

Silverton Land Use Code

October 2024

Adoption Draft - Annotated



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Article 1 General Provisions¹

15-1-10 Title, Effective Date, and Archived Regulations

- (a) This Chapter of the Town of Silverton Municipal Code is known as the Town of Silverton Land Use Code and short citation references are “this LUC” or “this Code.”
 - (b) This LUC shall become effective on <>(Effective Date). The land use code that was effective immediately prior to this Code shall be referred to as the prior LUC.
 - (c) Two copies of the prior LUC shall be maintained and remain of record in the Town Clerk’s Office and the Town Administrator’s Office, either in hard copy or electronically. An unofficial public copy may also be maintained on the Town website. All copies of the prior LUC that are publicly available shall be clearly identified as outdated.
-

15-1-20 Authority

This Land Use Code is adopted pursuant to C.R.S. Title 31, Article 23.

15-1-30 Purpose²

This Code is adopted to promote the health, safety, and general welfare of the present and future inhabitants of the Town. It is adopted in accordance with the Master Plan and is intended to accomplish the follow:

- (a) Implement the Master Plan, including the goals, strategies, and actions of the plan, and the Future Land Use Framework;
- (b) Preserve the history of Silverton;
- (c) Establish regulatory options that encourage the incorporation of climate-friendly, sustainable, and resilient development design in the Town;
- (d) Manage responsible land use, growth, and development in a way that improves the residents’ quality of life;
- (e) Promote compatible land use relationships;
- (f) Encourage housing affordability through the development of a range of housing types to maintain a diversity of residents in the community;
- (g) Protect the Town from natural hazards such as flooding, landslides, avalanches, and snowslides, while protecting the natural environment;
- (h) Promote predictability, consistency, and efficiency in the development process for residents, neighborhoods, businesses, and other development interests; and
- (i) Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.

¹ Replaces current Section 16-1-10.

² New, updated to align with the goals of the Compass Master Plan.

15-1-40 Applicability³

- (a) The provisions of this LUC shall apply to the development and use of all land within the Town, unless specifically provided otherwise in this LUC.
- (b) No permit, certificate, or approval of any use that is subject to this LUC shall be issued or granted by any department, agency, Town official, or Town employee without a finding of compliance with this LUC.
- (c) No lot of record that did not exist on the Effective Date shall be created by subdivision or other legal mechanism unless it complies with this LUC.
- (d) All property, uses, structures, and facilities owned or operated by the Town shall be in compliance with this LUC to the maximum extent practicable, but may be exempted from complying with some aspects of this LUC based on the governmental function performed on the property.

15-1-50 Minimum Standards⁴

- (a) The provisions of this Code are the minimum standards necessary to accomplish its stated purpose.
- (b) Where the standards imposed by any provision of this Code are less restrictive than standards imposed by the Silverton Municipal Code, or any other Town, state, or federal law applicable to the same topic, the more restrictive regulations shall govern.⁵

15-1-60 Private Restrictions⁶

- (a) This Code does not interfere with, abrogate, or annul any private agreement, including but not limited to easements, covenants, or deed restrictions.
- (b) When the provisions of this Code conflict with private agreements, the stricter provisions shall control.
- (c) It is not the Town's responsibility to enforce private agreements, nor is the Town obligated to adopt regulations consistent with private agreements.

15-1-70 Schedule of Fees, Charges, and Expenses

The Board of Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for appeals and other matters pertaining to this LUC.

15-1-80 Transitional Provisions⁷

(a) Existing Development

No provision of this Code shall require any change in the continued use of any structure for which a Certificate of Occupancy was issued pursuant to the prior

³ New.

⁴ New, unless otherwise noted.

⁵ Replaces current Section 16-1-30(f).

⁶ New.

⁷ New.

LUC. The following requests shall require compliance with this Code as set forth in Section 15-9-30(e), Discontinuance and Abandonment:

- (1) Changes to the structure, site, or use;
- (2) A use that that is discontinued for a period of one year; and
- (3) A structure that remains vacant for a period of one year.

(b) Violations Continue

Any violation occurring under the prior LUC will continue to be a violation under this Code and be subject to penalties and enforcement pursuant to Article 10, unless the use, development, construction, or other activity complies with the provisions of this Code.

(c) Nonconformities Continue

Any nonconformity under the prior LUC remains a nonconformity unless and until it conforms to the provisions of the current Code. If a nonconformity under the prior LUC becomes conforming because of the adoption of this LUC, then the situation will no longer be a nonconformity.

(d) Previous Approvals

(1) Validity

Except for Planned Unit Developments (PUD) as provided in Section 15-1-80(e), permits and approvals for new or unfinished projects issued prior to the Effective Date remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval. Where an approval was issued pursuant to the prior LUC without an expiration date and the same approval has an expiration date in this LUC, the expiration date shall apply to the prior approval, starting as of the Effective Date.

(2) Expiration

If a prior approval expires based on an expiration established in the prior LUC, or the project development approval is revoked or otherwise becomes invalid, any subsequent use or development of the property shall comply with this LUC.

(3) Extension

The decision-making body that granted the prior approval may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid and the proposed extension complies with Section 15-8-20(i)(5)b.

(4) Reapplication

Reapplication is required for any expired or revoked approval. The new application will be considered under the provisions of this LUC.

(e) Previous Limited Overlay District

Any development approved in the Limited Overlay District prior to the Effective Date shall remain valid. Modification or amendment to approved plans or agreements shall comply with the prior LUC requirements for the Limited Overlay District. To remove the Limited Overlay District, the property owner may submit a Zoning Map Amendment request to rezone the property into a base zoning district included in this Code.

