* shall include mobile and manufactured homes, but shall not include hotels, motels, clubs, boarding houses, dormitories or other institutions such as hospitals or jails.

*Dwelling unit, efficiency* means a dwelling unit consisting of not more than one (1) habitable room together with a kitchen or kitchenette and sanitary facilities.

*Easement* means a grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

*Eating and drinking establishment* means a commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

*Educational facility* means public schools, nonpublic schools, colleges and universities, proprietary schools and schools administered and operated by the State. The following definitions shall apply to the various types of educational facilities:

*Colleges or universities* means such educational facilities under charter or license from the State.

*Nonpublic schools* means all private, parochial and independent schools which provide education for compulsory school-age pupils comparable to that provided in the public schools of the State.

*Proprietary facilities* means all privately owned and managed educational facilities which may include, but not be limited to, art, church, business colleges, trade schools, church camps and day camps.

*Public schools* means those schools administered by legally organized school districts.

*Employee/Qualified resident* means a person who is employed on the basis of a minimum of 1,500 hours worked per calendar year in the Employment Area, which averages thirty (30) hours per week for a minimum of ten (10) months per year, physically working the Employment Area and who resides in the Community Housing Unit as their sole and exclusive place of residence a minimum nine (9) months of a twelve (12) month period. Priority will be given to employees/qualified residents employed within the Town of Minturn boundaries.

*Employment area* means that portion of the Eagle River Valley located from Dotsero to Red Cliff, including Vail.

*Encroachment* means any obstruction or illegal or unauthorized intrusion in a setback or right-of-way or on adjacent land.

*Enlargement* means an increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

*Estate lot* has the meaning stated in [Section 17-2-10](#).

*Estate lot plat* has the meaning stated in [Section 17-2-10](#).

*Estate lot process* has the meaning stated in [Section 17-2-10](#).

*Exception* means permission to depart from the design standards in the design standards.

*Family* means any number of individuals living and cooking together, including domestic employees, as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability, but not exceeding four (4) unrelated individuals. A *single housekeeping unit* is defined as common use and access to all living and eating areas, bathrooms and food preparation and serving areas.

~~*Festival marketplace* means a retail center located in a unique architectural setting with a mix of small specialty shops and carts offering one-of-a-kind merchandise, with an emphasis on gifts and crafts supplied locally and food offerings.~~

~~*Financial institution* means a bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM) wherein the provision of financial and banking services is offered to consumers or clients.~~

*Fiscal impact analysis* means an analysis, also known as a cost-revenue analysis, of the costs and revenues to the Town associated with a specific development application.

*Flea market* means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

*Funeral home* means a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

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*Gas station* means any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto.

*General development plan* means a plan showing general land use, circulation, open space, utilities, stormwater management, environmental factors, community facilities, housing, impacts and phasing for development proposed to be constructed as a Planned Unit Development.

*Grade, ~~established~~* means the grade of a property prior to the most recent proposed development or construction activity. On developed lots, the Zoning Administrator shall estimate established grade if not readily apparent, by referencing elevations at points where the developed area appears to meet the undeveloped portions of the land. The estimated grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of runoff water.

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*Grade, finished* means the final elevation of the ground surface of a site after human-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface; the grade of a site after reconfiguring grades according to an

approved site plan related to the most recent building permit activity on a site.

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*Grade, ~~n~~Natural* means the elevation of the surface of the ground which has been created through the action of natural forces and has not resulted from humanmade cuts, fills, excavation grading or similar earthmoving processes, or, the ground surface elevation in existence prior to the initiation of development on a parcel of land.

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*Grocery store* means a commercial establishment over two thousand five hundred (2,500) square feet in size, commonly known as a supermarket or food store, primarily engaged in the retail sale of canned foods and dry goods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry.

*Gross income* means the total income, including alimony and child support, derived from a business, trust, employment and from income-producing property, before deductions for expenses, depreciation, taxes, and similar allowances.

*Gross leasable area (GLA)* means the total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. *GLA* does not include public or common areas such as utility rooms, stairwells, malls and so on.

*Group home* means a residential building that is owned and operated by a nonprofit organization, or is owned and operated by an individual or group of individuals who actually reside at and maintain their primary place of residence in the group home, that is:

- a. Occupied by elderly persons. Is occupied by not more than eight (8) persons who are sixty (60) years of age or older who do not require skilled or intermediate care facilities.
- b. Occupied by developmentally disabled persons. Contains a state-licensed facility for the exclusive use of not more than eight (8) persons who are developmentally disabled due to their having cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy.
- c. Occupied by mentally ill persons. Contains a state-licensed facility for the exclusive use of not more than eight (8) persons who have been screened by a mental health professional and have been determined to be mentally ill. No person who has been determined to be not guilty of a violent offense by reason of insanity or who has been convicted of a felony shall be placed in a group home.

Green building means a structure or structures incorporating the principles of sustainable design – design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principals of energy and resource efficiency, practical application of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse.

Greenhouse means retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Groundwater means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water-bearing formation.

Groundwater quality means the quality of subterranean waters in terms of their chemical, physical, biological, and radiological characteristics as related to possible domestic water use.

*Guest unit* means a room or suite of rooms without cooking facilities, suitable for separate occupancy in a motel, hotel, condominium, lodging unit or similar establishment, including a single-family or multi-family residence. If the unit is designed for and used by a person as an independent housekeeping unit, it shall be considered as a dwelling unit.

Habitable space means the total usable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished and unconditioned basements and attics, unheated porches and breezeways, garages, and maintenance shops are excluded from living area determination.

Habitable structure means any building or structure used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature.

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*Health/medical office* means a building, the principal use of which is for offices of health professionals, which contains facilities for the examination and treatment of patients but not for their lodging. This includes physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

*Home business* means the conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support by residents of the dwelling and employees residing off the premises, which may serve patrons on the premises.

*Home occupation* means an occupation, incidental and secondary to the property's primary residential use, conducted within a building or a portion thereof by a resident of the premises and conducted in a manner that conforms to and does not significantly alter the residential character of the property or neighborhood. Such occupations include:

- a. An endeavor involving the production and sale of goods or services, which does not change the residential character of the area; and
- b. Contracting for services where such services are not provided on the premises, except on an appointment basis.

*Homeowners association* means an incorporated nonprofit organization operating under recorded land agreements through which: 1) each lot or unit owner is automatically a member; 2) each lot or unit owner shares common interests with each other member; and 3) each lot or unit owner is, therefore, subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

*Hospital* means an institution providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff housing.

*Hotel* means a building or facility offering transient lodging and accommodations to the general public and providing additional services and amenities, such as restaurants, conference facilitation and meeting rooms, entertainment and recreational facilities.

*Human scale* means the perceived size of a building, structure or other human made improvements relative to a human being. A building is considered to have good human scale if there is an expression of human activity or use that indicates the building's size, such that doors, windows, and balconies are sized, particularly at the street or pedestrian level, to respond to the human body and/or human activity occurring adjacent to or around the building, structure or improvement.

*Illumination* (see lighting).

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*Impervious surface area* means any portion of a lot or parcel covered in material that substantially reduces or prevents infiltration or absorption ~~absorption~~ of water or stormwater into the ground. The area of the lot or parcel covered by the following surfaces, materials or improvements shall be considered as impervious surface in all character areas:

- a. The principal building, excluding roof overhangs.
- b. All accessory buildings, parking garages, carports and sheds.
- c. ~~Porches, stairways, decks, elevated walkways, sheds and other structures, together with~~ Paved areas or areas otherwise covered with materials such as impervious asphalt, concrete, or tightly grouped or compacted gravel, rock, stone or deck surfaces impervious to water.
- ~~d. Parking areas, sidewalks and driveways regardless of surface materials.~~

*Inclusionary Community Housing* means the policy of requiring Community Housing in residential developments to ensure adequate housing stock for local residents and to maintain or increase the current ratio of primary to second home ownership in the Town of Minturn.

*Initial sales price* means the maximum price for which a price capped Community Housing For Sale Housing unit may be initially sold.

*Industrial* means relating to, concerning, or arising from assembling, fabricating, finishing, manufacturing, packaging, or processing of goods or natural resources.

*Industry* means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

*Industry, light* means research and development activities, the manufacturing, compounding, processing, packaging, assembly, treatment, and incidental storage of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building.

*Infill* development means development or redevelopment of land that is surrounded by or in close proximity to areas that are substantially or fully developed but which has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process.

*Infrastructure* means facilities, services and improvements needed to sustain industry, residential, commercial and all other land use activities, including water, wastewater, streets, roads and trails, community housing, stormwater and drainage facilities, transmission lines, communication and telecommunication systems and improvements, and other utilities.

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*Institutional use* means a religious or public use, such as a church, library, public or private school, hospital or government-owned or -operated building, structure or land used for public purposes.

*Junk* means any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of or other use or disposition.

*Junkyard* means any area, lot, land, parcel, building, structure or part thereof used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.

~~*Kennel* means any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of four (4) or more animals that are over six (6) months old.~~

*Kennel, commercial* means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

~~*Kennel, Private* means any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of four (4) or more animals that are over six (6) months old.~~

~~*Kitchen* means a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family which contains a sink and a stove or oven powered by either natural gas, propane or 220-Volt electric hook-up. A recreation room, wet bar or similar facility that is a homeowner convenience and is not intended to function as the cooking facility for a separate dwelling unit shall not be considered a kitchen.~~

~~*Landscaping* means the area within the boundaries of a lot or parcel consisting of planting materials, including but not limited to trees, shrubs, ground covers, grasses, flowers, as well as non-living materials and xeriscape materials such as decorative rock, bark, mulch and other similar materials for aesthetic and functional purposes~~

~~*Laundromat* means a business that provides home-type washing and drying machines for hire compensation to be used by customers on the premises.~~

*Laundry* means an industrial establishment or business where washing and drying machines are used on a large scale. Such establishments are for private facilities generally not open or accessible to the public.

*Legal lot of record* means any lot, parcel or tract of land that was filed in the records of the County Clerk and Recorder and complied with all applicable laws, ordinances and regulations in effect at that time.

~~*Lighting* means a unit of luminous intensity. One candela [or candle] is one lumen per steradian.~~

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Lighting, direct means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

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Lighting, full cut-off means any light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane running through the lowest point on the fixture where light is emitted.

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Lighting, indirect means light that has been reflected or has scattered off other surfaces.

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Light trespass means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

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*Limited review uses* means uses that are allowed in a specific zone, subject to limited review and approval by the Planning Director



*Liquor store* means a facility principally for the retail sale of alcoholic beverages for off-premises consumption.

*Loading space* means an off-street space or berth, on the same lot with the building it serves, for the temporary parking of vehicles while loading or unloading merchandise or material and which has access to a street, alley or other appropriate means of ingress or egress.

*Lot* means a parcel of land as established by survey, plat or deed. (See Illustration No. 16-1 at [Section 16-2-30](#).)

*Lot area* means the number of square feet contained within a lot exclusive of any area in a street or public right-of-way, unless said street or public right-of-way was created as a result of either an act of condemnation under the eminent domain authorities of Articles 1 through 7, Title 38, C.R.S., or the grant of a deed to a condemning authority in lieu of condemnation.

Lot coverage means the maximum area of a lot or parcel, expressed as a percentage of a lot's total effective area, that may be encumbered or covered by structures; that portion of a lot or parcel that is occupied by buildings or structures as measured from the outside of exterior walls inclusive of cantilevered building elements but not including roof overhangs.

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*Lot depth* means the average distance from the median of the front property line to the median of the rear property line measured perpendicularly from one (1) of the sides.

*Lot, substandard* means a parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

*Lot, transition* means a lot in one (1) zoning district abutting another district.

*Lot width* means the average distance between the medians of the two (2) side lot lines, measured perpendicularly from one (1) of the sides.

*Low-impact commercial business* means a commercial use which complies with the parking standards and does not emit an excessive amount of traffic, noise, vibration, light, heat and/or fumes to be considered a nuisance to surrounding residential areas.

*Manufactured home* means factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD Code.

*Manufacturing, light* means an establishment engaged in manufacturing, assembly, compounding, processing, packaging, treatment or distribution of projects, including primary product production from raw materials or production of services, but excluding establishments which produce or emit toxic or noxious gases, odors or fumes, excessive noise, vibration or electrical interference or similar substances or conditions onto adjacent or other properties; or dangerous to the comfort, peace, enjoyment, health and safety of the community.

*Marketplace* means a retail center located in a unique architectural setting with a mix of small specialty shops and carts offering one-of-a-kind merchandise, with an emphasis on gifts and crafts supplied locally and food offerings.

*Master map* means the map set forth in Section 16-10-35, ~~which map depicts~~ depicting all previously defined non-buildable area(s) within the Mountaintop Area that contain lynx denning and peregrine falcon nesting areas, view shed corridors, wetlands and stream corridors, and critical slopes greater than thirty percent (30%).

*Membership organization* means an organization exclusively serving members and their guests, and whose facilities are limited to meeting, eating and recreational uses; and, further, whose activities are not conducted principally for monetary gain.

