



## 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://us02web.zoom.us/j/81618581223>**

**Phone:**

+1 651 372 8299 US

+1 301 715 8592 US

**Meeting ID: 816 1858 1223**

**Wednesday, May 27, 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

**2. 100 Block Building Height Discussion**

**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**
  - May 13, 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**

NONE

**PROJECTS AND UPDATES**

- 6. Project Updates**
  - None
- 7. Planning Director Report & Minor DRB Approvals by Director**
  - Minor DRB Approvals
  - **541 Main Street – Gotthelf Residence – Fence Project**
- 8. Future Meetings**
  - June 10, 2020 – Tentatively planning to resume in-person meetings starting in June
  - June 24, 2020
- 9. Adjournment**



## OFFICIAL MINUTES

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

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**<https://us02web.zoom.us/j/85122779817>**

**Phone:**

+1 651 372 8299 US

+1 301 715 8592 US

**Meeting ID: 851 2277 9817**

**Wednesday, May 13, 2020**

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

**CHAIR – Lynn Teach**

**COMMISSION MEMBERS:**

Jeff Armistead

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**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**

Lynn T. called the meeting to order at 6:35pm.

- **Roll Call:**

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

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

## 3. Approval of Minutes

- April 29, 2020

Lynn T. made a couple of minor corrections/edits, which were already given to Cindy K.

Motion by Chris M., second by Jena S, to approve the minutes of April 29, 2020 as amended.

Motion passed 5-0.

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

No Public Comment, regarding items not on the agenda

## 5. Planning Commission Comments

No Planning Commission Comments regarding items not on the agenda.

# DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

## 6. 449 Pine Street – Bidez Residence Accessory Building and Accessory Apartment Final Plan Review

**Recommendation:** Approval, with Conditions

Scot H. introduced the project.

The Applicants, Patty and Earle Bidez, request Final Plan review of a redevelopment project involving reuse of an existing garage (Accessory Building) and the addition of a one-bedroom Accessory Apartment located at 449 Pine Street. The intended use of the renovated structure is for ongoing personal storage and workspace, as well as the creation of a new Accessory Apartment.

### **Existing Conditions**

Existing improvements on the parcel include a 2,404 square foot, 2-bedroom, single-family residential structure originally constructed in 1955 according to the Eagle County Assessor's Office public records. The property also includes two existing accessory structures – a pergola and a garage/storage area – located in the rear portion of the property.

The garage has historically been used for storage.

The Applicants propose to construct the ADU above and incorporating the existing garage structure, which is considered pre-existing nonconforming due to current encroachment of a portion of the garage by approximately 4.4' into the ten (10') foot rear yard setback area on the southwest corner of the property. Importantly, the plans show the encroaching portions of the garage being removed from the rear setback to bring the existing structure and proposed ADU into compliance with setback requirements.

### **Proposed Plans**

The plans show a two and ½ -story structure that compliments and in specific ways matches the form, scale, character, colors and architectural detailing of the existing single-family home. Building height is measured to the mid-point of the sloping roof form and, at 22 feet above existing grade, the height of the proposed structure is well within the maximum 28-foot allowable within the Residential Zone District.

Parking is adequate for the existing and proposed uses, with two spaces provided for the existing single-family residence, and one space for the ADU proposed behind the renovated garage. The redevelopment and reuse of the existing garage includes removing existing encroachments of the structure into the rear yard setback so the redeveloped structure complies with the required 10' setback.

According to staff's analysis of development standards and dimensional limitations in Section III below, and with the exception of lot coverage, which is pre-existing, nonconforming, but which will be reduced slightly, the project appears to meet the Town's standards.

However, staff has identified the following minor issues needing to be addressed prior to or concurrent with building permit application or during the construction process:

- **Exterior Light Fixtures** – need final cut sheet/specifications.
- **Separation between Structures** – need to confirm with building official the

required separation between ADU and existing SF residence.

- **Second Floor Balcony** – the plans show a balcony projecting from the second floor over the driveway which may encroach slightly into the rear yard setback area; the Minturn Code currently does not permit encroachments of projections into rear setback area for terraces or patios above 48” above grade.
- **Impervious Coverage** – the plans should be updated to show calculations for existing and proposed impervious lot coverage.

With the exception of the above issues, staff believes that the Applicants and their representative have provided a complete, detailed set of plans necessary to complete a thorough final plan review.