(f) Previous Planned Unit Developments

- (1) A PUD that has been fully approved for all phases and specific application types prior to the Effective Date shall remain valid. PUDs that refer to zoning districts not included in this Code shall use the prior LUC requirements. A modification or amendment to an approved Outline Development Plan shall use the prior LUC requirements, but all Site Plans submitted for the PUD after the Effective Date shall meet the provisions of this LUC.
- (2) A PUD approval that predates the Effective Date shall be narrowly interpreted and limited to the specified terms of approval. Where a term was not included in the PUD approval, the most closely similar provision of this Code shall be applied. For example, if a PUD does not specify a process for amendment, the process for amending PUD approvals in this Code will control.

(g) Applications in Progress

Applications in various stages of review pursuant to the prior LUC shall be reviewed as follows. An applicant may opt to have any application reviewed pursuant to this LUC.

(1) Completed Applications

Complete applications submitted before the Effective Date and pending approval at the time of adoption may, at the applicant's option, be reviewed wholly under the terms of the prior LUC. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application.

(2) Resubmission of Incomplete Applications

Any application submitted before the Effective Date that has not been determined to be complete shall be reviewed for completeness pursuant to this LUC and may be required to be revised.

(3) Reapplication

If an applicant chooses to amend, withdraw, or resubmit (collectively, "reapplication") an application that was completed prior to the Effective Date, the reapplication shall be processed under the provisions of the Code in effect at the time of reapplication.

(4) Special Use Permit

- a. Established uses shall be deemed to have received a Special Use Permit and shall be a legal, conforming use of land if:
 - (i) A use of land or structures was listed as a permitted use in a specific zoning district under the prior LUC;
 - (ii) That use of land or structures was established on property in that district prior to the adoption of this LUC; and
 - (iii) The same use of land or property is now listed as a Special Use in the same district in Table 15-3-1: Use Table.
- b. Upon request by the property owner and submission that the use was established prior to approval of this LUC, the Town Administrator shall provide written confirmation of the legal, conforming status of the use.

15-1-90 Severability⁸

- (a) If any court of competent jurisdiction declares that any section, subsection, or provision of this LUC is invalid, that judgment will not affect the validity of the remaining provisions of this LUC.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this LUC to a development, that judgment will not affect the application of that provision to any other development not specifically included in the judgment.
- (c) If any court of competent jurisdiction invalidates any condition attached to an application approved under this LUC, that judgment will not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

⁸ New.

Article 2 Zoning Districts

15-2-10 Zoning Districts Established⁹

To implement the Master Plan and the purposes and provisions of this Land Use Code, the Town has established the following zoning districts.

Table 15-2-1: Zoning Districts Summary

Current Zoning District	Proposed Zoning District
R-1-A: Single-Family Residential	R-1: Neighborhood Residential
R-1: Single-Family Residential	
R-2: Multiple-Family Residential	R-2: Mixed Residential
B-P: Business Pedestrian	MU-1: Downtown Mixed-Use
B-A: Business Automobile	C-1: Gateway Commercial
E-D: Economic Development	C-2: Employment Commercial
P: Public	P: Public

15-2-20 Compass Master Plan Implementation¹⁰

- (a) Table 15-2-2 identifies which zoning district(s) appropriately implement(s) a given future land use category identified in the Future Land Use Framework of the Compass Master Plan.
- (b) A future land use category is a broadly identified and can be implemented through more than one zoning district. A dot indicates that the zoning district presumptively implements the corresponding land use category designation and is therefore an appropriate option for zoning or rezoning of land within that designated area on the Future Land Use Framework. The Town Administrator may also interpret the Future Land Use Framework to allow the inclusion of other proposed zoning districts based on the consistency of the development scale and uses allowed in the proposed zoning district with existing, proposed, or allowed development on abutting and adjacent lots.
- (c) A blank cell (no dot) indicates that the zoning district is not an appropriate option for zoning or rezoning of land within the corresponding land use category.

Table 15-2-2: Compass Master Plan Implementation

Future Land Use Framework Category	Zoning District					
	R-1	R-2	MU-1	C-1	C-2	P
Housing Infill (Attached, max 3 units)	●					
Housing Infill (Variety, 3 or more units)	●	●				

⁹ Simplified language from Sec. 16-3-10(a).

¹⁰ New.

Table 15-2-2: Compass Master Plan Implementation

Future Land Use Framework Category	Zoning District					
	R-1	R-2	MU-1	C-1	C-2	P
Neighborhood Mixed-Use		●			●	
Business/Mixed-Use			●	●	●	
Recreation						●

15-2-30 Official Zoning Map¹¹

The boundaries of the zoning districts are delineated on the Official Zoning Map. The Official Zoning Map shall be available on the Town website and an official copy shall be on file in the Town Clerk's office.¹²

15-2-40 Interpretation of District Boundaries¹³

The following rules shall be applied as necessary to interpret the Zoning Map. Rules of interpretation may be applied either singularly or jointly, as needed.

- (a) Zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, lot lines, natural feature boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way, water bodies (natural and man-made), or ditches or these lines extended. Boundaries that appear to follow an established line shall be construed to follow the line.
- (b) In cases where these lines are not used, the zoning district lines shall be as determined by using the Zoning Map scale.
- (c) Rights-of-way are not zoned unless vacated. Vacated right-of-way is zoned with the same district as the parcel into which it is incorporated or next to which it is adjacent. If a vacated right-of-way is adjacent to two or more zoning districts the Town Administrator shall interpret the application of the Zoning Map.
- (d) If a lot or zoning lot is divided by a zoning district boundary line at the time of enactment of this Code or by subsequent amendments, the appropriate standards and uses for the zoning district that comprises the majority of the parcel area shall apply to the entire lot or zoning lot. If the lot or zoning lot is divided equally, the Town Administrator may adjust the district boundary to apply a single district to the property. The adjustment shall be made in consideration of adjacent zoning, land uses, and compliance with the Master Plan. The Town Administrator may refer the interpretation of a zoning district boundary to the Board of Trustees if the determination has the potential to create significant impacts on adjacent properties.