*Mining* means the development or extraction of a mineral from its natural occurrences on affected land; the extraction and removal of materials from land.

*Mining, surface* means processes for the commercial removal of minerals or aggregate materials from the surface of the earth.

*Mixed-use development* means the development of a tract of land, building or structure with a variety of complementary and integrated uses such as, but not limited to, residential, office, manufacturing, retail, public or entertainment in a compact urban form.

*Mobile home* means a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit or in sections by special permit. (Section 38-12-201.5[2], C.R.S.)

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*Mobile home park* means a site containing three (3) or more spaces with required improvements and utilities that are leased for the long-term placement of mobile homes and that may include services and facilities for the residence.

*Mobile or manufactured home sales* means the sale, lease or rental of new and used mobile homes, modular homes, manufactured homes, ~~and trailers and motor homes.~~

*Modular home* means a ~~single family dwelling~~ residential structure which is partially or entirely manufactured in a manufacturing facility; is installed on an engineered permanent foundation; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the adopted Building Code.

*Motel* means an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

*Motor vehicle sales* means the sale, lease or rental of new and used automobiles, trucks, motor homes, recreational vehicles and trailers.

*Mountaintop area* has the meaning stated in [Section 17-2-10](#).

*Municipal property* means any chattels, structures, lots and/or parcels owned by the Town.

*Municipal use* means any use of land or structures by the Town.

*Natural hazard* means a geologic, floodplain, or wildfire hazard as identified by a local, state or federal agency.

*Natural hazard area* means an area subject to natural events known to result in death or endangerment to public health, safety and welfare such as stream flooding, ground water, flash flooding, erosion or fluvial deposits, landslides, earthquakes, weak foundation soils, wildfire, and other hazards unique to a local or regional area.

*Nonconforming lot* means any lot which was lawfully established pursuant to the regulations in effect at the time of its development, but which does not conform to the minimum lot area standards of this Chapter for the zone district in which the lot is located.

*Nonconforming structure* means any structure which was lawfully established pursuant to the regulations in effect at the time of its development, but which does not conform to the standards of this Chapter for the zone district in which the structure is located regarding minimum setbacks, maximum height or maximum building lot coverage, the applicable standards for off-street parking or other applicable standards.

*Nonconforming use* means any use of a structure or land which was lawfully established pursuant to the regulations in effect at the time of its development, but which use is not designated in this Chapter as an allowed use, a use allowed by limited review or a use allowed by conditional review in the zone district in which it is located.

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*Non-impervious surface*-means area on a lot that consists of natural or human made, pervious material that absorbs water, including storm water, and includes: wild ground cover, fescue sod, native grasses, wildflowers, xeriscape areas, trees, riparian areas, river and creek areas, wetlands, reservoirs, and other green plant life.

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*Nuisance* means any object, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life; anything offensive or obnoxious to the health and welfare of the inhabitants of the Town.

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*Office use* means offices or studios of professional or service occupations or agencies which benefit from and contribute to an environment of semi-residential nature characterized by low traffic and pedestrian volumes, lack of distracting, irritating or sustained noise and low density of building developments, including accountant, appraiser, architect, engineer, insurance adjuster, landscape architect, lawyer, consultant, secretarial agency, bonding agency, travel agency, real estate, mortgage or title agency and investment agency.

*Open space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. Ownership of open space may be deeded or reserved to a property owner's association, dedicated to the public or protected in other forms deemed acceptable to the Town Council.

*Open space, common* means land within or related to a project, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and guests of the development, and may include such complementary structures and improvements as are necessary and appropriate.

*Open space, green* means an open space area not occupied by any structures or impervious surfaces.

*Open space, private* means common open space, the use of which is normally limited to the occupants of a single dwelling or building or property.

*Open space, public* means open space owned and maintained by a public agency and maintained by it for the use and enjoyment of the general public.

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*Open space ratio* means total area of open space divided by the total site area in which the open space is located.

Open Space Ratio =	<u>Open Space Area</u> Site Area
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~~Unusable~~ ~~Open space~~, unusable means land dedicated to conservation opportunities in which construction is limited to trails, bridges, irrigation structures, erosion protection devices, underground utilities and similar low-impact uses.

~~Usable~~ ~~Open space~~ means land dedicated to open-air outdoor recreation which may include parks with play equipment, ball fields, lawn areas, walkways, soft and hard trails, sitting areas, courtyards and landscaping areas, tennis courts, swimming pools or other meaningful recreation facilities common to the residents.

*Ordinary high water mark* means that line on the bank established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas. The ordinary high-~~water~~ mark shall be determined by a qualified and licensed professional chosen by the Town and paid for by the project applicant.

Owner means any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others: 1) has legal or equitable title to any premises, dwelling, or dwelling unit with or without accompanying actual possession thereof; or 2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

*Parcel* means a unit of land or a series of contiguous units of land held in common ownership. (See Illustration No. 16-1 at [Section 16-2-30](#).)

*Parking area* means any public or private area under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

*Parking area, private* means a parking area for the exclusive use of the owners, tenants, lessees or occupants of the lot on which the parking area is located, or their customers, employees or whomever else they permit to use the parking area.

*Parking area, public* means a parking area available to the public, with or without payment of a fee.

*Parking area, shared* means joint use of a parking area for more than one (1) use.

*Parking, off-street* means any parking area located off of any publicly or privately owned street and entirely within the boundaries of one (1) or more lots or parcels.

*Parking, on-site* means parking spaces located on the same lot or parcel as the land use generating the need for parking.

*Parking space* means space adequate to park a standard automobile, plus means of access.

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*Parking structure* means a building or structure consisting of more than one (1) level and used to store motor vehicles.

*Party wall* means a common, shared wall between two (2) separate structures, buildings or dwelling units. (See Illustration No. 16-1 at [Section 16-2-30.](#))

*Patio* means an area that adjoins a building, has an impervious surface, is open to the sky (roofless), has no railings, walls, fences or other enclosures, and is not more than six (6) inches above grade and is not located over any basement or story below.

*Pawnshop* means a place of business which takes or receives, by way of pledge, pawn or exchange, goods, wares, merchandise or any kind of personal property whatever, for the repayment or security of any money loaned thereon, or to loan money on deposit of personal property.

*Pedestrian scale* means the proportional relationship between an individual and his or her environment. *Pedestrian scale* suggests that the relationship between a person and the environment, whether natural or created, is comfortable and intimate and contributes to the individual's sense of accessibility. *Pedestrian scale* also means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

*Personal services* means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. *Personal services* include, but are not limited to, the following: laundry, linen supply, diaper service, beauty and barber shops, shoe repair, funeral service, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service and domestic services.

*Pharmacy* means a place where drugs and medicines are prepared and dispensed; any place where prescription drugs are dispensed or compounded.

*Phasing* means development undertaken in a logical time and geographic sequence. See also the phasing standards at Section 16-17-230 of this Chapter.

*Photographic studios* means an establishment for taking and developing photos for sale.

*Planned Unit Development (PUD)* means an area of land controlled by one (1) or more landowners, ~~to be planned, designed and developed under unified control or unified as a~~ customized zone district under unified control or unified plan of development for a number of ~~dwelling units~~, residential, commercial, educational, recreational or industrial uses or any combination of the foregoing. ~~A PUD the plan for which~~ may not correspond in lot size, bulk or type of use, density, building lot coverage, open space or other ~~restriction or dimensional limitation prescribed or applicable within the underlying zone district in place prior to the approval of the proposed PUD to the existing land use regulations.~~ (Section 24-67-103(3), C.R.S.)

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*Planning Director* means the Town Administrator or his or her designee.

*Plaza* means an open area that may be improved and landscaped; usually surrounded by streets and buildings.

*Preexisting use* means the use of a lot or structure prior to the time of the enactment of this Zoning Code.

*Principal use* means the primary purpose or function that a lot or parcel serves or is intended to serve.

*Processing* means to subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource; examples include petroleum refining, ore smelting, coal crushing and cleaning, saw mills, alfalfa pellet mills, food canning or packing, creation of glass, ceramic, or plastic materials, gravel crushing, cement manufacture.

*Professional activities* means the conduct of a business, profession, service or government where retail trade is not conducted.

*Professional offices* means a room or suite of rooms maintained for the practice of any generally recognized profession, including medical practitioners, dentists, lawyers, architects, engineers or similar professions.

*Property* means a lot, parcel, tract, or plot of land together with the buildings, structures, improvements and appurtenances thereon.

*Public building or use* means any building open to the general use, participation or enjoyment of the public and owned by the Town, county, district, state or federal government or a public utility corporation.

*Public nuisance* means any place where people congregate, which encourages a disturbance of the peace, or where the conduct of persons in or about that place is such as to annoy or disturb the peace of the occupants of or persons attending such place, or the passerby on the public street or highway. (Section 16-14-304(1)(a), C.R.S.)

*Public utility* means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare. Facilities used for public utility purposes, including but not limited to an electric substation, a gas regulator station, a telephone exchange, a water or sewer pumping station or a water reservoir.

*Railroad yard* means an open area for the storage and repair of trains.

*Ranch lot* has the meaning stated in [Section 17-2-10](#).

*Ranch lot plat* has the meaning stated in [Section 17-2-10](#).

*Ranch lot process* has the meaning stated in [Section 17-2-10](#).

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*Recreational facility* means a place designed and equipped for the conduct of sports and leisure-time activities.

*Recreational vehicle* means a vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

*Recreational vehicle park* means any lot or parcel of land upon which two (2) or more recreational vehicles sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

*Reservoir* means a pond, lake, tank or basin, natural or man-made, used for the storage, regulation and control of water.

*Resident occupied community housing* means housing with a deed restriction recorded against it requiring that it be owned or occupied by an Employee/Qualified Resident as its Primary Residence as set forth in the Town of Minturn Housing Guidelines and Administrative Procedures.

*Restaurant* means any establishment whose principal business is the sale of food for consumption at tables located on the premises.

*Retail store* or establishment means a building or part of a building where goods, merchandise, substances, articles or things are offered or kept for retail sale directly to the general public. ~~and includes storage on the store premises of limited quantities of such goods, merchandise, substances, articles or things sufficient only to service such store. Such a use may include outside display and sale.~~

*Right-of-way* means a strip of land acquired by reservation, easement dedication, forced dedication, prescription or condemnation ~~and~~ intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. ~~Generally, it is the right of one to pass over the property of another.~~

*Roadside stand* means a temporary structure designed or used for the display or sale of one-of-a-kind artwork and crafts, nursery, greenhouse, garden or other produce.

*Self-service storage facility* means a structure containing separate, individual and private storage spaces of varying size, which are leased or rented, ~~on individual leases~~ for varying periods of time ~~to the public.~~

Self-service storage facilities are often referred to as mini-warehouses and storage units ~~and designed to serve both residential and commercial customers.~~

*Setback* means the minimum distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building.

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Shared or party driveway means a single driveway, no more than eighteen (18) feet wide serving two (2) or more adjoining lots. (See Illustration No. 16-1 at [Section 16-2-30.](#))

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*Site plan* means the scaled development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot. (See Illustration No. 16-4 at [Section 16-2-30.](#))

*Ski area* means an area developed for snow skiing and snowboarding, with trails and lifts, including ski and snowboard rental and sales, instruction, emergency medical and eating facilities.

*Ski resort* means a ski area that also includes sales, rental and services of related equipment and accessories, eating places, residences, hotels and motels.

*Small appliance repair shops*, ~~excluding furniture repair~~ means a center for the sale, repair, maintenance of or diagnosis ~~upon of~~ small appliances, defined herein as a device or instrument ~~designed to perform a specific function, especially an electrical device~~ such as a toaster, for household use.

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*Storage and utility area* means that portion of a building or lot designed and/or used or both, primarily for holding or safekeeping goods or machinery, or for the location or installation of mechanical devices to provide, generate or store utility service, including heat, water, cooling, electric power, propane gas and natural gas.

*Stormwater* means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

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*Street* means any vehicular way that: (1) is an existing state, county or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the County Clerk and Recorder's office. A street includes the land between the street lines, whether improved or unimproved.

*Street, private* means a street that has not been accepted by the Town or other governmental entity.

*Structure* means anything constructed or erected, the use of which ~~requires location is~~ located on or in the ground, ~~including Examples include but are not limited to buildings, mobile homes, billboards, swimming pools, or the like or part thereof, and non-habitable enclosures.~~ Utility poles, flagpoles or walls and fences less than four (4) feet high are excluded.

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*Studio for arts and crafts* means the workshop of an artist, sculptor, photographer, crafts person or organization.

*Tailors ~~and~~ or dressmakers* means a center for the repair or manufacturing of individual clothing or apparel on a small scale.

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*Temporary structure* means a structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

*Temporary use* means a use established for not more than six (6) months with the intent to discontinue such use upon the expiration of the time period.

*Terminal* means a place where transfer between modes of transportation takes place.

*Theater* means a place of public assembly designed for the screening or viewing of motion pictures, plays, performing arts, or similar events.