Staff is **recommending approval**, with conditions.

Notes from Applicant:

We bought our home in 1985. At that time the main house was a 900 sq/ft home with a 2 story 450 sq/ft garage. The following year we started our business out of the garage but later moved it to Main St. where Anahata Yoga studio is now.

From 2000 to 2002 we added a 2-story addition to the main house which turned our garage into a storage and work area since the driveway was cut off from the garage.

We are now wanting to keep a reduced footprint of the ground level of the garage for personal storage and rebuild the upper level to add a small accessory dwelling unit. It is one bedroom only with a parking space in the back accessed via Meadow Lane. This will be used for short term rental at first to pay off the cost of construction and then long-term rental later when possible.

Greg Sparhawk, architect for the project, addressed the group. He went through the drawings.

The ADU is proposed above and incorporating the existing garage structure, which is considered pre-existing nonconforming due to current encroachment of a portion of the garage by approximately 4.4’ into the ten (10’) foot rear yard setback area on the southwest corner of the property. The plans show the encroaching portions of the garage being removed from the rear setback to bring the existing structure and proposed ADU into compliance with setback requirements.

Earle and Patty love the character of the building that’s there, so the intent is to retain the structure, while putting in the addition.

Existing non-conformity is 45%. The proposed changes reduce the amount of the non-conformity to 44%.

Existing impervious is approximately 55.5%.

Reducing the existing garage will reduce this to approximately 54%.

A portion will still sit over the rear setback (but will be reduced), and the new construction will all be within code setback requirements.

Existing percentage of lot covered by buildings is 45%; the proposal includes the removal of existing portions of garage footprint, effectively decreasing the total building coverage by 60 sq. ft, or 1%. Therefore, the proposal actually reduces the nonconforming situation on the parcel.

Planning Commission Comments:

Jeff A. – Appreciates the efforts to reduce the non-conformities. Likes the plans and thinks it will be a great addition.

Chris M. – Really likes the use of the original structure.  
He asked about heat tape and drainage for snow.

Earle confirmed they will be doing heat tape, and they also are doing an asphalt shingle roof to help with snow shed.

Burke H. asked how far into the rear setback the structure will be.  
Greg S. - Approximately 1 ft to 18 inches (Currently about 4 feet).

Burke H. – Mentioned a reference in the application to a Historic garage structure – is this tagged as historic? Any restrictions?

Earle and Greg clarified – not officially designated as historic, so no restrictions with regard to that.

Burke H. - How do you get to the parking space – is it via the alley?  
Does this area get plowed / maintained?

Scot H. noted that he was informed that this area is not on the Town's Snow Removal Plan and is not scheduled to be maintained by the Town. Suggested that the applicants follow up with the Town to discuss this.

The applicants noted that although it may not be officially part of the Town's snow removal plan, they have maintained in the past (after tending to the other / primary roads / streets).

Burke H. – Nothing encroaching on the south?  
Earle and Patty Bidez – No, nothing.

Jena S. – Likes the re-use. One concern / recommendation would be to include a gutter above the front door.

Lynn T. – Asked to add a condition regarding snow removal in the alleyway behind the proposed unit; that the applicant coordinate with the Town.

Earle – There is space shown on the site plan for required snow storage for new driveway/parking space created.

Greg S. – Inquired – is this a Town road / town property? If so, why would it not be the Town’s responsibility to maintain it?

**Motion by Jeff A., second by Jena S. to approve the application for 449 Pine St. To include the following conditions.**

**Motion passed 5-0.**

1. The Applicant shall provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town’s lighting standards as well as consistency with fixtures found on the existing residential structure on the subject property.
2. The Applicant shall work with the Town Planner and Town Engineer to facilitate the review of all civil engineering plans prior to the Applicant creating building permit set of plan documents and, specifically, prior to proceeding to building permit application.
3. The Applicant shall revise the plans to clearly indicate existing and proposed impervious lot coverage as a percent of overall lot square footage to demonstrate compliance with the Minturn Municipal Code.

Added:

4. Applicant will work with the Town to come to an agreement regarding responsibility regarding snow removal and maintenance / access of the parking space. Applicant shall be responsible for maintaining if the Town is unable to do so.

**7. 376 Pine Street – Cranston Residence Accessory Building and Accessory Apartment (REVISE) Final Plan Review**

**Recommendation:** Approval, with Conditions

Scot H. introduced the project.