¹¹ Simplified language from Sec. 16-3-10(b).

¹² Replaced reference to Town Administrator's office with Town Clerk's Office.

¹³ New.

15-2-50 Base Zoning Districts and Dimensions

(a) Summary of Zoning District Dimensional Standards

- (1) All new development and redevelopment shall comply with the standards in Table 15-2-3 unless another section of this Code provides an alternative standard for a particular use, layout, or development type. Sections of this Code that may provide alternative standards include but are not limited to Section 15-3-50, Use-Specific Standards.
- (2) All standards in Table 15-2-3 shall apply to the zoning lot.

Table 15-2-3: Zoning Districts Dimensional Standards Summary

Current Zoning Districts	R-1-A, R-1	R-2	B-P	B-A	E-D	P
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P
Lot Area per Primary Structure, Min. SF	5,000 ¹⁴ [1]	2,500 [1] [2] ¹⁵	2,500 [2] ¹⁶	2,500 [2] ¹⁷	2,500 [2] ¹⁸	2,500 [2] ¹⁹
Lot Area, Max. SF ²⁰	10,000	-	-	-	-	-
Lot Width, Min. FT	50 [1] ²¹	25 [1] ²²	25 ²³	50	50	50
Setbacks, Min. FT						
<i>Lots < 5,000 SF</i>						
Front	N/A	5 ²⁴	0 ²⁵	5 ²⁶	5 ²⁷	5 ²⁸
Side [1]	N/A	3.5 ²⁹	0 ³⁰	3.5 ³¹	3.5 ³²	3.5 ³³

¹⁴ R-1-A reduced from current 7,500 square feet.

¹⁵ Reduced from current 5,000 square feet.

¹⁶ Currently uses not constructed in conjunction with another principal use require a minimum of 5,000 square feet.

¹⁷ Reduced from current 30,000 square feet.

¹⁸ Reduced from current 5,000 square feet.

¹⁹ Reduced from current 7,500 square feet.

²⁰ New. These new standards will be refined in conjunction with remapping exercises.

²¹ R-1-A reduced from current 70 FT.

²² Reduced from current 50 feet.

²³ Currently uses not constructed in conjunction with another principal use require a minimum of 50 feet.

²⁴ Decreased from 7

²⁵ Currently only applied to nonresidential uses and dwellings in conjunction with another principal use.

²⁶ Reduced from current 20 feet.

²⁷ Decreased from 7

²⁸ Decreased from 7

²⁹ Decreased from 7

³⁰ Decreased from current 7 feet.

³¹ Reduced from current 15 feet.

³² Decreased from 7

³³ Decreased from 7

Table 15-2-3: Zoning Districts Dimensional Standards Summary

Current Zoning Districts	R-1-A, R-1	R-2	B-P	B-A	E-D	P
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P
Street Side ³⁴	N/A	5 ³⁵	5	5	5 ³⁶	5 ³⁷
Rear	N/A	5	5	5	5	5
<i>Lots ≥ 5,000 SF</i>						
Front	7	7	0 ³⁸	15 ³⁹	7	7
Side [1]	7	7	0 ⁴⁰	10 ⁴¹	7	7
Street Side ⁴²	7	7	5	15	7	7
Rear	5	5	5	5	5	5
Building Height, Max. FT	30	30 or 35 [3] ⁴³	40	30	30	30 FT

Notes:

- [1] See Section 15-2-50(b) for minimum lot standards for single-unit attached dwellings.
- [2] See Section 15-2-50(c) for standards for lots less than 2,500 feet.
- [3] Single-unit attached dwellings with three or more units, triplex or fourplex dwellings, and multiunit dwellings may be built up to 35 feet.

(b) Single-Unit Attached Lots

- (1) The minimum lot area for exterior units shall be 2,500 square feet and the minimum lot area for interior units shall be 2,000 square feet. If there are only two units included in the primary structure, both units shall be considered exterior units.
- (2) The minimum lot width for exterior units shall be 25 feet and the minimum lot area for interior units shall be 20 feet.
- (3) Side setbacks shall only apply to the perimeter of a single-unit attached structure and not to individual townhouse/rowhouse lots.

(c) Lots Less Than 2,500 Square Feet

Existing lots less than 2,500 square feet in area may be developed if:

- (1) The subject lot was established on the original Town Plat or prior to the Effective Date; and

³⁴ New, for clarification.

³⁵ Decreased from 7

³⁶ Decreased from 7

³⁷ Decreased from 7

³⁸ Currently only applied to nonresidential uses and dwellings in conjunction with another principal use.

³⁹ Reduced from current 20 feet.

⁴⁰ Decreased from current 7 feet.

⁴¹ Reduced from current 15 feet.

⁴² New, for clarification.

⁴³ Increased from current 30 feet.

- (2) The lot meets all standards required by Table 15-2-3: Zoning Districts Dimensional Standards Summary, excluding minimum lot area and minimum lot width.

(d) Graphics⁴⁴

- (1) Each base zoning district is accompanied by representative photos and a graphic depicting how the lot and building standards apply to lots and building forms within the respective district. The photos and graphics are intended to represent the general character of development within the district.
- (2) The graphics are not regulatory and are not to be compared to the visual look of a proposed development.
- (3) The graphics do not reflect all standards from the Code that may apply to a project and are intentionally conceptual versus detailed.

⁴⁴ New.