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*Townhouse* means a single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) or more vertical, common fire-resistant walls.

*Traffic impact study* means a report analyzing anticipated street and roadway conditions within and without an applicant's development.

*Trailer* means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods or objects, or as a temporary office.

*Transitional use* means a permitted land use or structure of an intermediate intensity by level of activity or scale between a more intensive and less intensive use. Some examples of *transitional use* include professional offices located between retail and residential uses, duplex and townhouse units located between single-family detached and multi-family areas, and private clubs or low-intensity recreational uses between industrial and residential uses.

*Travel and ticket agency* means a sales or service establishment dealing in travel services.

*Use* means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

*Vested right* means a use or development right that cannot be changed or altered by change in a regulation.

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*Warehouse* means a building used primarily for the storage of goods and materials.

*Xeriscape* means a landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation). Xeriscape areas must include at least fifty percent (50%) plants (as opposed to rocks under-laid by a landscape/soil barrier), and permit infiltration of stormwater into the underlying soil.

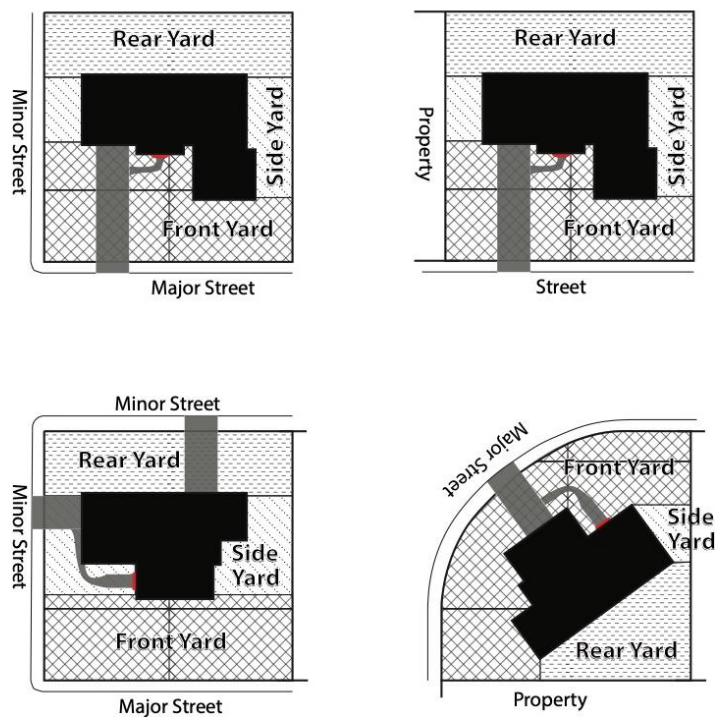
*Yard* means the space on the same lot as a building or structure that is unoccupied and open to the sky, except as provided herein.

*Yard, corner lot* means the yard on a lot that is bounded on two (2) sides by streets. The front yard is side of the lot where the front door is located as determined by the Planning Director. In addition to front, rear and side yard setbacks, a corner lot must meet the "clear vision" code. The application of side and rear yard setbacks shall be determined by the Planning Director.

*Yard, front* means that portion of a yard between the street line and the front door of the building and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

*Yard, rear* means that portion of a yard between the rear of a building and a rear lot line, and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.

*Yard, side* means all the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building.



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~~(Prior code 16-2-2; Ord. 9-2002 §3; Ord. 15-2008 §1; Ord. 4-2011 §2; Ord. 1-2012 §1;  
Ord. 01-2015 §2; Ord. 1-2017 §§3, 5.1; Ord. 5-2018 §2)~~

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Minturn and Carbondale examples combined

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## ARTICLE 2 – Definitions

### Sec. 16-2-20. - Definitions.

For the purposes of this Chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

*Accessory apartment* means a dwelling unit located within or adjacent to a single-family dwelling or commercial space. Accessory apartments shall be subordinate to the principal use located on a parcel and shall have separate cooking, bathing and sleeping areas. Accessory apartments may be located within or above a detached accessory building or garage and shall remain under the same ownership as the single-family dwelling.

*Accessory building or structure* means a building or structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. An *accessory building or structure* is functionally dependent upon the principal use. (See Illustration No. 16-1 at [Section 16-2-30](#))

*Accessory dwelling unit* means an individual dwelling unit subordinate to, and contained within or on the same lot as, a single-family dwelling unit or commercial unit. Accessory dwelling units (ADUs) include separate living facilities with provisions for sleeping, cooking, and sanitation, and are designed for residential occupancy independent from the principal residential or commercial unit or use.

*Accessory use* means a use of land, or of a building or portion thereof, customarily incidental to and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Addition means any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

*Adjacent property* means the property touching any part of the property which is subject to a land use application. If an adjacent property is a public road, trail, or right-of-way, railroad right-of-way, stream, or river, the adjacent property shall also be the property located on the opposite side of such public rights-of-way, streams, or rivers.

*Adult use* means an establishment consisting of, including or having the characteristics of any or all of the following:

*Adult bookstore* means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes or films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

*Adult cabaret* means:

1. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on

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matter depicting, describing or relating to sexual activities or anatomical genital areas;

2. A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators or similar entertainers for observation by patrons.

*Adult massage parlor* means a similar establishment or portion of an establishment presenting material distinguished by emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement and customarily not open to the general public through the exclusion of minors.

*Adult motion picture theater* means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

*Nude entertainment establishment* means an establishment where a person appears in a state of nudity when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of either sex.

*Agricultural* means farm or ranch uses, as defined in 39-1-102 C.R.S., including buildings for shelter of farm or ranch animals or property primarily employed in any of the following uses:

*Animal husbandry* means raising of livestock, bees, apiary products and fur animals, including the incidental preparations for market, storage and delivery, but not the sale of retail products.

*Horticulture* means the cultivation of a garden or orchard, including floriculture and viticulture, and comprises the production of crops and raising nursery stock, including incidental preparations for market, storage and delivery but not retail sale of products.

*Alley* means a public right-of-way or private service roadway providing a secondary means of access to abutting property and designated for service access to the rear or side of buildings.

*Alteration* means any act or process that changes one (1) or more of the exterior architectural features of any building or structure. A change in exterior color is not an *alteration*.

*Alteration, site* means any act or process that changes the physical features of undeveloped or previously developed lands by means of earth moving, landscaping or construction.

*Alteration, structural* means any change in the supporting members of a building or structure, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof, foundation or exterior walls.

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Alteration, watercourse means any act or process that changes the physical nature and properties of a water course including but not limited to channelization or flow diversions within live streams or other water bodies.

*Amusements* means an establishment or enterprise for the purpose of amusing or entertaining persons, including by way of example but not in limitation, museums, bowling alleys, pool halls, arcades, dance halls, puppet shows, theaters, cinemas, concerts, stage shows, roller and ice skating rinks, sport facilities and recreational facilities, whether such establishments are indoor or outdoor, for profit or not for profit or in conjunction with another use on the premises. However, amusements shall not include devices for amusement and entertainment such as jukeboxes, pool tables, coin-operated games, pinball machines or television and radio where such devices are clearly incidental and subordinate to the principal use of the premises.

Applicant means a property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit, or approval.

*Area median income (AMI)* means the median household income estimates and program income limits compiled and released annually by the United States Department of Housing and Urban Development (HUD).

Automobile body shop means a facility which provides collision repair services, including body frame straightening, replacement of damaged parts, undercoating of body or frame parts, and painting.

Automobile dealership means the use of land for the display or sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles.

*Automobile service station* means any building, land area or other premises or portion thereof used for the retail dispensing or sales of vehicular fuels; serving and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories. Motor vehicle service is listed as an industrial use.

*Automotive detail shop* means a building, or portion thereof, containing facilities for complete or partial cleaning and/or restoration of automobiles as a service to a customer, including but not limited to hand-washing of automobiles; applying paint protectors; interior and exterior cleaning and polishing; and the installation of after-market accessories such as window tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items, as a service to a customer.

*Automotive parts/sales* means any building or premises whose primary use is for the dispensing or sale at retail to the public of lubricating oil or grease, tires, batteries and other minor automobile accessories.

Bakery, retail means an establishment primarily engaged in the preparation and sale of baked products for consumption on- or off-site. Such use includes the baking of bread, cake, cookies and other confectionary items

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Bakery, wholesale means a bakery where production of baked goods and confectionaries are permitted for delivery to wholesale customers or for door-to-door sale or delivery to retail customers, but where over-the-counter or other retail dispensing of baked goods shall be prohibited

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Bank means a financial institution that is open to the public and which provides retail banking, deposit banking and the exchange of money, mortgage lending, financial services, and/or check cashing services to individuals and businesses.

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Bar means an establishment or part of an establishment either indoors or outdoors primarily devoted to the selling, serving, dispensing and consumption of alcoholic beverages and in which the service of food is incidental and customary to the consumption of such beverages.

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Barbershop means a fixed place of business wherein barbering is practiced.

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Batch plant means a facility where raw materials such as rock, sand and gravel aggregates are stored and processed using apparatus such as crushers and mixers for the production and preparation of asphalt or concrete for use onsite or for transport to another site.

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Bathroom means a room containing at least the following fixtures: (1) sink; (2) toilet; and (3) tub or shower.

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Beauty salon means any commercial establishment wherein cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

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Bedroom means that portion of a dwelling unit designed to be suitable for sleeping purposes, which may contain closets, may have access to a bathroom, and meets building and fire code requirements for light, access, egress and ventilation.

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Bed and breakfast means a dwelling unit in which the bed and breakfast proprietor and/or manager resides on the premises and in which overnight accommodations and a morning meal are provided only to guests of the facility for compensation. There are no cooking or dining facilities provided in individual rooms, and the length of stay is less than thirty (30) days. (See also Commercial accommodations.)

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, storage or enclosure of persons, animals, equipment, goods or materials of any kind.

Building, attached means a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

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Building, detached means any building or structure separated as required by building and/or fire codes from another building or structure on the same lot.

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Building bulk means the visual and physical mass of a building.

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Building footprint means the exterior outline of a structure where it meets the earth; a building's perimeter at the ground level measured at the outside of all exterior walls of a building or structure.

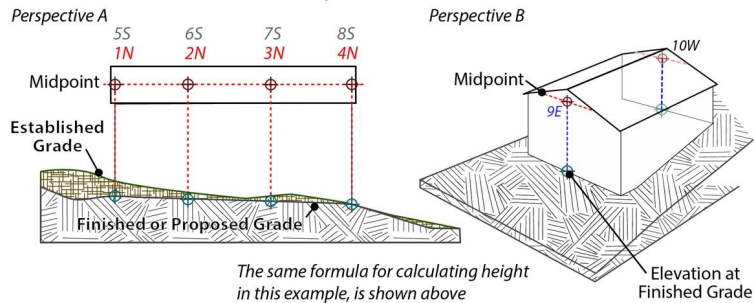
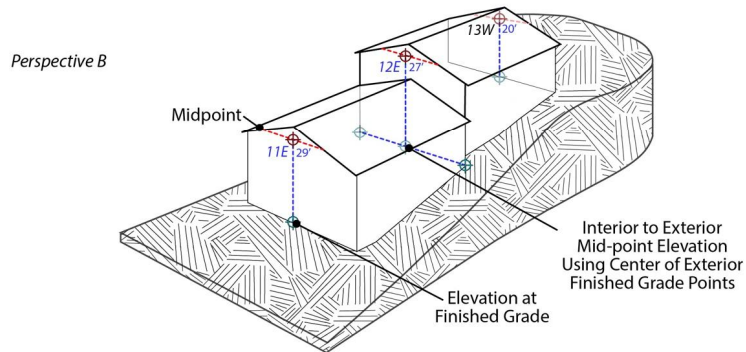
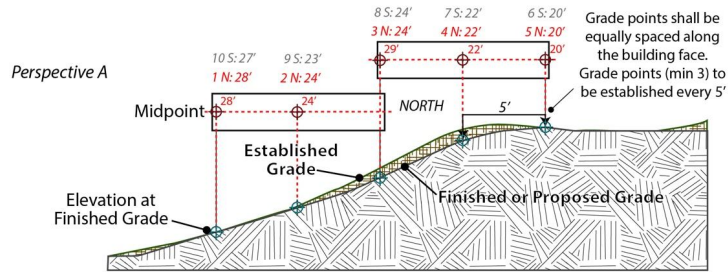
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Building height means the maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished ~~or natural~~ grade ~~(whichever is more restrictive)~~ and a point on the roof ~~depending on the~~ as required per roof type. Grade points shall be located on the finished grade elevation. Heights from each point are to be measured vertically to the midpoint of the roof as shown (or as specified for the applicable roof design), from grade points, established every 5' along the building face. If building length is not divisible equally using 5', grade points may be closer. Example: Building length is 22'.  $22'/5' = 4.4'$  Result: Grade points to be used every 4.4 feet along building face. Building height limitation shall not apply to spires, belfries, cupolas, antennas, communication towers, silos, agricultural barns, water towers, ventilators, chimneys, monuments, ag poles or other appurtenances, usually required to be placed above the roof level and not intended for human occupancy. No portion of any structure shall exceed the applicable building height limitation contained in this Code. (See Illustration No. 16-2.)