The Applicant, Peter Cranston, requests review of revised final plans for a new, detached Accessory Building with a one-bedroom Accessory Apartment located at 376 Pine Street. The Applicant received final plan approval for a similar proposal in September 2019 but

has since redesigned the Accessory Building to reduce the square footage and reduce the height of the structure.

### **Existing Conditions**

Existing improvements on the parcel include a 1,782 square foot, 3-bedroom, single-family residential structure originally constructed 2013. The home was previously used for residential and commercial use (chiropractor's office/home business). The Applicant recently purchased the property strictly for residential purposes, and subsequently raised a historic, dilapidated garage structure that was located at the rear of the parcel, in exactly the same location as the proposed Accessory Building. Although the existing residential use requires two parking spaces, three parking spaces – approved during the original permitting of the existing residential structure - are provided along and partially within the Pine Street Right-of-Way (ROW).

### **Proposed Plans**

The updated plans show a one-story structure that compliments and in specific ways matches the form, scale, character and architectural detailing of the existing single-family home. For example, the Accessory Building roof pitch of 12:12 matches the roof slope of the existing home, while siding, materials and detailing substantially match or will complement the existing home. (Previous approved plans were very similar but proposed a two-story structure with slightly wider building footprint).

Building height is measured to the mid-point of the sloping roof form and, at approximately 13 feet above grade, the height of the proposed structure is well within the maximum 28-foot allowable within the Residential Zone District. (Previous approved plans showed a 25' building height).

The proposed building has essentially the same footprint and is located in the same position on the lot as the previously approved accessory structure. As such, the building meets setbacks requirements.

The plans call for maintaining the existing spaces located along and within the Pine Street ROW, while providing one additional space (required for the proposed Accessory Apartment) within the subject property along Boulder Street.

Of note, the plans also indicate additional parking that could be accommodated at the rear of the subject property if, for any reason, parking spaces located within the Pine Street ROW (Town property) were to be eliminated.

According to staff's analysis of development standards and dimensional limitations in Section III below, the project meets or exceeds the Town's requirements for setback standards, lot and impervious coverage, and snow storage, as well as maximum building height, maximum ADU size, and minimum parking requirements.

However, staff has identified the following minor issue needing to be addressed prior to or concurrent with building permit application or during the construction process:

- **Updated Survey** – need current survey of property.
- **Site Plan Details** – The site plan is dated September 2019 and includes site coverage and building square footage details and calculations that do not match the proposed, revised building. The Site Plan should be updated to reflect the current proposal.
- **Floor Plans and Elevations** – while dimensions are shown on the floor plans and elevation drawings, the plans are labeled “NTS” or not to scale. All plans provided for building permit application should be drawn to scale and stamped by a Colorado licensed architect. With the exception of the above issues, staff believes that the Applicant has provided a complete, fairly detailed set of plans necessary to complete a thorough final plan review.

Staff is **recommending approval**, with conditions.

1. The Applicant shall provide a current survey of the property prior to or concurrent with building permit application.
2. The Applicant shall update and revise the Site Plan to reflect the current building footprint and to provide current calculations reflective of the updated proposal. The Site Plan shall also be updated to show proposed grading and drainage details; to label proposed materials (driveway/parking space materials); and to provide details regarding revegetation (reseeding and/or planting).
3. The Applicant shall revise the floor and elevation plans to be drawn to scale prior to or concurrent with building permit application. Plans should be stamped by a Colorado licensed architect.
4. The Applicant shall work with the Town Planner and Town Engineer to facilitate the review of all grading plans prior to or concurrent with building permit application.

The applicant, Peter Cranston, addressed the group.

Will be building down (going to one story with a basement) instead of constructing a two story. The original plans were higher and would have impeded his view so has revised the plans to be a lower height.

Will be doing engineered wood (composite) with plans to replace the siding on the primary residence to match the accessory building within a year’s time.

Jena S. just asked that the applicant follow through with the materials that have been proposed; that the applicant ensure that siding and colors on both buildings match.

Scot H. - Noted that per the Town Manager, the applicant will need to execute an encroachment agreement for the Pine St. parking. Also, suggested additional parking at the rear (Boulder Street side) of the property.

When the applicant submits a landscaping plan, Town would also like to see an updated parking plan.