(e) R-1: Neighborhood Residential

(1) Purpose

This district is designed to accommodate single-unit and duplex dwellings as well as limited public or civic uses. It is intended for application in the existing predominantly residential areas in Town identified for single-unit and duplex housing infill in the Master Plan.



(2) Dimensional Standards

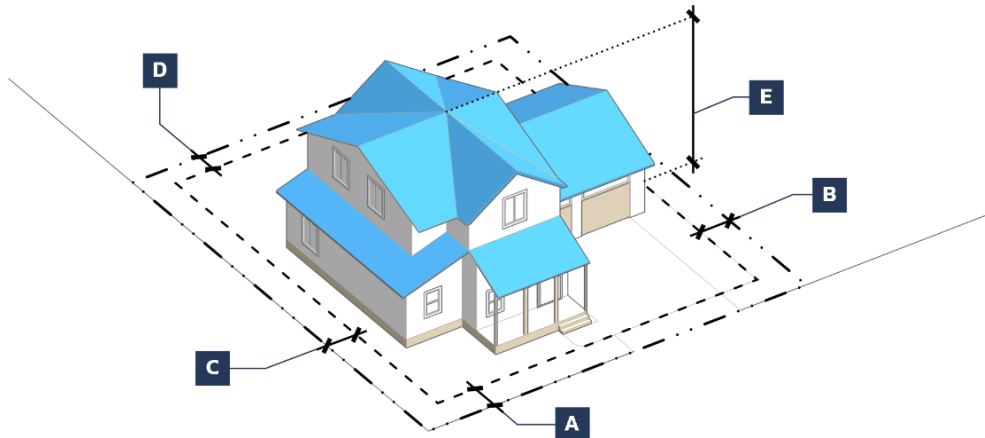


Table 15-2-4: R-1 Lot and Building Standards

Lot Standards		Building Setbacks (Lots ≥ 5,000 SF)			
Lot Area per Primary Structure (Min. SF)	5,000 [1]	A	Front (Min. SF)	7	
Lot Area (Max. SF)	10,000	B	Side (Min. SF) [1]	7	
Lot Width (Min. FT)	50	C	Street Side (Min. SF)	7	
Building Setbacks (Nonconforming Lots < 5,000 SF)		D	Rear (Min. SF)	5	
A	Front (Min. SF)	5	Building Standards		
B	Side (Min. SF)	3.5 [1]	E	Building Height (Max. FT)	30
C	Street Side (Min. SF)	5	[1] See Section 15-2-50(b) for minimum lot standards for single-unit attached dwellings.		
D	Rear (Min. SF)	5			

(f) R-2: Mixed Residential

(1) Purpose

This district is designed to accommodate a variety of housing types including single-unit detached and attached, duplex, triplex, fourplex, and multiunit dwellings as well as limited public or civic uses. It is intended for application as transition areas between neighborhood residential and mixed-use districts identified for housing infill and neighborhood mixed-use in the Master Plan.



(2) Dimensional Standards

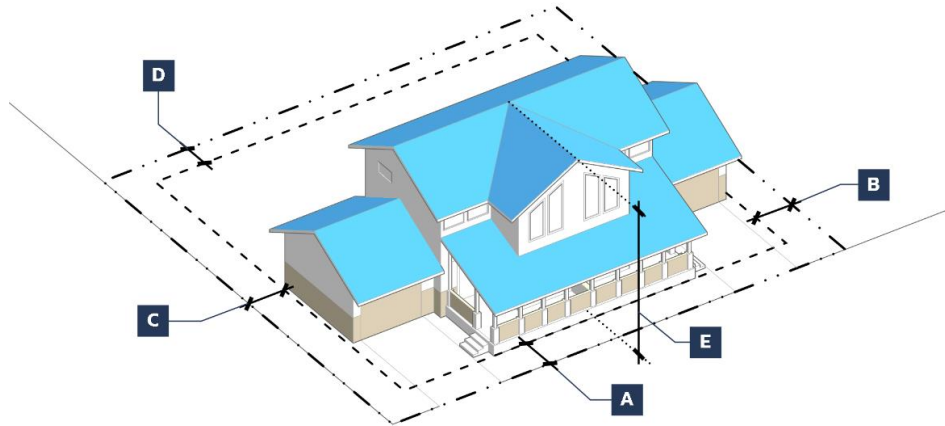


Table 15-2-5: R-2 Lot and Building Standards

Lot Standards		Building Setbacks (Lots ≥ 5,000 SF)	
Lot Area per Primary Structure (Min. SF)	2,500 [1][2]	A Front (Min. SF)	7
Lot Area (Max. SF)	N/A	B Side (Min. SF) [2]	7
Lot Width (Min. FT)	25	C Street Side (Min. SF)	7
Building Setbacks (Lots < 5,000 SF)		D Rear (Min. SF)	5
A Front (Min. SF)	5	Building Standards	
B Side (Min. SF)	3.5 [1]	E Building Height (Max. FT)	30 or 35 [3]
C Street Side (Min. SF)	5	[1] See Section 15-2-50(b) for minimum lot standards for single-unit attached dwellings. [2] See Section 15-2-50(c) for standards for lots less than 2,500 feet. [3] Single-unit attached dwellings with three or more units, triplex or fourplex dwellings, and multiunit dwellings may be built up to 35 feet.	
D Rear (Min. SF)	5		

(g) MU-1: Downtown Mixed-Use

(1) Purpose

This district is designed to accommodate a variety of commercial, service, entertainment, and residential uses in the historic core of Silverton in a pedestrian-oriented setting, following the design character and patterns of the downtown area. It is intended for application in the business/mixed use area as identified in the Master Plan.