### Building Height Calculation using Perspectives A and B

Average of heights as measured from all sides, divided by the number of measurement points =  
Average Height of structure from Finished grade or

$$\frac{N\ 28+24+29+22+20 + E\ 29+27+20 + S\ 27+23+24+22 + W\ 20}{13\ (\text{number of measurements})} = 24' BH$$



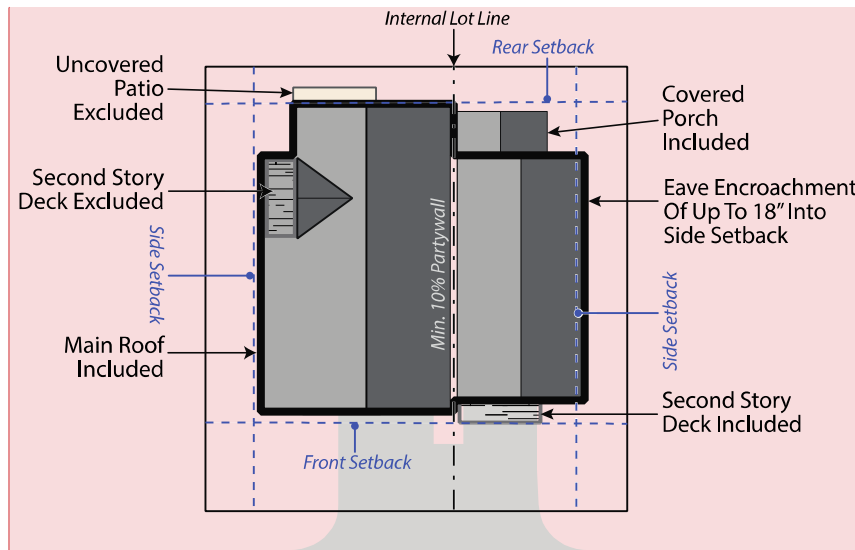
Height measurement points specified for the following types of roofs:

**Flat roof:** Height shall be measured to the highest point of the building, including parapet walls and rooftop appurtenances, but excluding architectural features and chimneys which may be permitted by Planning Director.

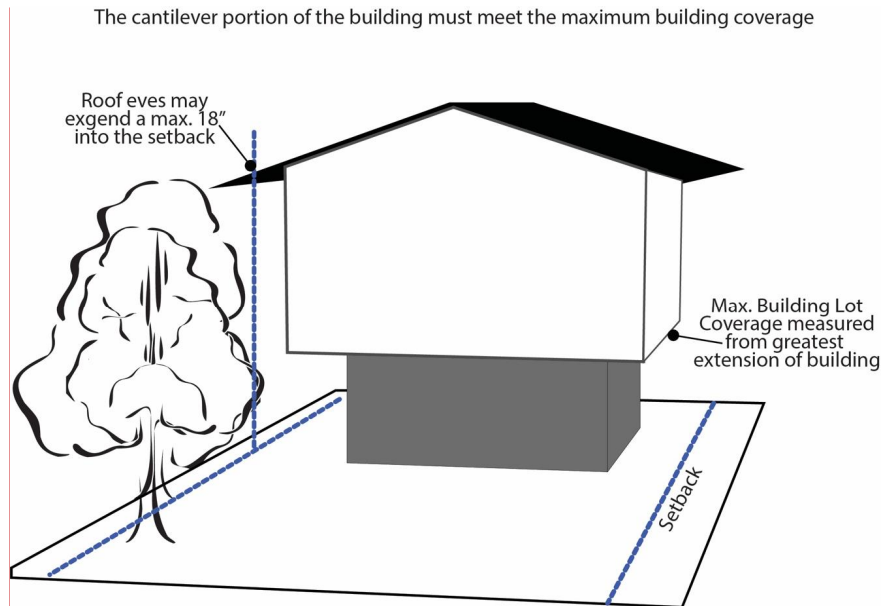
*Gable, hip, gambrel or shed roof:* Height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet. Mansard roof height shall be measured to the decline of the roof.

See also [Section 16-3-30](#).

*Building lot coverage* means the portion of a lot that is covered by buildings and accessory buildings including all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. For purposes of establishing lot coverage, buildings are measured at the outside exterior wall and do not include roof overhangs.



Commented [S20]: Illustration by JS Designs



**Commented [S21]:** Illustration by JS Designs

*Bulk plane* means a theoretical incline plane rising over a lot, beginning above a setback line or directly above a property line at a maximum height of twenty (20) feet and rising over a slope determined by a forty-five (45) degree angle measured down from the vertical. (See Illustration No. 16-3)

*Business improvement district* means a special district established to provide services to a business district that extend beyond the level of services provided by the local government, including extra maintenance, improved street lighting or beautification, capital improvements, promotional activities and special events.

**Commented [S22]:** Apa dictionary

*Business incubator* means a facility dedicated to the start-up and growth of small businesses, accomplished through management and facility support systems for the cultivation and enhancement of future businesses or business-oriented developments.

**Commented [S23]:** Apa dictionary

*Camper/trailer* means a vehicle eligible to be registered and insured for highway use, designed to be used as temporary shelter for travel, recreational and vacation purposes for not more than thirty (30) days. The term includes, but is not limited to, equipment commonly called fifth wheels, independent travel trailers, dependent travel trailers, tent trailers, pickup campers, motor homes and converted buses, but does not include mobile homes.

*Campground* means any property utilized for temporary occupancy, such as tents or recreational vehicles, are located or placed for a period not to exceed thirty (30) days.

**Commented [S24]:** City of Boulder

*Car wash* means a building, or portion thereof, containing facilities for washing automobiles, using production line; or providing space, water, equipment or soap for the complete or partial hand washing of such automobiles, whether by an operator or by a customer.

*Caretaker unit* means an attached or detached accessory dwelling unit intended to be occupied by not more than four (4) unrelated individuals, or by a family, which individuals are employed for the purpose of taking care of the property and improvements located within a ranch lot or within an estate lot and/or providing domestic services to the principle single family dwelling located on such lot.

**Commented [S25]:** Does this have to be restricted to just estate or ranch lots in the mountain top area?

*Cemetery* means land used for interring of the dead.

*Church* means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

*Clear vision area* means

**Commented [S26]:** Complete definition

*Cluster subdivision* means a form of planned residential development that concentrates buildings on a part of the site (the cluster area) to allow the remaining land (the open space) to be used for recreation, common open space, or preservation of environmentally sensitive areas.

*Commercial accommodations* means a building or group of buildings containing guest units designed to be rented for less than thirty (30) days to the general public for compensation and which may or may not have eating or drinking facilities as an accessory use. *Commercial accommodations* include bed and breakfasts, inns, hostels, motels, hotels, boarding houses, lodging houses and dormitory housing.

*Commercial use* means an occupation, employment, or enterprise that is carried out for profit by the owner, lessee, or licensee.

*Community center* means a building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

*Community character* means the image of a community or area as defined by such factors as its social and economic characteristics, the built environment, natural features and open space elements, type of housing, architectural style, infrastructure and the type and quality of public facilities and services.

*Community facilities* means a use, or a building or structure owned and/or managed by a governmental agency to provide a governmental service to the public.

*Community housing* means residential dwelling unit within the Town of Minturn that is deed restricted in accordance with the Town of Minturn's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town



Council, and in accordance with a deed restrictions approved by the Town of Minturn Town Council or its designee

*Community housing rental unit* means a Community Housing unit that is deed-restricted in accordance with the Town of Minturn's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with deed restrictions approved by the Town of Minturn Town Council or its designee, to establish a maximum rental prices, as well as residency, employment and income qualifications for owners and occupants.

*Community housing residency requirements and guidelines* means the requirements adopted by resolution by the Town Council, from time to time, which may include, but shall not be limited to, standards concerning the procedure for qualifying to own or rent Community Housing Units; the requirements (e.g. residency) for qualifying to own or rent Community Housing Units; forms of approved deed restrictions; limitations on appreciation of sales prices of Community Housing; procedures for sale of Community Housing; priorities for persons bidding to purchase Community Housing Units; maximum sales and rental rate increases; standards for the number of residents per dwelling unit; quality of construction requirements for new Community Housing Units; and possible incentives for the construction of Community Housing. The Community Housing requirements and guidelines, and amendments thereto, shall be adopted following a duly noticed public hearing at which such guidelines are considered.

*Community housing for sale unit* means a Community Housing unit that is deed-restricted in accordance with the Town of Minturn's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with a deed restrictions approved by the Town of Minturn Town Council or its designee to establish maximum initial sales and resale prices, as well as residency, employment and income qualifications for owners and occupants.

*Community-oriented building, facility or use* means a predominately noncommercial use established primarily for the benefit and service of the general public or the community in which it is located. Such facilities include, but are not limited to: community centers, art/performing arts or cultural centers, libraries, museums and other similar uses.

*Conditional use* means a use listed in the zone district use tables and permitted upon approval of the Town Council upon showing that such use in a specified location will comply with the conditions and standards for the zone and location proposed.

*Conditional use permit* means a use permit issued by the Town stating that the conditional use meets all the standards and conditions set forth in this Chapter.

*Condominium* means a form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

Commented [S27]: Apa dictionary

*Contiguous* means sharing a common border at more than a single point of intersection and in such a manner that the shared boundaries are touching. Lands that are separated by a

right-of-way that is dedicated in fee simple shall not be considered to be *contiguous*. Lands that touch at points of intersection shall also not be considered to be *contiguous*.

*Convenience store* means a small-scale food store less than two thousand five hundred (2,500) square feet in size, generally located in small neighborhood convenience centers. Such stores may have on-site service of food or drink for immediate consumption, and carry for sale general food items, as well as medicines, cosmetics and limited beer and wine items.

*Cottage industry*: See *Home occupation*.

*Day care center* means a licensed residence or facility which provides regular care and supervision, for an entire day or a portion of a day, for seven (7) or more children or adults who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care.

*Day care home* means a licensed residence or facility which provides regular care and supervision, for an entire day or a portion of a day, for more than two (2) but not more than six (6) children who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care.

Deck means a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure. Decks typically have access to the ground level.

Commented [S28]: JS Designs

*Deed restriction* means a contract entered into between the Town and the owner or purchaser of real property identifying the conditions of occupancy, rental and/or resale.

*Delicatessens and specialty food stores* means establishments selling specialty foods at retail and less than two thousand five hundred (2,500) square feet in size.

Demolition means any act or process that dismantles, destroys or removes in part or in whole a building or structure, site, utilities or other improvements.

Commented [S29]: Apa dictionary

*Density* means a unit of measurement indicating the number of dwelling units per acre of land.

Gross density means the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development.

Commented [S30]: Apa dictionary

Net density means the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel excluding street rights-of-way, areas within the one-hundred-year floodplain and portions of land with slopes in excess of thirty percent (30%).

*Design continuity* means a unifying or connecting theme or physical feature of the Town or Character Area, provided by one (1) or more elements of the natural or created environment.

*Design fit* means consistency in scale, quality or character between new and existing development so as to avoid abrupt and/or severe differences.

*Design review* means the submission of a site or building design for review by the Town Design Review Board. See Appendix B to this Code.

*Design standards* means the Town's Design Standards and Guidelines defining parameters to be followed in site and/or building design and development. See Appendix B to this Code.

*Designated buildable area(s)* has the meaning stated in [Section 17-2-10](#).

*Development* means any man-made change to improved or unimproved real estate, including but not limited to construction, demolition, renovation, rehabilitation, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Dormitory housing* means a building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar institutional use.

*Drive-in use* means an establishment that, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

*Drive-through/drive-up establishment* means a place of business operated for the retail sale and purchase of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of food or beverages in automobiles on the premises or elsewhere on the premises, but outside any completely enclosed structures.

*Drugstores and pharmacies* means a retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of five thousand (5,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores, but such a store shall not be deemed to be a *pharmacy*.

*Dry cleaners* means an establishment engaged in providing laundry, dyeing and dry-cleaning services to individual customers.

*Duplex* means a structure that is used exclusively by two (2) families, each living as an independent house-keeping unit. Joining Requirements: a shared roof line, buildings connected by a common roof, including covered walkways; or a minimum ten percent (10%) of a party wall; or a structure divided into two (2) living spaces by one (1) wall or floor. (See ~~Illustration No. 16-5.~~)

*Duplex lot* means a lot located within a character area and zone that permits duplexes that has a minimum lot size of at least five thousand (5,000) square feet.

*Dwelling* means a structure or portion thereof that is used exclusively for human habitation.

*Dwelling, multiple-family* means a building containing three (3) or more dwelling units, including apartments, condominium units or townhouses, designed for and used by three (3) or more families each living as an independent housekeeping unit.

*Dwelling, single-family* means a building containing a single dwelling unit.