Chris M. – Asked when construction will begin – curious about water issues when digging for basement. They have issues at his home, and they are only a block away.

Peter responded that they have done soil samples (14 ft. deep) and have found no water. Also, Sump pump and radon pump will be installed.

Jeff A. – Since parking and lack of a landscape plan was brought up, seems like we typically require more detail prior to final approval.

Since there were conditions on the first approval, that definitely apply regarding the Pine St. parking, how will this impact pervious / impervious? Can't count parallel parking on Boulder St. as your parking, correct?

Scot H. - The parking is actually on Peter's property. The applicant's property extends into Boulder St.; the pavement for Boulder Street encroaches onto Peter's property. Scot brought up the survey drawings to demonstrate.

Jeff A. – Thinks a grading plan / landscape plan / updated parking plan should all be part of the conditions (at least submitted at a staff level). Thinks there needs to be another stop to dot the I's and cross the T's.

**Motion by Jena S., second by Burke H. to approve the project for 376 Pine St., with the following conditions.**

**Motion Passed 5-0.**

1. The Applicant shall provide a current survey of the property prior to or concurrent with building permit application.
2. The Applicant shall update and revise the Site Plan to reflect the current building footprint and to provide current calculations reflective of the updated proposal. The Site Plan shall also be updated to show proposed grading and drainage details; to label proposed materials (driveway/parking space materials); and to provide details regarding revegetation (reseeding and/or planting).
3. The Applicant shall revise the floor and elevation plans to be drawn to scale prior to or concurrent with building permit application. Plans should be stamped by a Colorado licensed architect.
4. The Applicant shall work with the Town Planner and Town Engineer to facilitate the review of all grading plans prior to or concurrent with building permit application.
5. Additional condition that a landscape plan be provided for review and approval, and that an encroachment agreement must be reached with the Town regarding the Pine St parking.

## PROJECTS AND UPDATES

### 8. Project Updates

- None

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

- Minor DRB Approvals
  - 482 Main Street Fence – this is a replacement of an existing fence
  - 551 Main Street Fence

Scot H. has staff approved two fence projects.  
Does not have photos ready to present.

#### **482 Main St. - Cameron and Heather Douglas**

Applicants purchased their home last year, and approached Scot last fall regarding replacing the existing fence (which is in very poor shape, part of it has come apart). The fence was impacted by the recent sidewalk project as well.

The current fence is horizontal wood (painted white), the applicants want to replace it with a more natural wood (also horizontal orientation) at 4' high except for one small section located between their front porch and Kirby Cosmo's outdoor seating area.

Scot H. - had issued a staff approval, but with the condition that the fence be constructed entirely on their property.

Scot H. – Stated that when the applicants had the property surveyed, they learned that their property line isn't at the edge of the sidewalk (it's actually 3ft back from the sidewalk). They want the fence to stay where it currently is. However, that is CDOT right-of-way, and typically the Town cannot approve improvements within CDOT right-of-way.

Most likely the applicant will move forward with building the fence on their property.

Also dealing with a clear vision area on the corner.

Jena S. mentioned the option of a wireless fence.

It was discussed that the applicants have a small child.

Jeff A. noted that many residents build into the CDOT right of way. He suggested that the Town not approve it officially but suggested that we don't stand in the way since it's really a CDOT issue.

However, Scot H. noted that fences do require DRB approval, so we would need to approve or not approve. Based on a conversation with a regional CDOT representative, staff understands that CDOT doesn't have the bandwidth or desire to go after all the individual homeowners who build into the ROW and that there is an understanding that CDOT can remove improvements encroaching in ROW if needed in the future.

Jeff suggested maybe building the fence completely on the property but filling in with concrete to match up with the sidewalk.

Jena S. suggested putting the fence on their property line and fill in with shrubbery for privacy. This would enhance their property value by adding some streetscape.

It was discussed that Kirby Cosmo's fence goes all the way to the sidewalk.

### **551 Main St. – Thom Conville and Tracy Long**

There is a long-term renter with a dog.

The owners would like to put in a 4ft white picket fence between the existing fence in the side yard, and the front corner of the existing residence. Their application meets all of the Town's standards.

Awaiting a fence application from Robert Martinez as well.

## **10. Future Meetings**

- May 27, 2020
- June 10, 2020

Lynn T.