(2) Dimensional Standards

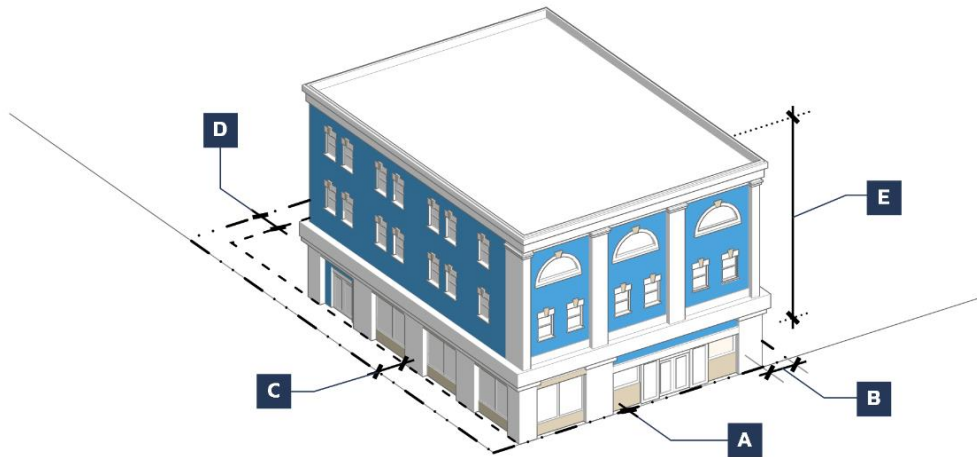


Table 15-2-6: MU-1 Lot and Building Standards

Lot Standards		Building Setbacks (Lots ≥ 5,000 SF)	
Lot Area (Min. SF)	2,500 [1]	A	Front (Min. SF) 0
Lot Area (Max. SF)	N/A	B	Side (Min. SF) 0
Lot Width (Min. FT)	25	C	Street Side (Min. SF) 5
Building Setbacks (Lots < 5,000 SF)		D	Rear (Min. SF) 5
A	Front (Min. SF) 0	Building Standards	
B	Side (Min. SF) 0	E	Building Height (Max. FT) 40
C	Street Side (Min. SF) 5	[1] See Section 15-2-50(c) for standards for lots less than 2,500 feet.	
D	Rear (Min. SF) 5		

(h) C-1: Gateway Commercial

(1) Purpose

This district is designed to accommodate a mix of retail and commercial services, creative spaces, office, and other supportive uses to meet the needs of residents and tourists. A mix of higher-density and second story housing types are also allowed to provide for live/work opportunities. It is intended for application in the business/mixed use and neighborhood mixed-use areas identified in the Master Plan around the two gateway entrances to town.



(2) Dimensional Standards

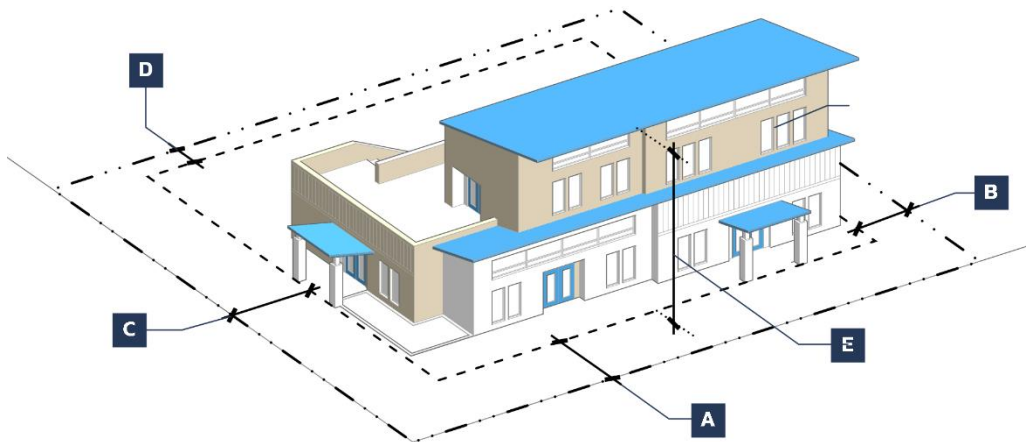


Table 15-2-7: C-1 Lot and Building Standards

Lot Standards		Building Setbacks (Lots ≥ 5,000 SF)	
Lot Area (Min. SF)	2,500 [1]	A	Front (Min. SF) 15
Lot Area (Max. SF)	N/A	B	Side (Min. SF) 10
Lot Width (Min. FT)	50	C	Street Side (Min. SF) 15
Building Setbacks (Lots < 5,000 SF)		D	Rear (Min. SF) 5
A	Front (Min. SF) 5	Building Standards	
B	Side (Min. SF) 3.5	E	Building Height (Max. FT) 30
C	Street Side (Min. SF) 5	[1] See Section 15-2-50(c) for standards for lots less than 2,500 feet.	
D	Rear (Min. SF) 5		

(i) C-2: Employment Commercial

(1) Purpose

This district is designed to accommodate a variety of businesses and activities, including industrial and manufacturing activities, as well as supporting office and commercial uses. It is intended for application on nonresidential lots in the southeastern portion of town identified for neighborhood mixed-use in the Master Plan.