*Dwelling unit* means any room or group of rooms with not more than one (1) indoor kitchen facility designed for or used as a dwelling for one (1) family as an independent housekeeping unit. *Dwelling unit* shall include mobile and manufactured homes, but shall not include hotels, motels, clubs, boarding houses, dormitories or other institutions such as hospitals or jails.

*Dwelling unit, efficiency* means a dwelling unit consisting of not more than one (1) habitable room together with a kitchen or kitchenette and sanitary facilities.

*Easement* means a grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

*Eating and drinking establishment* means a commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

*Educational facility* means public schools, nonpublic schools, colleges and universities, proprietary schools and schools administered and operated by the State. The following definitions shall apply to the various types of educational facilities:

*Colleges or universities* means such educational facilities under charter or license from the State.

*Nonpublic schools* means all private, parochial and independent schools which provide education for compulsory school-age pupils comparable to that provided in the public schools of the State.

*Proprietary facilities* means all privately owned and managed educational facilities which may include, but not be limited to, art, church, business colleges, trade schools, church camps and day camps.

*Public schools* means those schools administered by legally organized school districts.

*Employee/Qualified resident* means a person who is employed on the basis of a minimum of 1,500 hours worked per calendar year in the Employment Area, which averages thirty (30) hours per week for a minimum of ten (10) months per year, physically working the Employment Area and who resides in the Community Housing Unit as their sole and exclusive place of residence a minimum nine (9) months of a twelve (12) month period. Priority will be given to employees/qualified residents employed within the Town of Minturn boundaries.

*Employment area* means that portion of the Eagle River Valley located from Dotsero to Red Cliff, including Vail.

*Encroachment* means any obstruction or illegal or unauthorized intrusion in a setback or right-of-way or on adjacent land.

*Enlargement* means an increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

*Estate lot* has the meaning stated in [Section 17-2-10](#).

*Estate lot plat* has the meaning stated in [Section 17-2-10](#).

*Estate lot process* has the meaning stated in [Section 17-2-10](#).

*Exception* means permission to depart from the design standards in the design standards.

*Family* means any number of individuals living and cooking together, including domestic employees, as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability, but not exceeding four (4) unrelated individuals. A *single housekeeping unit* is defined as common use and access to all living and eating areas, bathrooms and food preparation and serving areas.

*Financial institution* means a bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM) wherein the provision of financial and banking services is offered to consumers or clients.

Commented [S31]: Apa dictionary

*Fiscal impact analysis* means an analysis, also known as a cost-revenue analysis, of the costs and revenues to the Town associated with a specific development application.

*Flea market* means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

*Funeral home* means a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

*Gas station* means any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto.

*General development plan* means a plan showing general land use, circulation, open space, utilities, stormwater management, environmental factors, community facilities, housing, impacts and phasing for development proposed to be constructed as a Planned Unit Development.

*Grade, established* means the grade of a property prior to the most recent proposed development or construction activity. On developed lots, the Zoning Administrator shall estimate established grade if not readily apparent, by referencing elevations at points where the developed area appears to meet the undeveloped portions of the land. The estimated grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of runoff water.

Commented [S32]: JS Designs

*Grade, finished* means the final elevation of the ground surface of a site after human-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface; the grade of a site after reconfiguring grades according to an approved site plan related to the most recent building permit activity on a site.

Commented [S33]: JS Designs and Apa dictionary

*Grade, natural* means the elevation of the surface of the ground which has been created through the action of natural forces and has not resulted from humanmade cuts, fills, excavation grading or similar earthmoving processes, or, the ground surface elevation in existence prior to the initiation of development on a parcel of land.

Commented [S34]: JS Designs

*Grocery store* means a commercial establishment over two thousand five hundred (2,500) square feet in size, commonly known as a supermarket or food store, primarily engaged in the retail sale of canned foods and dry goods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry.

*Gross income* means the total income, including alimony and child support, derived from a business, trust, employment and from income-producing property, before deductions for expenses, depreciation, taxes, and similar allowances.

*Gross leasable area (GLA)* means the total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. *GLA* does not include public or common areas such as utility rooms, stairwells, malls and so on.

*Group home* means a residential building that is owned and operated by a nonprofit organization, or is owned and operated by an individual or group of individuals who actually reside at and maintain their primary place of residence in the group home, that is:

- a. Occupied by elderly persons. Is occupied by not more than eight (8) persons who are sixty (60) years of age or older who do not require skilled or intermediate care facilities.
- b. Occupied by developmentally disabled persons. Contains a state-licensed facility for the exclusive use of not more than eight (8) persons who are developmentally disabled due to their having cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy.
- c. Occupied by mentally ill persons. Contains a state-licensed facility for the exclusive use of not more than eight (8) persons who have been screened

by a mental health professional and have been determined to be mentally ill. No person who has been determined to be not guilty of a violent offense by reason of insanity or who has been convicted of a felony shall be placed in a group home.

Green building means a structure or structures incorporating the principles of sustainable design – design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principals of energy and resource efficiency, practical application of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse.

**Commented [S35]:** Apa dictionary (EPA definition)

Greenhouse means retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

**Commented [S36]:** Apa dictionary

Groundwater means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water-bearing formation.

**Commented [S37]:** Apa dictionary

Groundwater quality means the quality of subterranean waters in terms of their chemical, physical, biological, and radiological characteristics as related to possible domestic water use.

**Commented [S38]:** Apa dictionary

*Guest unit* means a room or suite of rooms without cooking facilities, suitable for separate occupancy in a motel, hotel, condominium, lodging unit or similar establishment, including a single-family or multi-family residence. If the unit is designed for and used by a person as an independent housekeeping unit, it shall be considered as a dwelling unit.

Habitable space means the total usable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished and unconditioned basements and attics, unheated porches and breezeways, garages, and maintenance shops are excluded from living area determination.

**Commented [S39]:** Apa dictionary

Habitable structure means any building or structure used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature.

**Commented [S40]:** Apa dictionary

*Health/medical office* means a building, the principal use of which is for offices of health professionals, which contains facilities for the examination and treatment of patients but not for their lodging. This includes physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

*Home business* means the conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support by residents of the dwelling and employees residing off the premises, which may serve patrons on the premises.

*Home occupation* means an occupation incidental and secondary to the property's primary residential use, conducted within a building or a portion thereof by a resident of the premises and conducted in a manner that conforms to and does not significantly alter the residential character of the property or neighborhood. Such occupations include:

Commented [S41]: Apa dictionary

- a. An endeavor involving the production and sale of goods or services, which does not change the residential character of the area; and
- b. Contracting for services where such services are not provided on the premises, except on an appointment basis.

*Homeowners association* means an incorporated nonprofit organization operating under recorded land agreements through which: 1) each lot or unit owner is automatically a member; 2) each lot or unit owner shares common interests with each other member; and 3) each lot or unit owner is, therefore, subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Commented [S42]: HPP and Apa dictionary

*Hospital* means an institution providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff housing.

*Hotel* means a building or facility offering transient lodging and accommodations to the general public and providing additional services and amenities such as restaurants, conference facilitation and meeting rooms, entertainment and recreational facilities.

*Human scale* means the perceived size of a building, structure or other human made improvements relative to a human being. A building is considered to have good human scale if there is an expression of human activity or use that indicates the building's size, such that doors, windows, and balconies are sized, particularly at the street or pedestrian level, to respond to the human body and/or human activity occurring adjacent to or around the building, structure or improvement.

Commented [S43]: HPP and Apa dictionary

*Illumination* (see lighting).

*Impervious surface area* means any portion of a lot or parcel covered in material that substantially reduces or prevents infiltration or absorption of water or stormwater into the ground. The area of the lot or parcel covered by the following surfaces, materials or improvements shall be considered as impervious surface in all character areas:

- a. The principal building, excluding roof overhangs.
- b. All accessory buildings, parking garages, carports and sheds.
- c. Paved areas or areas otherwise covered with materials such as impervious asphalt, concrete, or tightly grouped or compacted gravel, rock, stone or deck surfaces impervious to water.

Commented [S44]: HPP



*Inclusionary Community Housing* means the policy of requiring Community Housing in residential developments to ensure adequate housing stock for local residents and to maintain or increase the current ratio of primary to second home ownership in the Town of Minturn.

*Initial sales price* means the maximum price for which a price capped Community Housing For Sale Housing unit may be initially sold.

*Industrial* means relating to, concerning, or arising from assembling, fabricating, finishing, manufacturing, packaging, or processing of goods or natural resources.

*Industry* means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

*Industry, light* means research and development activities, the manufacturing, compounding, processing, packaging, assembly, treatment, and incidental storage of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building.

*Infill* development means development or redevelopment of land that is surrounded by or in close proximity to areas that are substantially or fully developed but which has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process.

*Infrastructure* means facilities, services and improvements needed to sustain industry, residential, commercial and all other land use activities, including water, wastewater, streets, roads and trails, community housing, stormwater and drainage facilities, transmission lines, communication and telecommunication systems and improvements, and other utilities.

*Institutional use* means a religious or public use, such as a church, library, public or private school, hospital or government-owned or -operated building, structure or land used for public purposes.

*Junk* means any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of or other use or disposition.

*Junkyard* means any area, lot, land, parcel, building, structure or part thereof used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.

*Kennel, commercial* means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

Commented [S45]: Apa dictionary

Commented [S46]: Apa dictionary

Commented [S47]: HPP and Apa dictionary

Commented [S48]: HPP and Apa dictionary

Kennel, Private means any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of four (4) or more animals that are over six (6) months old.

**Commented [S49]:** JS Designs

Kitchen means a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family which contains a sink and a stove or oven powered by either natural gas, propane or 220-Volt electric hook-up. A recreation room, wet bar or similar facility that is a homeowner convenience and is not intended to function as the cooking facility for a separate dwelling unit shall not be considered a kitchen.

**Commented [S50]:** Eagle County definitions

Landscaping means the area within the boundaries of a lot or parcel consisting of planting materials, including but not limited to trees, shrubs, ground covers, grasses, flowers, as well as non-living materials and xeriscape materials such as decorative rock, bark, mulch and other similar materials for aesthetic and functional purposes

**Commented [S51]:** HPP and Apa dictionary

Laundromat means a business that provides washing and drying machines for compensation to be used by customers on the premises.

Laundry means an industrial establishment or business where washing and drying machines are used on a large scale. Such establishments are generally not open or accessible to the public.

**Commented [S52]:** JS Designs

**Commented [S53]:** HPP

**Commented [S54]:** HPP

**Commented [S55]:** JS Designs and HPP

Legal lot of record means any lot, parcel or tract of land that was filed in the records of the County Clerk and Recorder and complied with all applicable laws, ordinances and regulations in effect at that time.

Lighting, means a unit of luminous intensity. One candela [or candle] is one lumen per steradian.

Lighting, direct means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Lighting, full cut-off means any light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane running through the lowest point on the fixture where light is emitted.

Lighting, indirect means light that has been reflected or has scattered off other surfaces.

**Commented [S56]:** HPP and Apa dictionary

Light trespass means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

**Commented [S57]:** Apa dictionary

Limited review uses means uses that are allowed in a specific zone, subject to limited review and approval by the Planning Director

*Liquor store* means a facility principally for the retail sale of alcoholic beverages for off-premises consumption.

*Loading space* means an off-street space or berth, on the same lot with the building it serves, for the temporary parking of vehicles while loading or unloading merchandise or material and which has access to a street, alley or other appropriate means of ingress or egress.

*Lot* means a parcel of land as established by survey, plat or deed. (See ~~Illustration No. 16-1~~ at [Section 16-2-30](#).)

*Lot area* means the number of square feet contained within a lot exclusive of any area in a street or public right-of-way, unless said street or public right-of-way was created as a result of either an act of condemnation under the eminent domain authorities of Articles 1 through 7, Title 38, C.R.S., or the grant of a deed to a condemning authority in lieu of condemnation.

*Lot coverage* means the maximum area of a lot or parcel, expressed as a percentage of a lot's total effective area, that may be encumbered or covered by structures; that portion of a lot or parcel that is occupied by buildings or structures as measured from the outside of exterior walls inclusive of cantilevered building elements but not including roof overhangs.

Commented [S58]: HPP and Apa dictionary

*Lot depth* means the average distance from the median of the front property line to the median of the rear property line measured perpendicularly from one (1) of the sides.

*Lot, substandard* means a parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

*Lot, transition* means a lot in one (1) zoning district abutting another district.

*Lot width* means the average distance between the medians of the two (2) side lot lines, measured perpendicularly from one (1) of the sides.

*Low-impact commercial business* means a commercial use which complies with the parking standards and does not emit an excessive amount of traffic, noise, vibration, light, heat and/or fumes to be considered a nuisance to surrounding residential areas.

*Manufactured home* means factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD Code.

*Manufacturing, light* means an establishment engaged in manufacturing, assembly, compounding, processing, packaging, treatment or distribution of products, including primary product production from raw materials or production of services, but excluding establishments which produce or emit toxic or noxious gases, odors or fumes, excessive noise, vibration or electrical interference or similar substances or conditions onto adjacent or other properties; or dangerous to the comfort, peace, enjoyment, health and safety of the community.

