

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 6 – SERIES 2014

AN EMERGENCY ORDINANCE OF THE TOWN OF
MINTURN, COLORADO ENACTING A NINETY (90) DAY
MORATORIUM ON THE ACCEPTANCE AND PROCESSING
OF APPLICATIONS FOR DESIGN REVIEW FOR MULTI-
FAMILY RESIDENCES, DUPLEXES, ACCESSORY
DWELLING UNITS AND ACCESSORY APARTMENTS.

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, all new building construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to design review approval pursuant to Section 16-21-615 of the Minturn Municipal Code (“Code”) to ensure that the proposed structures and additions are constructed in compliance with the Code, including the Town’s Design Standards and Guidelines, and other regulations adopted by the Town; and

WHEREAS, the Town has in recent weeks and months received applications for design review of proposed new structures and modifications to existing structures which are not in keeping with the character of the Town and which are not consistent with the Town’s Design Standards and Guidelines; and

WHEREAS, the Town Council desires to review and invite public comments on Code provisions relating to the character of structures within the Town, the Town’s Design Standards and Guidelines and related regulations; and

WHEREAS, after the opportunity to review, take public comment on and facilitate meetings with the Town Planning Commission regarding the Code, the Town’s Design Standards and Guidelines and related regulations, the Town Council may consider amendments to the Code, the Town’s Design Standards and Guidelines and the related regulations; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 through 29-20-108, C.R.S., as amended, and Section 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction; and

WHEREAS, Section 31-15-401, C.R.S., authorizes the Town to enact regulations necessary to promote the health and well-being of its citizens; and

WHEREAS, the Town Council hereby finds and determines that in light of its desire to review the Code, the Town’s Design Standards and Guidelines and related regulations, a moratorium on the acceptance and processing of applications for design review of proposed new

multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types will permit the Town to conserve design review resources and uphold the Town interest of furthering the Town's general character during the review of the Code, Design Standards and Guidelines, and related regulations and the pendency thereof; and

WHEREAS, failure to enact such a moratorium could result in permanent negative changes to the Town's character and as such constitutes an emergency; and

WHEREAS, the Town Council finds and determines that this Ordinance is necessary for the preservation of the public peace, health, safety and property.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The Town Council hereby finds and declares that an emergency exists relating to the acceptance and processing of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types.

SECTION 3. A ninety (90) day moratorium is hereby imposed on the acceptance and processing by the Town of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types so as to enable the Town to undertake review and invite public comments on whether portions of the Code relating to the character of structures within the Town, the Town's Design Standards and Guidelines and related regulations need to be amended.

SECTION 4. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE AND UNANIMOUSLY PASSED this 3rd day of September, 2014, and the Town of Minturn ordains this ordinance enacted as an emergency ordinance and ordered published in full within ten days of passage thereof.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty
Hawkeye Flaherty, Mayor

ATTEST:

By: Jay Brunvand
Jay Brunvand, Town Clerk