Update to the agenda – will propose to adjourn the regular session, and resume the work session following a 5 minute recess.

Regular session ended at 7:40pm, work session resumed at 7:45pm.

## **11. Adjournment**

Motion by Jeff A., second by Jena S., to adjourn the regular meeting of May 13, 2020 at 7:40pm. Motion passed 5-0.

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director

**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. ~~A~~The 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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*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.

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*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.

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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.

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*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, 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.)

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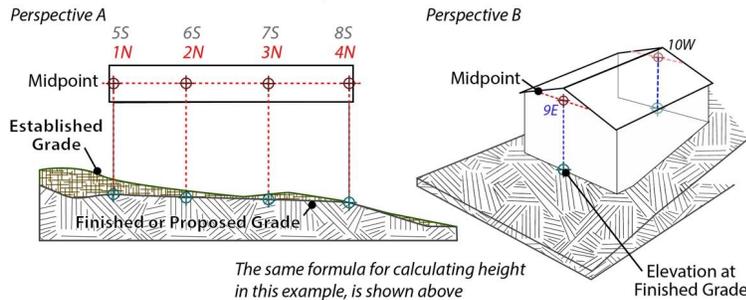
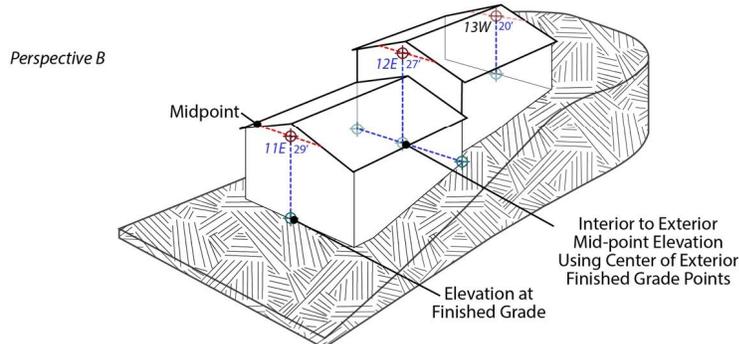
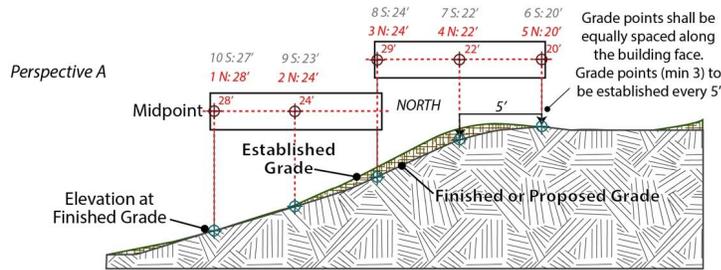
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**Building Height Calculation using Perspectives A and B**

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:

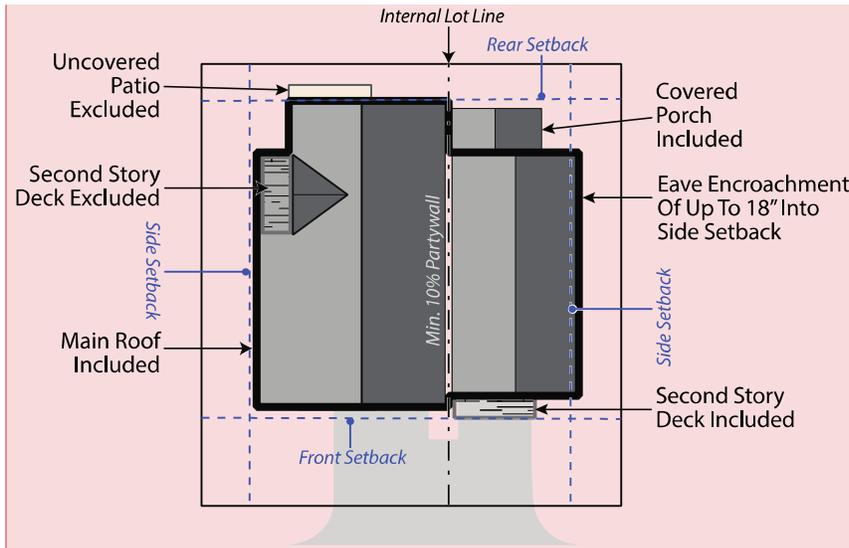
*Flat roof:* Height shall be measured to the highest point of the building, including parapet walls and rooftop appurtenances, but excluding architectural features and chimneys which may be permitted by Planning Director.