Marketplace means a retail center located in a unique architectural setting with a mix of small specialty shops and carts offering one-of-a-kind merchandise, with an emphasis on gifts and crafts supplied locally and food offerings.

Commented [S59]: JS Designs

*Master map* means the map set forth in [Section 16-10-35](#), depicting all previously defined non-buildable area(s) within the Mountaintop Area that contain lynx denning and peregrine falcon nesting areas, view shed corridors, wetlands and stream corridors, and critical slopes greater than thirty percent (30%).

Membership organization means an organization exclusively serving members and their guests, and whose facilities are limited to meeting, eating and recreational uses; and, further, whose activities are not conducted principally for monetary gain.

Commented [S60]: JS Designs

Mining means the development or extraction of a mineral from its natural occurrences on affected land; the extraction and removal of materials from land.

Mining, surface means processes for the commercial removal of minerals or aggregate materials from the surface of the earth.

Commented [S61]: Apa dictionary and HPP

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*Mixed-use development* means the development of a tract of land, building or structure with a variety of complementary and integrated uses such as, but not limited to, residential, office, manufacturing, retail, public or entertainment in a compact urban form.

*Mobile home* means a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit or in sections by special permit. (Section 38-12-201.5[2], C.R.S.)

*Mobile home park* means a site containing three (3) or more spaces with required improvements and utilities that are leased for the long-term placement of mobile homes and that may include services and facilities for the residence.

*Mobile or manufactured home sales* means the sale, lease or rental of new and used mobile homes, modular homes, manufactured homes, and trailers.

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*Modular home* means a residential structure which is partially or entirely manufactured in a manufacturing facility; is installed on an engineered permanent foundation; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the adopted Building Code.

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*Motel* means an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

*Motor vehicle sales* means the sale, lease or rental of new and used automobiles, trucks, motor homes, recreational vehicles and trailers.

*Mountaintop area* has the meaning stated in [Section 17-2-10](#).

*Municipal property* means any chattels, structures, lots and/or parcels owned by the Town.

*Municipal use* means any use of land or structures by the Town.

*Natural hazard* means a geologic, floodplain, or wildfire hazard as identified by a local, state or federal agency.

*Natural hazard area* means an area subject to natural events known to result in death or endangerment to public health, safety and welfare such as stream flooding, ground water, flash flooding, erosion or fluvial deposits, landslides, earthquakes, weak foundation soils, wildfire, and other hazards unique to a local or regional area.

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*Nonconforming lot* means any lot which was lawfully established pursuant to the regulations in effect at the time of its development, but which does not conform to the minimum lot area standards of this Chapter for the zone district in which the lot is located.

*Nonconforming structure* means any structure which was lawfully established pursuant to the regulations in effect at the time of its development, but which does not conform to the standards of this Chapter for the zone district in which the structure is located regarding minimum setbacks, maximum height or maximum building lot coverage, the applicable standards for off-street parking or other applicable standards.

*Nonconforming use* means any use of a structure or land which was lawfully established pursuant to the regulations in effect at the time of its development, but which use is not designated in this Chapter as an allowed use, a use allowed by limited review or a use allowed by conditional review in the zone district in which it is located.

*Non-impervious surface* means area on a lot that consists of natural or human made, perVIOUS material that absorbs water, including storm water, and includes: wild ground cover, fescue sod, native grasses, wildflowers, xeriscape areas, trees, riparian areas, river and creek areas, wetlands, reservoirs, and other green plant life.

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*Nuisance* means any object, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life; anything offensive or obnoxious to the health and welfare of the inhabitants of the Town.

**Commented [S68]:** Apa dictionary

*Office use* means offices or studios of professional or service occupations or agencies which benefit from and contribute to an environment of semi-residential nature characterized by low traffic and pedestrian volumes, lack of distracting, irritating or sustained noise and low density of building developments, including accountant, appraiser, architect, engineer, insurance adjuster, landscape architect, lawyer, consultant, secretarial agency, bonding agency, travel agency, real estate, mortgage or title agency and investment agency.

*Open space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. Ownership of open space may be deeded or reserved to a property owner's association, dedicated to the public or protected in other forms deemed acceptable to the Town Council.

*Open space, common* means land within or related to a project, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and guests of the development, and may include such complementary structures and improvements as are necessary and appropriate.

*Open space, green* means an open space area not occupied by any structures or impervious surfaces.

*Open space, private* means common open space, the use of which is normally limited to the occupants of a single dwelling or building or property.

*Open space, public* means open space owned and maintained by a public agency for the use and enjoyment of the general public.

Commented [S69]: HPP

*Open space ratio* means total area of open space divided by the total site area in which the open space is located.

Open Space Ratio =	$\frac{\text{Open Space Area}}{\text{Site Area}}$
--------------------	---

*Open space, unusable* means land dedicated to conservation opportunities in which construction is limited to trails, bridges, irrigation structures, erosion protection devices, underground utilities and similar low-impact uses.

*Open space* means land dedicated to open-air outdoor recreation which may include parks with play equipment, ball fields, lawn areas, walkways, soft and hard trails, sitting areas, courtyards and landscaping areas, tennis courts, swimming pools or other meaningful recreation facilities common to the residents.

Commented [S70]: HPP

*Ordinary high water mark* means that line on the bank established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas. The ordinary high-water mark shall be determined by a qualified and licensed professional chosen by the Town and paid for by the project applicant.

Owner means any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others: 1) has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or 2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

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*Parcel* means a unit of land or a series of contiguous units of land held in common ownership. (See Illustration No. 16-1 at [Section 16-2-30.](#))

*Parking area* means any public or private area under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

*Parking area, private* means a parking area for the exclusive use of the owners, tenants, lessees or occupants of the lot on which the parking area is located, or their customers, employees or whomever else they permit to use the parking area.

*Parking area, public* means a parking area available to the public, with or without payment of a fee.

*Parking area, shared* means joint use of a parking area for more than one (1) use.

*Parking, off-street* means any parking area located off of any publicly or privately owned street and entirely within the boundaries of one (1) or more lots or parcels.

*Parking, on-site* means parking spaces located on the same lot or parcel as the land use generating the need for parking.

*Parking space* means space adequate to park a standard automobile, plus means of access.

*Parking structure* means a building or structure consisting of more than one (1) level and used to store motor vehicles.

*Party wall* means a common, shared wall between two (2) separate structures, buildings or dwelling units. (See Illustration No. 16-1 at [Section 16-2-30.](#))

Patio means an area that adjoins a building, has an impervious surface, is open to the sky (roofless), has no railings, walls, fences or other enclosures, and is not more than six (6) inches above grade and is not located over any basement or story below.

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*Pawnshop* means a place of business which takes or receives, by way of pledge, pawn or exchange, goods, wares, merchandise or any kind of personal property whatever, for the repayment or security of any money loaned thereon, or to loan money on deposit of personal property.

*Pedestrian scale* means the proportional relationship between an individual and his or her environment. *Pedestrian scale* suggests that the relationship between a person and the environment, whether natural or created, is comfortable and intimate and contributes to the

individual's sense of accessibility. Pedestrian scale also means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

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*Personal services* means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. *Personal services* include, but are not limited to, the following: laundry, linen supply, diaper service, beauty and barber shops, shoe repair, funeral service, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service and domestic services.

Pharmacy means a place where drugs and medicines are prepared and dispensed; any place where prescription drugs are dispensed or compounded.

**Commented [S74]:** Apa dictionary

*Phasing* means development undertaken in a logical time and geographic sequence. See also the phasing standards at Section 16-17-230 of this Chapter.

*Photographic studios* means an establishment for taking and developing photos for sale.

Planned Unit Development (PUD) means an area of land controlled by one (1) or more landowners planned, designed and developed as a customized zone district under unified control or unified plan of development for a number of residential, commercial, educational, recreational or industrial uses or any combination of the foregoing. A PUD may not correspond in lot size, bulk or type of use, density, building lot coverage, open space or other restriction or dimensional limitation prescribed or applicable within the underlying zone district in place prior to the approval of the proposed PUD. (Section 24-67-103(3), C.R.S.)

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*Planning Director* means the Town Administrator or his or her designee.

*Plaza* means an open area that may be improved and landscaped; usually surrounded by streets and buildings.

*Preexisting use* means the use of a lot or structure prior to the time of the enactment of this Zoning Code.

*Principal use* means the primary purpose or function that a lot or parcel serves or is intended to serve.

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Processing means to subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource; examples include petroleum refining, ore smelting, coal crushing and cleaning, saw mills, alfalfa pellet mills, food canning or packing, creation of glass, ceramic, or plastic materials, gravel crushing, cement manufacture.

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*Professional activities* means the conduct of a business, profession, service or government where retail trade is not conducted.



*Professional offices* means a room or suite of rooms maintained for the practice of any generally recognized profession, including medical practitioners, dentists, lawyers, architects, engineers or similar professions.

*Property* means a lot, parcel, tract, or plot of land together with the buildings, structures, improvements and appurtenances thereon.

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*Public building or use* means any building open to the general use, participation or enjoyment of the public and owned by the Town, county, district, state or federal government or a public utility corporation.

*Public nuisance* means any place where people congregate, which encourages a disturbance of the peace, or where the conduct of persons in or about that place is such as to annoy or disturb the peace of the occupants of or persons attending such place, or the passerby on the public street or highway. (Section 16-14-304(1)(a), C.R.S.)

*Public utility* means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare. Facilities used for public utility purposes, including but not limited to an electric substation, a gas regulator station, a telephone exchange, a water or sewer pumping station or a water reservoir.

*Railroad yard* means an open area for the storage and repair of trains.

*Ranch lot* has the meaning stated in [Section 17-2-10](#).

*Ranch lot plat* has the meaning stated in [Section 17-2-10](#).

*Ranch lot process* has the meaning stated in [Section 17-2-10](#).

*Recreational facility* means a place designed and equipped for the conduct of sports and leisure-time activities.

*Recreational vehicle* means a vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

*Recreational vehicle park* means any lot or parcel of land upon which two (2) or more recreational vehicles sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

*Reservoir* means a pond, lake, tank or basin, natural or man-made, used for the storage, regulation and control of water.

*Resident occupied community housing* means housing with a deed restriction recorded against it requiring that it be owned or occupied by an Employee/Qualified Resident as its Primary Residence as set forth in the Town of Minturn Housing Guidelines and Administrative Procedures.

*Restaurant* means any establishment whose principal business is the sale of food for consumption at tables located on the premises.

*Retail store or establishment* means a building or part of a building where goods, merchandise, substances, articles or things are offered or kept for retail sale directly to the general public.

*Right-of-way* means a strip of land acquired by reservation, easement dedication, forced dedication, prescription or condemnation intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

*Roadside stand* means a temporary structure designed or used for the display or sale of one-of-a-kind artwork and crafts, nursery, greenhouse, garden or other produce.

*Self-service storage facility* means a structure containing separate, individual and private storage spaces of varying size, which are leased or rented, for varying periods of time to the public. . Self-service storage facilities are often referred to as mini-warehouses and storage units.

*Setback* means the minimum distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building.

*Shared or party driveway* means a single driveway, no more than eighteen (18) feet wide serving two (2) or more adjoining lots. (See Illustration No. 16-1 at Section 16-2-30.)

*Site plan* means the scaled development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot. (See Illustration No. 16-4 at Section 16-2-30.)

*Ski area* means an area developed for snow skiing and snowboarding, with trails and lifts, including ski and snowboard rental and sales, instruction, emergency medical and eating facilities.

*Ski resort* means a ski area that also includes sales, rental and services of related equipment and accessories, eating places, residences, hotels and motels.

*Small appliance repair shops,* means a center for the sale, repair, maintenance of or diagnosis of small appliances, defined herein as a device or instrument such as a toaster, for household use.

*Storage and utility area* means that portion of a building or lot designed and/or used or both, primarily for holding or safekeeping goods or machinery, or for the location or installation of mechanical devices to provide, generate or store utility service, including heat, water, cooling, electric power, propane gas and natural gas.

*Stormwater* means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

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**Commented [S88]:** Not sure 18 feet complies with Appendix C standards

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*Street* means any vehicular way that: (1) is an existing state, county or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the County Clerk and Recorder's office. A street includes the land between the street lines, whether improved or unimproved.

*Street, private* means a street that has not been accepted by the Town or other governmental entity.

*Structure* means anything constructed or erected, the use of which is located on or in the ground. Examples include but are not limited to buildings, mobile homes, billboards, swimming pools, and non-habitable enclosures. Utility poles, flagpoles or walls and fences less than four (4) feet high are excluded.

*Studio for arts and crafts* means the workshop of an artist, sculptor, photographer, crafts person or organization.

*Tailors or dressmakers* means a center for the repair or manufacturing of individual clothing or apparel on a small scale.

*Temporary structure* means a structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

*Temporary use* means a use established for not more than six (6) months with the intent to discontinue such use upon the expiration of the time period.

*Terminal* means a place where transfer between modes of transportation takes place.

*Theater* means a place of public assembly designed for the screening or viewing of motion pictures, plays, performing arts, or similar events.

