

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 02 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 16 OF THE MINTURN MUNICIPAL CODE TO PROVIDE FOR THE REZONING OF THE OLD TOWN RESIDENTIAL ZONE DISTRICT, THE SOUTH TOWN RESIDENTIAL ZONE DISTRICT, THE MARTIN CREEK RESIDENTIAL ESTATE ZONE DISTRICT, THE CROSS CREEK RESIDENTIAL ZONE DISTRICT, GAME CREEK RESIDENTIAL ZONE DISTRICT, AND THE WILLOW CREEK, ROCK CREEK, AND HOLY CROSS RESIDENTIAL ZONE DISTRICTS FOR THE PURPOSE OF ALIGNING WITH STATE STATUTE CONCERNING DAY CARE HOMES.**

**WHEREAS**, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the State of Colorado passed into law HB-21-1222 to expand opportunities to access child care in family child care homes, which requires local governing authorities to “treat family child care homes as residential property use in the application of local regulations,” including zoning, land use, development, fire & safety, sanitation, and building code regulations; and

**WHEREAS**, the law provides that “local governing authorities shall not impose any additional regulations governing family child care homes that do not also apply to other residential properties;” and

**WHEREAS**, the law does preserve some local authority and allows local governments to, “on a case-by-case basis,” prohibit or manage the traffic and parking related to, two large family child care homes immediately adjacent to one another; and

**WHEREAS**, Town Council has directed staff to draft text amendments to Minturn Municipal Code Chapter 16, the Town Land Use Regulations, in accordance with HB-21-1222, as provided herein; and

**WHEREAS**, on January 12, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

**WHEREAS**, the Minturn Planning Commission and Town Council have determined that the text amendments to the Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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

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

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**ARTICLE 2 - Definitions, Illustrations and Lot Standards**

\* \* \*

**Sec. 16-2-20. - Definitions.**

~~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.~~

*Day care center* means a licensed facility which provides regular care and supervision, for an entire day or a portion of a day, for ~~seven~~ five (75) or more children who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care.

Family child care home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for up to twelve (12) children who are not related to the person or persons providing the care, as defined and regulated by the Colorado Department of Human Services Child Care Facility Licensing regulations, whether such facility is operated with or without compensation for such care.

\* \* \*

**ARTICLE 6 - Old Town Character Area**

\* \* \*

**Sec. 16-6-80. - Old Town Character Area limited use standards.**

\* \* \*

(h) Day care center.

\* \* \*

(2) Size: ~~Seven~~ Five (75) or more children shall be permitted; however, the applicant shall demonstrate that the size of the facility is suitable for the number of children permitted.

\* \* \*

**ARTICLE 7 - South Town Character Area**

\* \* \*

**Sec. 16-7-70. - South Town Character Area limited use standards.**

\* \* \*

(g) Day care center

\* \* \*

(2) Size: ~~Seven~~ Five (75) or more children shall be permitted; however, the applicant shall demonstrate that the size of the facility is suitable for the number of children permitted.

\* \* \*

**ARTICLE 17 - Supplemental Regulations and Standards**

\* \* \*

**Sec. 16-17-220. - Family child care homes.**

Family child care homes will be treated as residential properties in all residential zone districts within the Town of Minturn.

\* \* \*

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 19<sup>th</sup> DAY OF JANUARY 2022. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2<sup>nd</sup> DAY OF FEBRUARY, 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

  
\_\_\_\_\_  
**Earle Bidez, Mayor**

**ATTEST:**

By:   
\_\_\_\_\_  
**Jay Brunvand, Town Clerk**



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2022.

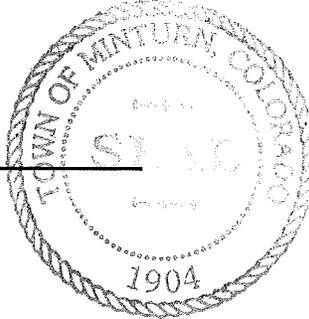
TOWN OF MINTURN, COLORADO



\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk







## INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Vail Daily** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(970) 949-0555**.

Notice ID: w113agbwER3LdyF3dP1G | **Proof Updated: Feb. 04, 2022 at 08:18am MST**  
Notice Name: 8CD06 Minturn Ordinance No. 2 Series of 2022

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

<b>FILER</b>	<b>FILING FOR</b>
TOWN OF MINTURN	Vail Daily
treasurer@minturn.org	
(970) 827-5645	

**Columns Wide:** 1      **Ad Class:** Legals

02/06/2022: Other	17.66
Affidavit Fee	4.00

Subtotal	\$21.66
Tax %	0.00
<b>Total</b>	<b>\$21.66</b>

### TOWN OF MINTURN, COLORADO ORDINANCE NO. 2 - SERIES 2022

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 16 OF THE MINTURN MUNICIPAL CODE TO PROVIDE FOR THE REZONING OF THE OLD TOWN RESIDENTIAL ZONE DISTRICT, THE SOUTH TOWN RESIDENTIAL ZONE DISTRICT, THE MARTIN CREEK RESIDENTIAL ESTATE ZONE DISTRICT, THE CROSS CREEK RESIDENTIAL ZONE DISTRICT, GAME CREEK RESIDENTIAL ZONE DISTRICT, AND THE WILLOW CREEK, ROCK CREEK, AND HOLY CROSS RESIDENTIAL ZONE DISTRICTS FOR THE PURPOSE OF ALIGNING WITH STATE STATUTE CONCERNING DAY CARE HOMES.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF FEBRUARY, 2022.

TOWN OF MINTURN, COLORADO  
EARLE BIDEZ, MAYOR

ATTEST  
JAY BRUNVAND, TOWN CLERK  
PUBLISHED IN THE VAIL DAILY ON SUNDAY,  
FEBRUARY 6, 2022.