(2) Dimensional Standards

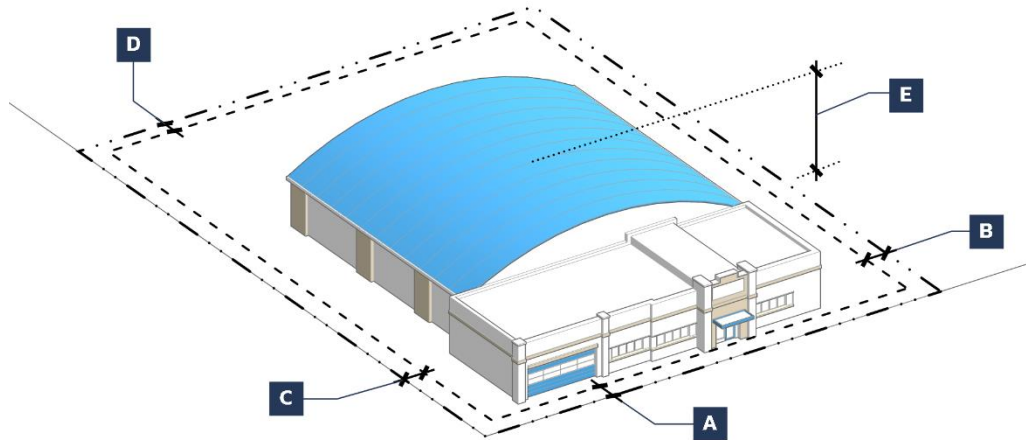


Table 15-2-8: C-2 Lot and Building Standards

Lot Standards		Building Setbacks (Lots ≥ 5,000 SF)	
Lot Area (Min. SF)	2,500 [1]	A	Front (Min. SF) 7
Lot Area (Max. SF)	N/A	B	Side (Min. SF) 7
Lot Width (Min. FT)	50	C	Street Side (Min. SF) 7
Building Setbacks (Lots < 5,000 SF)		D	Rear (Min. SF) 5
A	Front (Min. SF) 5	Building Standards	
B	Side (Min. SF) 3.5	E	Building Height (Max. FT) 30
C	Street Side (Min. SF) 5	[1] See Section 15-2-50(c) for standards for lots less than 2,500 feet.	
D	Rear (Min. SF) 5		

(j) P: Public

(1) Purpose

This district is designed to accommodate public and quasi-public uses and activities such as parks, open spaces, trails, community centers, or public safety facilities. It is intended for application in the areas identified for recreation in the Master Plan.



(2) Dimensional Standards

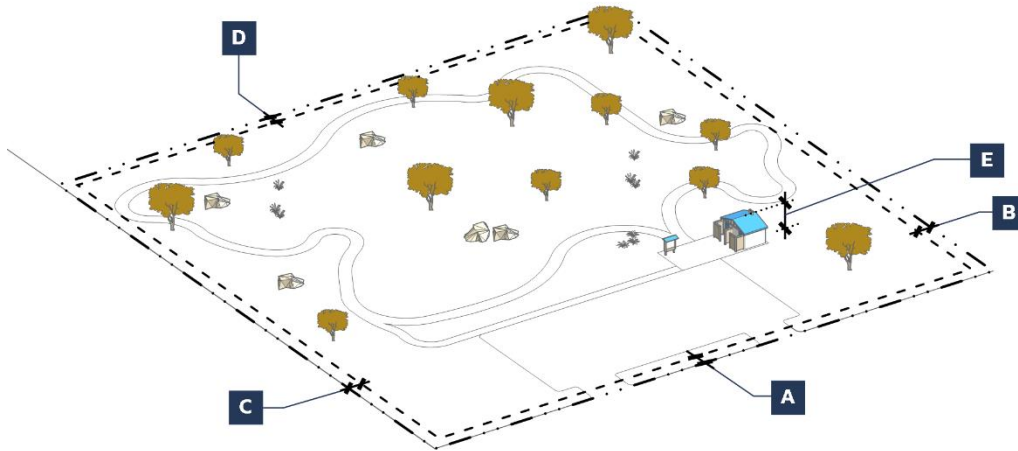


Table 15-2-9: P Lot and Building Standards

Lot Standards		Building Setbacks (Lots ≥ 5,000 SF)	
Lot Area (Min. SF)	2,500 [1]	A	Front (Min. SF) 7
Lot Area (Max. SF)	N/A	B	Side (Min. SF) 7
Lot Width (Min. FT)	50	C	Street Side (Min. SF) 7
Building Setbacks (Lots < 5,000 SF)		D	Rear (Min. SF) 5
A	Front (Min. SF) 5	Building Standards	
B	Side (Min. SF) 3.5	E	Building Height (Max. FT) 30
C	Street Side (Min. SF) 5	[1] See Section 15-2-50(c) for standards for lots less than 2,500 feet.	
D	Rear (Min. SF) 5		

15-2-60 Exceptions and Encroachments⁴⁵

(a) Permitted Encroachments into Setbacks

Certain building and site features listed in the table below may extend into the required building setback limits for each zoning district.

Table 15-2-10: Permitted Setback Encroachments		
Projection	Front or Street Side Setback	Side or Rear Setback
Building Element		
Approved accessibility ramps	Any distance	Any distance
Bay windows, chimneys, decks, balconies (includes cantilevered and balconies supported by individual pillars) and patios	2 FT	2 FT
Belt courses, sills, lintels, pilasters, pediments	2 IN	2 IN
Eaves, roof overhangs, cornices, gutters, and downspouts	3 FT 6 IN	3 FT 6 IN
Propane tanks	N/A	3 FT
Shading devices such as awnings, canopies, and marquees	5 FT provided the structure complies with the Development Standards and Specifications	5 FT provided the structure complies with the Development Standards and Specifications
Unenclosed entry/egress stairs	3 FT	3 FT
Window wells	Any distance	3 FT
Site Element		
Accessory structures less than 120 square feet	N/A	Any distance provided that there is no off-site snow shed
Fences and walls (freestanding)	Any distance	Any distance
Flagpoles and signs	Any distance	Any distance
Flatwork	Any distance	Any distance
Gardens and landscaping	Any distance	Any distance
Ornamental Lights	Any distance	Any distance
Mechanical, Electric, and Plumbing Elements		
Gas and electric meters	2 FT	2 FT

⁴⁵ New.