*Townhouse* means a single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) or more vertical, common fire-resistant walls.

*Traffic impact study* means a report analyzing anticipated street and roadway conditions within and without an applicant's development.

*Trailer* means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods or objects, or as a temporary office.

*Transitional use* means a permitted land use or structure of an intermediate intensity by level of activity or scale between a more intensive and less intensive use. Some examples of *transitional use* include professional offices located between retail and residential uses, duplex and townhouse units located between single-family detached and multi-family areas, and private clubs or low-intensity recreational uses between industrial and residential uses.

*Travel and ticket agency* means a sales or service establishment dealing in travel services.

*Use* means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

*Vested right* means a use or development right that cannot be changed or altered by change in a regulation.

*Warehouse* means a building used primarily for the storage of goods and materials.

*Xeriscape* means a landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation). Xeriscape areas must include at least fifty percent (50%) plants (as opposed to rocks under-laid by a landscape/soil barrier), and permit infiltration of stormwater into the underlying soil.

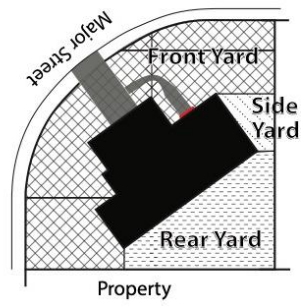
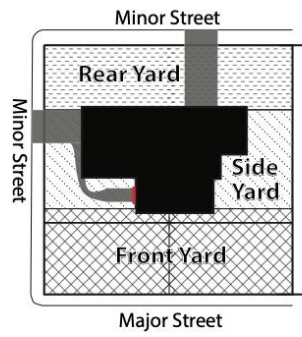
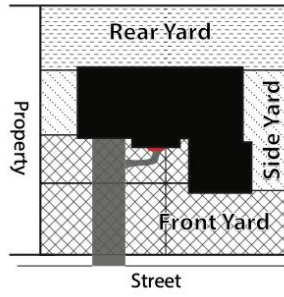
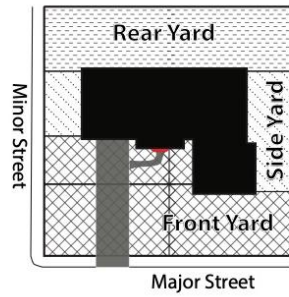
*Yard* means the space on the same lot as a building or structure that is unoccupied and open to the sky, except as provided herein.

*Yard, corner lot* means the yard on a lot that is bounded on two (2) sides by streets. The front yard is side of the lot where the front door is located as determined by the Planning Director. In addition to front, rear and side yard setbacks, a corner lot must meet the "clear vision" code. The application of side and rear yard setbacks shall be determined by the Planning Director.

*Yard, front* means that portion of a yard between the street line and the front door of the building and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

*Yard, rear* means that portion of a yard between the rear of a building and a rear lot line, and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.

*Yard, side* means all the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building.



Commented [S91]: Illustration by JS Designs

**Minturn Planning Department**  
Minturn Town Center  
302 Pine Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Lauren Dickie  
Burke Harrington  
Christopher Manning  
Jena Skinner

## **Design Review Board Hearing**

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### **Christiansan Residence – Exterior Materials Modifications**

**1207 U.S. Hwy. 24**

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<b>Hearing Date:</b>	April 29, 2020
<b>File Name and Process:</b>	Christiansan Residence & ADU Exterior Modifications
<b>Owner/Applicant:</b>	Miner's Base Camp LLC
<b>Representative:</b>	Bill Reslock, Reslock & Sullivan LLC. Alison Perry, Vail Land Company
<b>Legal Description:</b>	South Minturn Addition, Lot 29
<b>Zoning:</b>	South Town Character Area – Residential Zone District
<b>Staff Member:</b>	Scot Hunn, Planning Director
<b>Recommendation:</b>	Approval, with conditions

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### **Staff Report**

#### **I. Summary of Request:**

The Applicant, Miners Basecamp LLC, requests review of modifications to the previously approved siding details and colors for a new, four-bedroom, single-family residence with an attached, two-bedroom Accessory Apartment being constructed 1207 U.S. Hwy. 24.

The final plans for the Christiansan Residence were originally approved by the DRB in July 2019 and the residence is under construction.

## II. Summary of Process and Code Requirements:

The request is a modification to approved plans and therefore requires a formal hearing providing the Applicant and staff the opportunity to discuss the proposal with the Planning Commission, acting in its capacity as the Design Review Board, and to address the Commission's concerns or feedback regarding suggested revisions to the project.

As noted above, if the Planning Commission feels that the plans are appropriate, meet the intent and purposes of the Minturn Municipal Code, Chapter 16, particularly Appendix B – Design Standards and Guidelines; and, are generally complete, the DRB has the option to approve the modifications.

### **Approval Criteria and Findings**

Appendix 'B' of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection "d" below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

#### *(d) Administrative procedure.*

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*
- (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*
  - a. The proposal's adherence to the Town's zoning regulations.*
  - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
  - c. The proposal's adherence to the Design Standards.*
- (3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*
  - a. That the proposal is in conformance with the Town zoning regulations.*
  - b. That the proposal helps achieve the goals and objectives of the Community Plan.*
  - c. That the proposal complies with the Design Standards.*

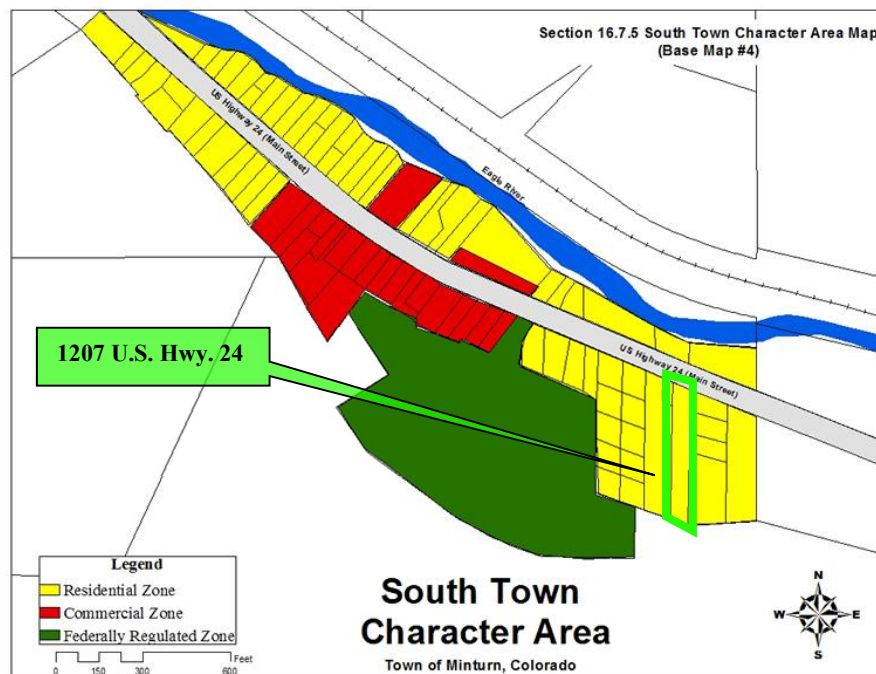
### III. Zoning Analysis:

#### **Zoning**

The subject property is located within the “South Town Character Area” Residential Zone District. The description and purpose of the South Town Residential Zone District are as follows:

- “(a) The neighborhood is bisected by Highway 24 and is characterized by single-family residences and accessory buildings. The residences are typically one (1) and two (2) stories, with outbuildings on larger lots than found in Old Town. Low-density residential and public recreational and open space use along the Eagle River is encouraged. Higher density residential development can be accommodated on the south side of Main Street if it remains in character and all impacts are adequately addressed.*
- (b) The purpose of this area is to provide for continued residential use that benefits from proximity along the Eagle River. New development and redevelopment should preserve the unique character and scale of the neighborhood. An objective is to retain the residential areas as quiet and safe neighborhoods while allowing for compatible and appropriate nearby commercial. This area can accommodate reasonable growth where land and services are available.”*

- Town of Minturn Town Code Section 16-7-20



**Figure 1: South Town Character Area Zoning Map**



#### IV. Applicable Standards and Design Guideline Criteria:

##### **Design Standards**

In addition to the development standards listed above, the following general design principles are provided for reference.

The Town of Minturn Design Standards and Guidelines address building facades and exterior materials through the following applicable sections:

##### ***Façade***

*Vast expanses of a blank facade are not considered appropriate in Minturn due to the mass and scale of the existing buildings in the Town. Therefore, facades must be interrupted every 15' at minimum. **This interruption can occur through the use of projections and recessions for doors and windows, balconies or porches or any other element that creates visual interest. The use of architectural elements such as horizontal and vertical architectural details and floor articulation (delineation of 'floors' in a building) can be utilized to create a vertical human scale to the structure.***

*Windows and doors offer the opportunity to provide individual character and refinement of scale by introducing openings and patterns on otherwise blank walls. Consideration should be given to locating doors and windows in order to establish symmetry on primary facades, while being responsive to interior functions and views. The location of windows and doors can also be utilized as a unifying element with adjacent structures.*

*In order to maintain a smaller scale and to avoid the use of vast expanses of large windows, window openings should be composed of multiple panes of glass that are consistent with the scale of the building. Mirrored or reflective glass is prohibited.*

*Shutters and window boxes are encouraged to create visual interest and to reinforce the Town ambiance.*

##### ***Materials***

*The use of building materials is essential to the design and appearance of a structure, therefore the use of materials is indicative of the adjacent community character. **Materials shall be consistent with adjacent properties and the natural environment. The Town of Minturn does not seek to limit or prohibit the use of specific building materials, however the use of non-reflective materials are strongly encouraged.** Highly reflective roofing materials are not allowed.*

*The historic character of Minturn is exhibited in the **use of wood siding and native stone, therefore the use of these particular materials are encouraged.** Many modern equivalents can be found which mimic the natural materials, and the Design Review Board may approve such materials if their appearance is found*

*to be compatible with adjacent material and consistent with the intent of these standards and guidelines.*

The proposed modifications do not change the form of the building – the façade is still broken up by projections and variations in the wall planes of the structure on each elevation. Additionally, the proposed use of wood (or composite materials made to look like real wood siding) is generally compatible with building materials and character of surrounding structures and is in line with the guidance provided by the Town’s design standards and guidelines.

## **V. Issues and Areas of Refinement:**

### **Issues or Required Plan Revisions**

The following issues or areas of refinement have been identified by staff that should be discussed by the DRB:

#### **Breakup of Materials**

As noted above, the proposed changes appear to be compatible with the character of the surrounding built environment and the Town’s design standards are fairly broad with regard to how materials are used. Additionally, there are no standards for colors within the Town; both aspects of exterior detailing and architectural finishes are subjective in nature.

The proposed modifications show the use of vertical and horizontal “composite” siding materials (hardi board) in areas where original approved plans showed square composite panels; garage doors also had a more contemporary appearance to match the composite squares. Additionally, the color scheme proposed in the approved plans also offered relief and articulation of building elements and forms. Both details functioned in manner that accentuated certain building forms while breaking up facades in a logical manner. (See attached Christiansan Residence Building Permit Plans).

That said, while the proposed use of siding (oriented horizontally and vertically to break up the facades) offers similar interest and relief, and although the guidelines and standards are largely subjective, staff is concerned that the original approved plans for the Christiansan residence went further towards complying with the spirit and intent of the Town’s standards.

Staff suggests that both schemes – previously approved (original) design and the proposed modifications – will be a welcome addition to the South Minturn area and the overarching goal of the Town in this situation should be to work cooperatively with the property owner to achieve a balanced approach and to ensure that the project is completed on schedule.

**VI. Staff Recommendation and Suggested Conditions:**

Staff suggests that the proposed modifications **generally comply** with the applicable provisions and/or minimum standards of Chapter 16 and, particularly, the Town of Minturn Design Standards (Appendix 'B') of the Minturn Town Code. However, the following condition is offered for the DRB's consideration to address staff's concerns regarding the use of materials and colors to break up the façade of the building's elevations:

1. The Applicant work with the staff and the DRB to revise the use of siding materials, orientation and/or color scheme of the building to provide more break-up and architectural interest.