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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.

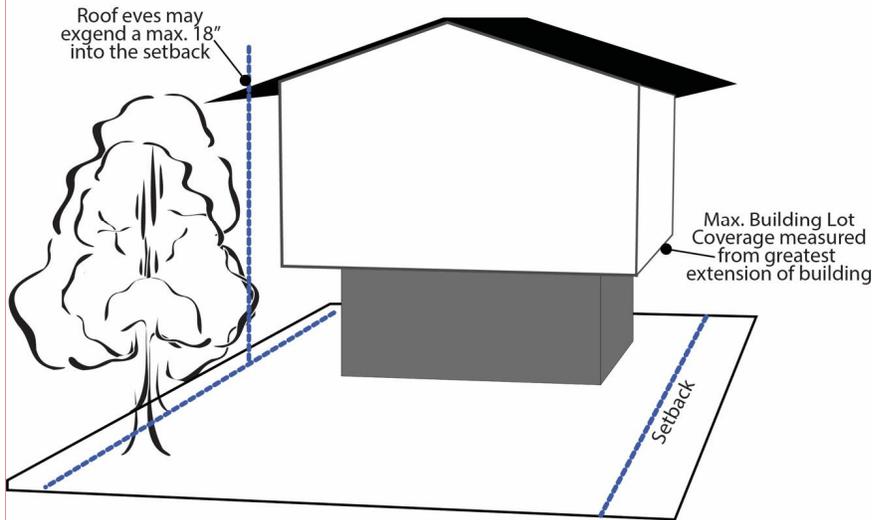
*Building lot coverage* means the portion of a lot that is covered by buildings and accessory buildings, including all interior space including garages, and including all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. For purposes of establishing 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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The cantilever portion of the building must meet the maximum building coverage



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*Bulk plane* means a theoretical incline plane rising over a lot, beginning at above 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, 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

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Liquor store

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

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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.

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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.

*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.

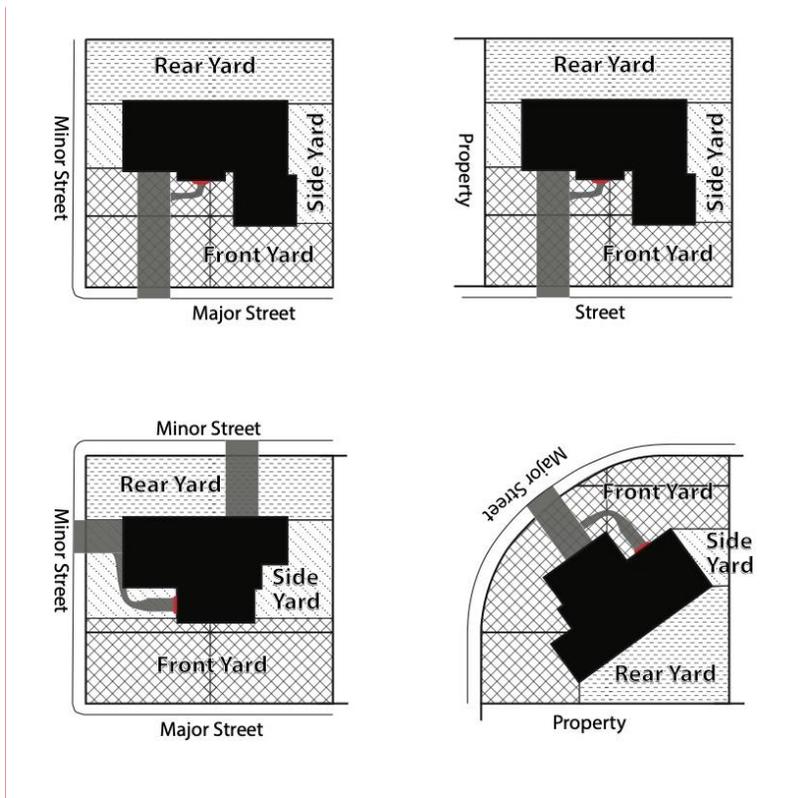
*Yard* means the space on the same lot as a building or structure that is unoccupied and open to the sky, except as provided herein.