(b) Permitted Exceptions to Height Limitations

Certain building and site features listed in the table below may exceed the maximum height limitation established for each zoning district.

Table 15-2-11: Exceptions to Building Height Limits	
Site Structure or Feature	Maximum Height Increase
Chimneys and smokestacks	Any distance
Antennas and towers (except as provided in Section 15-3-50(c)(3), Wireless Communication Facilities (WCF))	5 FT
Flues and vents	5 FT
Emergency sirens and similar devices	Any distance
Mechanical, electrical, and plumbing equipment including elevator overruns and roof-mounted solar energy equipment	5 FT
Parapet walls, safety railings, and screening walls	5 FT

15-2-70 Planned Unit Development (PUD)⁴⁶

(a) Purpose⁴⁷

- (1) The purpose of this Section is to:
 - a. Encourage development that contains unique or innovative design features;
 - b. Enhance unique, natural, resource or scenic features;
 - c. Preserve open spaces; and
 - d. Allow the negotiation of a specialized zoning district in exchange for development that implements the Master Plan goals and the intent of this LUC.

(b) Applicability

- (1) This district is intended to be used only when no other base or overlay district in this Code, and no combination of those districts, can be used to approve a new development that provides substantial additional benefits to the Town that would not otherwise be required by this Code.
- (2) PUD rezoning is prohibited when used only to change development standards, such as sign requirements.

⁴⁶ Replaces current Article 8, Chapter 17 and current Sec. 16-4-580.

⁴⁷ Replaces current Sec. 17-8-10 and 17-8-30(a).

(c) Eligibility to Apply for a PUD⁴⁸

An application for rezoning to a PUD zoning district shall comply with all of the following requirements.

- (1) The PUD shall:
 - a. Address a unique, site-specific situation; or
 - b. Confer a substantial benefit to the Town, representing an improvement in quality over what could have been accomplished through application of the applicable base district or development standards. Improvements in quality may include, but are not limited to:
 - (i) Improvements in open space provision and access;
 - (ii) Environmental protection;
 - (iii) Protection or improvement of a historic structure that would not otherwise be required to be preserved or improved;
 - (iv) Efficient provision of streets, roads, and other utilities and services; or
 - (v) Provision of affordable housing as defined by this LUC.
- (2) Permitted uses may not be changed through the PUD process.

(d) Relationship to Zoning and Subdivision⁴⁹

(1) Default Zoning District(s)

- a. The approval of a PUD application creates a new base zoning district, subject to a new Overall Development Plan, that replaces the existing base district for the property. Approval of a PUD district may not occur without simultaneous approval of an Overall Development Plan.
- b. The Overall Development Plan shall identify one or more existing base zoning district(s) applicable to each portion of the property, referred to as the default zoning district(s).
 - (i) The application may identify different default zoning districts for different portions of the property.
 - (ii) Each PUD application may identify proposed modifications to the Code standards, including but not limited to setbacks, lot area, and site and building design standards, through the Overall Development Plan.
 - (iii) The standards applicable to each identified default zoning district shall apply to that portion of the property unless the PUD application requests, and the Town approves, a specific different standard or provision for that portion of the property.

⁴⁸ New.

⁴⁹ New.

- c. Following approval of a PUD and Overall Development Plan, review and approval of a Site Plan is required for any portion of the property subject to development, pursuant to Section 15-8-30(l).

(2) Subdivision

- a. A PUD application may request both rezoning and subdivision approval for all or part of the property, in which case:
 - (i) The Overall Development Plan shall be accompanied by a Preliminary Plan for a major subdivision meeting the requirements of Section 15-8-40(k)(3); and
 - (ii) The review and public hearing requirements for the approval of a PUD shall also constitute review and approval of the Preliminary Plan for the subdivision, and a separate process for review and approval of a major subdivision as described in Section 15-8-40(k) shall not be required.

(3) Post-Approval Actions

- a. Following approval of a PUD and related major subdivision Preliminary Plan, no development of the property or sale of any lots may occur without Town approval of a Final Plat pursuant to Section 15-8-40(k)(4).
- b. Following approval of a PUD, an applicant may request simultaneous approval of a Final Plat and Site Plan for all or part of the property.

(e) Rezoning to PUD

Zoning Map Amendment (PUD) applications shall follow the review procedures in Section 15-8-40(o)(3)b.

15-2-80 Overlay Zoning Districts⁵⁰

(a) Historic District Overlay⁵¹

(1) Purpose⁵²

The purpose of the Historic District Overlay is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character, centered around downtown, while promoting the public health, safety, and welfare through:

- a. The protection and preservation of the Town's historic and cultural heritage as represented through the establishment of the Town's Historic Register;

⁵⁰ The Avalanche, Slope, and Flood Hazard Overlay districts are proposed to be converted into development standards in Article 5, Environmentally Sensitive Lands.

⁵¹ Current Division 5, Article 4, unless otherwise noted. Drafted to included requirements to become a Certified Local Government.

⁵² New.

- b. The protection and enhancement to quality of life and of the Town's economy through the preservation of historical attractions for local residents, tourists, and visitors; and
- c. The expansion of public awareness, appreciation, and knowledge of the Town's unique local history.

(2) Applicability⁵³

This Section shall apply to all properties within the Historic District Overlay boundaries. These properties shall retain the uses of and are subject to the underlying base zoning district in addition to the standards of this Section.