## DESIGN REVIEW APPLICATION

### TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
Phone: 970-827-5645 Fax: 970-827-5545 Email: [planner@minturn.org](mailto:planner@minturn.org)

#### Project Name:

#### Project Location

Street Address:

Zoning:

Parcel Number(s):

#### Application Request:

#### Applicant:

Name:

Mailing Address:

Phone:

Email:

#### Property Owner:

Name:

Mailing Address:

Phone:

Email:

#### Required Information:

Lot Size:

Type of Residence (Single  
Family, ADU, Duplex)

# of Bedrooms

# On-site Parking Spaces

# of Stories:

Snow storage sq ft:

Building Footprint sq ft:

Total sq ft Impervious Surface:

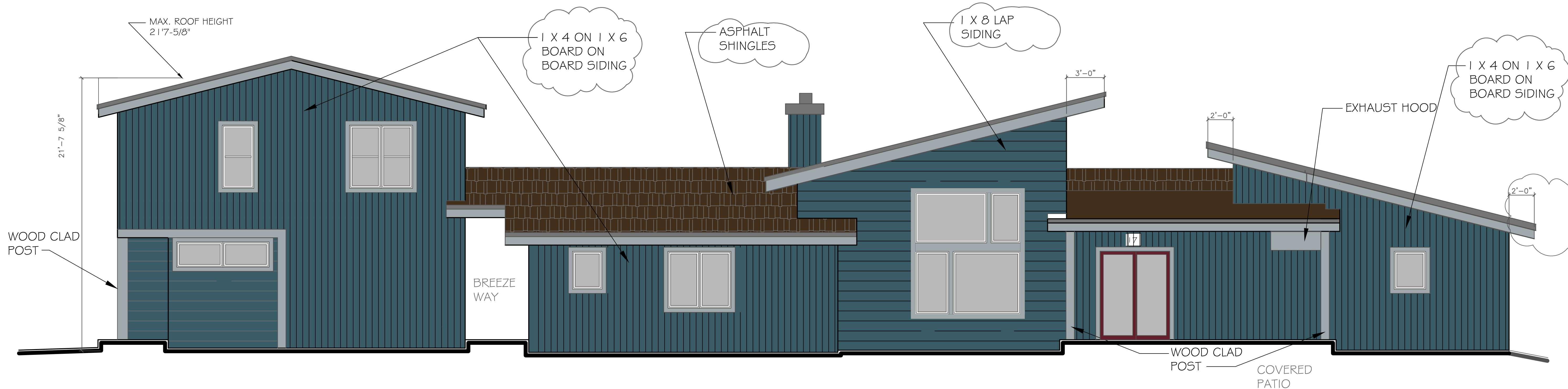
#### Signature:

*Ali Peng*

Fee Paid: \_\_\_\_\_ Date Received: \_\_\_\_\_ Planner: \_\_\_\_\_







WEST ELEVATION

1/4" = 1'-0"

PAINT & STAIN COLORS, ROOF COLOR

SIDING

SW3051 - CHESAPEAKE - SOLID STAIN

WOOD TRIM

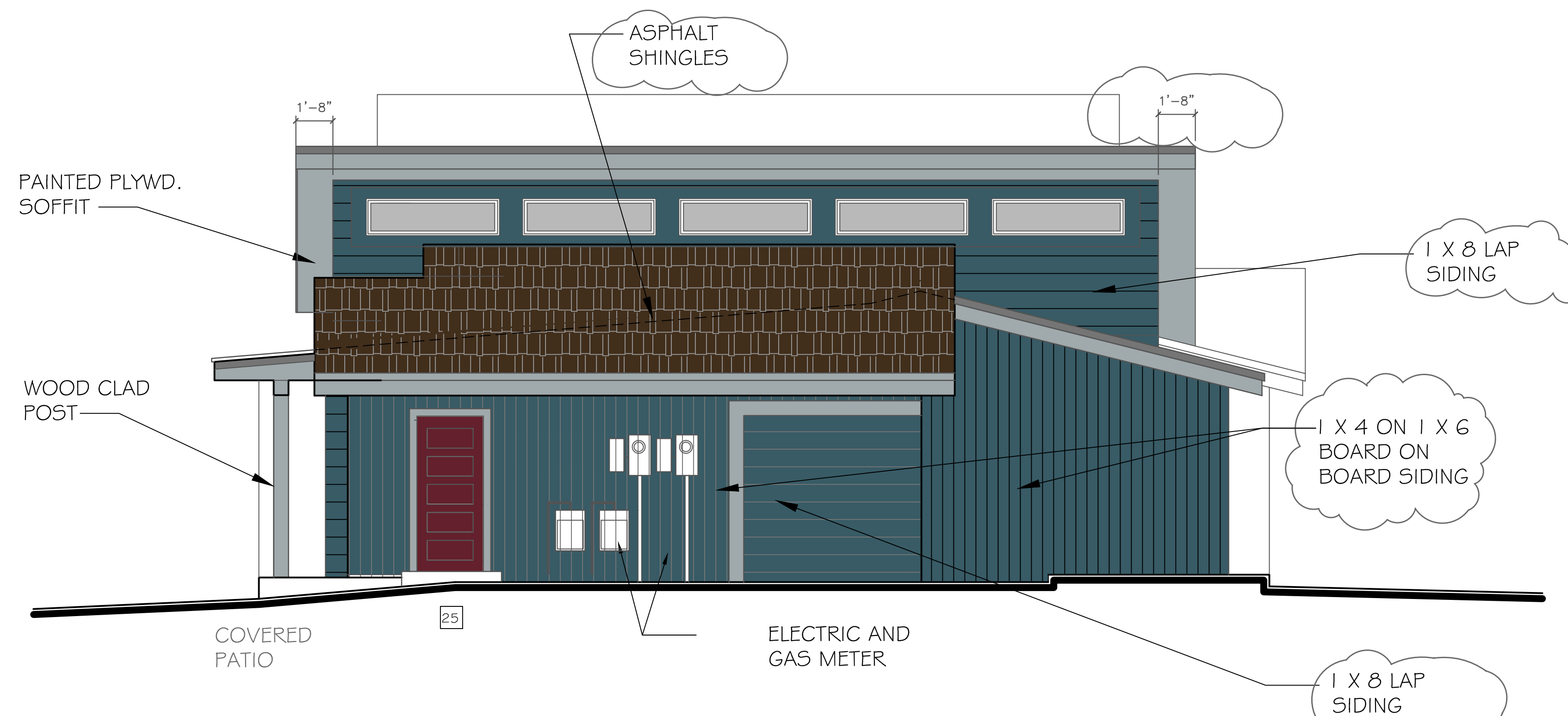
SW3027 - DRIFTWOOD - SOLID STAIN

DOORS & GARAGE DOORS

SW6307 - FINE WINE - PAINT

ROOF SHINGLES - ASPHALT

BLACK WALNUT



SOUTH ELEVATION

1/4" = 1'-0"

Reslock & Sullivan, L.L.C.

1582 PROUTY DRIVE  
EVERGREEN, COLORADO 80439  
(303) 917-3733

William F. Reslock, A.I.A.

Architect

CHRISTIANSAN RESIDENCE  
MINTURN, CO

PROJECT NO.:

DATE: 04-17-19

DRAWN BY:

REVISED: 04-08-20 SIDING

A3.1



# SW 3051 Chesapeake

Exterior Solid Stain

RGB Value

R-101 | G-110 | B-118

Hexadecimal Value

#656E76

LRV

15

87

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# SW 3027 Driftwood

Exterior Solid Stain

**RGB Value**

R-184 | G-182 | B-180

**Hexadecimal Value**

#B8B6B4

**LRV**

47

88

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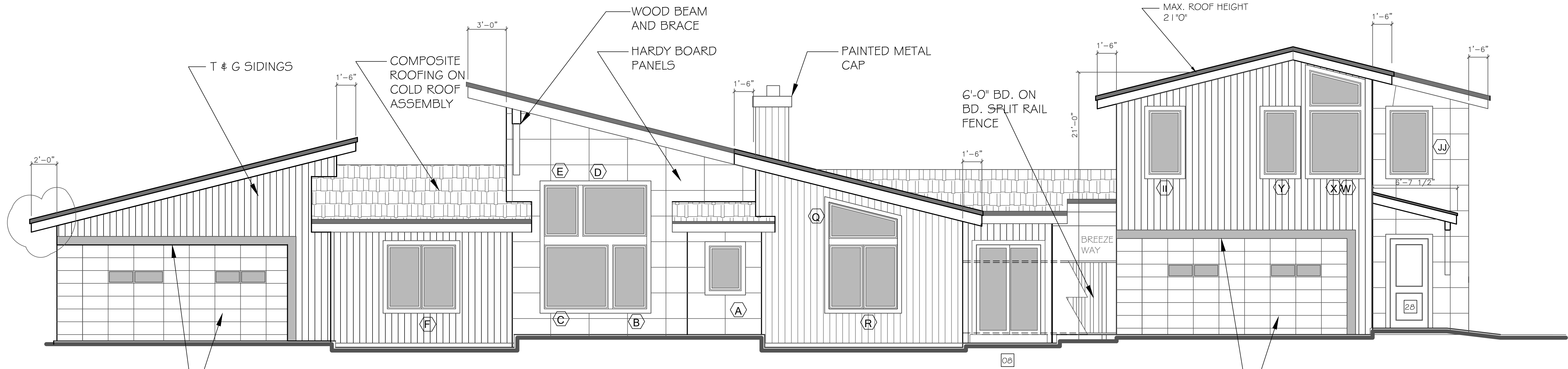


SW 6307

## **Fine Wine**

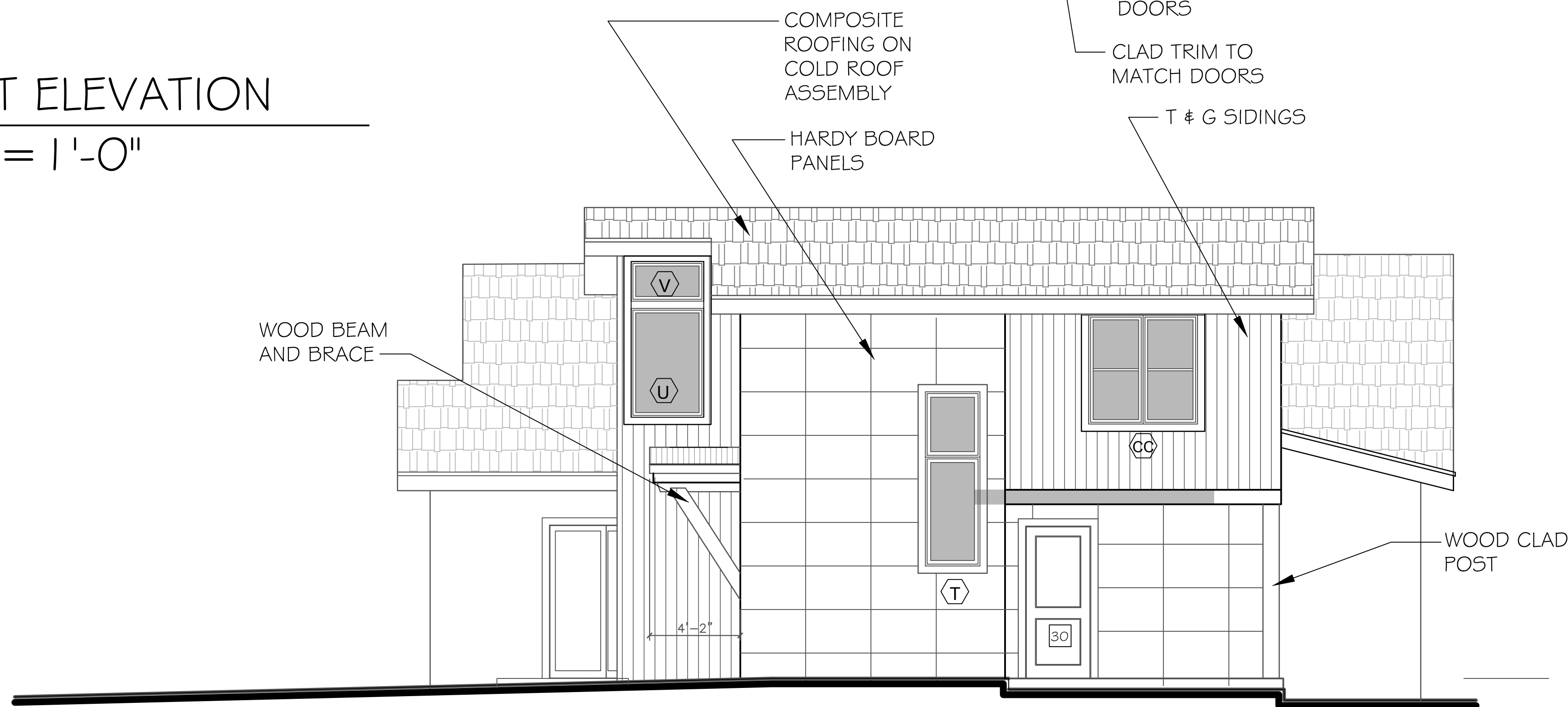
Interior / Exterior

Location Number: 111-C7



EAST ELEVATION

1/4" = 1'-0"



NORTH ELEVATION

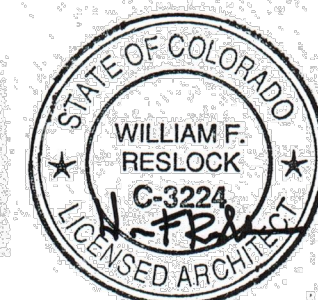
1/4" = 1'-0"

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Architect



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MINTURN, CO

PROJECT NO.:  
DATE: 04-17-19  
DRAWN BY:  
REVISED: 06-14-19

A3.0