*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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## **Sec. 16-2-65. - 100 Block Commercial Zone building height limitations.**

(a)

In the 100 Block Commercial Zone, commercial buildings not fronting or adjacent to Highway 24 can have a maximum building height of thirty-five (35) feet with a maximum angle of forty-five (45) degree bulk plane from the street front setback or a maximum of twenty-eight (28) feet for a flat roof.

(b)

All buildings in the 100 Block Commercial Zone fronting or adjacent to Highway 24 located between Eagle Street and Williams Street can have a maximum building height of twenty-eight (28) feet with a maximum angle of forty-five (45) degree bulk plane from the street front setback or a maximum of twenty-eight (28) feet for a flat roof.

(c)

Slope of roof shall be a minimum of 4:12.

(d)

Residential construction in the 100 Block Commercial Zone must follow residential building height limitations.

(See also Illustration No. 16-2 and Appendix B, Design Standards and Guidelines) The following Table 16-B contains the regulations for building height.

(Ord. [5-2016](#) §2)

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



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

May 22, 2020

Eric and Lauren Gotthelf  
P.O. Box 322  
Minturn, CO 81645

Via: cameronrdouglas@gmail.com

Re: 541 Main Street – Fence Project – Administrative Approval

Eric, Lauren:

Thank you for your recent application for a new fence in the side and front yard areas of your property located at 541 Main Street in Minturn. I am providing this letter of administrative approval so you may proceed with the project. I will be presenting this administrative approval for informational purposes to the Minturn Planning Commission at their next regularly scheduled meeting of May 27, 2020.

According to your application received today, you are proposing a wood picket fence with decorative ski accents along the front (Main Street side) of the fence similar to fencing details observed elsewhere in the Town of Minturn. These materials generally meet the intent of the Town's design standards. Additionally, based on your application materials, you will be installing a fence in the side and front yard areas of your property to a maximum height not to exceed four (4') as measured from the surrounding natural or existing grade.

As a general matter, please ensure that all fencing and support members (posts) are located on your property. Using the survey and site plan you submitted for this project, staff advises you to locate your property corners and boundaries prior to commencing construction activities.

Last, although your plans do not show any intention to place fencing within the CDOT (Hwy. 24) right-of-way, please be advised that any fence or other improvements placed in public right-of-way may be subject to removal at owner's expense in the future for legitimate public purposes and projects.

Please feel free to contact me at (970) 827-5645 or (970) 343-2161 if you have questions, comments or if you require assistance as you prepare the variance application package.

Sincerely,

A handwritten signature in blue ink, appearing to be "SH", written over a light blue horizontal line.

Scot Hunn, AICP/MPA  
Planning Director

Cc: Madison Harris  
Christopher Sandoval  
Arnold Martinez



# 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

<b>Project Name:</b>			
Gotthelf Residence - New Fence			
<b>Project Location</b>			
Street Address: 541 Main Street, Minturn, CO 81645			
<b>Zoning:</b>		<b>Parcel Number(s):</b>	
Old Town Residential		2103-263-16-005	
<b>Application Request:</b>			
Construction of new fence along recently completed sidewalk on Main Street, connecting to existing fence between residences of 541 Main St and 551 Main St to the South as well as connecting to existing fencing between residences 541 Main St and 531 Main St to the North.			
<b>Applicant:</b>			
Name: Eric Gotthelf			
Mailing Address: PO Box 322, Minturn, CO 81645			
<b>Phone:</b>		<b>Email:</b>	
970-376-3574		egotthelf@gmail.com	
<b>Property Owner:</b>			
Name: Eric and Lauren Gotthelf			
Mailing Address: PO Box 322, Minturn, CO 81645			
<b>Phone:</b>		<b>Email:</b>	
970-376-3574		egotthelf@gmail.com	
<b>Required Information:</b>			
Lot Size: 5009	Type of Residence (Single Family, ADU, Duplex) Single Family	# of Bedrooms 3	# On-site Parking Spaces 5
# of Stories: 2	Snow storage sq ft: 253	Building Footprint sq ft: 1990	Total sq ft Impervious Surface: 2532
<b>Signature:</b>			
<b>Fee Paid:</b> \$75	<b>Date Received:</b> 5/22/20	<b>Planner:</b>	



Materials:



Skis to be used along front of fence (left) Inspiration (right) :