(3) Establishment of the Town's Historic Register⁵⁴

- a. The Town of Silverton's Register of Historic Places (the "Town's Historic Register") is hereby established as the Historic District Overlay.
- b. Properties may be added to the Historic District Overlay and therefore listed in the Town's Historic Register only if the property or district has been so designated pursuant to Section 15-8-40(d).
- c. All properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town's Historic Register but are not designated until approval, pursuant to Section 15-8-40(d).

(4) Historic District Overlay Map⁵⁵

The Historic District Overlay map shall be available on the Town of Silverton's website and an official copy shall be on file in the Town Administrator's office. The Town shall maintain a current record of all pending designations which shall be on file in the Town Clerk's office. Any changes shall be reported to the State Historic Preservation Officer.

(5) Maintenance

No owner, lessee, or occupant of any property within the Historic District Overlay shall fail to prevent significant deterioration of the exterior of the building, structure, object, or special feature beyond the condition of the property within the Historic District Overlay.

(6) Demolition

In order to demolish or partially demolish a property within the Historic District Overlay, the property owner shall apply for a Historic District Overlay Review, Major prior to demolition per Section 15-8-40(g). The Town Administrator may limit this requirement to Contributing Properties.

⁵³ New.

⁵⁴ New.

⁵⁵ New.

(7) Design Standards for All Development in the Historic District Overlay⁵⁶

a. Greene Street Mixed-Use Required⁵⁷

- (i) All new development or redevelopment of structures that abut Greene Street shall maintain an active principal nonresidential use on the ground floor of the building. An active principal nonresidential use shall be defined as a land use that tends to have or encourage interaction between the use and pedestrians on a street, including entering and exiting the use, and viewing activity and/or merchandise inside the use from a street. It does not include ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street.
- (ii) The entirety of the ground floor shall be built to commercial building standards according to the Town's adopted building code.
- (iii) The principal nonresidential space shall have a minimum depth of 20 feet measured from the front of the building to the inside wall opposite of the street frontage. The remaining ground floor area and upper stories may contain residential dwelling units.

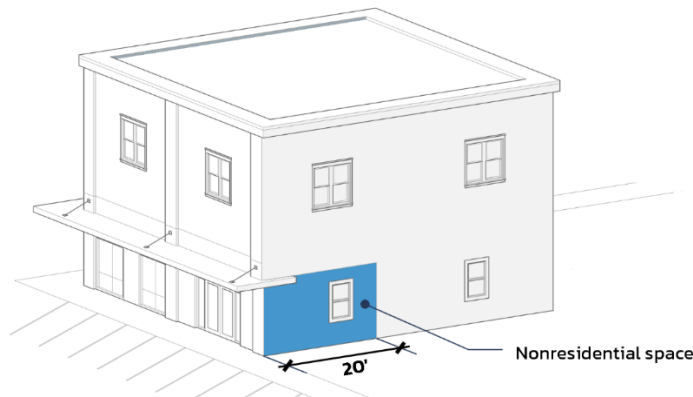


Figure 15-2-1: Minimum Nonresidential Space Depth

b. Build-to Line (Distance from Property Line)⁵⁸

- (i) All buildings shall be constructed to a build-to line at the back of the sidewalk.
- (ii) Building facades may be recessed if an arcade or similar covered passageway abuts the front setback.

⁵⁶ Current Sec. 16-4-760, unless otherwise noted. Removed current Sec. 16-4-760(c), Façade Treatments.

⁵⁷ Replaces current paragraphs (b)(1) and (2).

⁵⁸ Updated terminology for clarity.

(iii) Existing structures located behind the build-to-line (e.g., further into the lot interior) may be modified provided the setback is not increased.⁵⁹

c. Architectural Projections⁶⁰

Architectural projections, including cornices, balconies, canopies, awnings and entry features, may encroach into public rights-of-way where contextually appropriate, subject to Public Works approval prior to submitting a Building Permit.

d. Blank Walls⁶¹

Blank, windowless walls are prohibited on any street frontage⁶², except for structures adjacent to undeveloped or vacant lots. If blank walls cannot be avoided, design accents such as pilasters or other façade articulations should be utilized to reduce the overall wall mass.

e. Screening

All HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be screened from street-front and corner lot view. Solar energy devices such as panels are exempt from this requirement.

(8) Additional Design Standards for New Construction and Non-Contributing Property

New construction and Non-Contributing Property within the Historic District Overlay shall be differentiated from the Contributing Properties but shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the Historic District Overlay and its environment.⁶³ When included as part of the building design, elements that may be reviewed to establish consistency with the district and adjacent buildings include, but are not limited to:⁶⁴

- a. Kickplates;
- b. Plate glass commercial windows;
- c. Window head and sill details;
- d. Oriel windows;
- e. Paneled entry doors with transom above;
- f. Columns with bases and capitals;

⁵⁹ Replaces current Sec. 16-4-760(a)(1).

⁶⁰ Replaces current Sec. 16-4-760(f).

⁶¹ Second sentence is new.

⁶² Replaces "Where publicly viewable and compliant with adopted building codes."

⁶³ New.

⁶⁴ Current 16-4-760(c).

- g. Belt course elements;
- h. Quality of materials and craftsmanship;
- i. Sidelights;
- j. Storefront cornice (denials, brackets, corbels);
- k. Upper cornice and parapet detail (corbelled treatments); and
- l. Signage.

(9) Additional Design Standards for Contributing Properties

a. Compliance with Secretary of the Interior’s Standards

In addition to the standards set forth in this Section, all exteriors of Contributing Properties including new additions in the Historic District Overlay shall comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties: Standards for Rehabilitation as set forth in 36 CFR Part 68. The Guidelines for Rehabilitating Historic Buildings are advisory and should be used to assist in applying the Standards.⁶⁵

b. Façade Treatments

Large buildings shall be articulated or designed to resemble the character and scale of the original buildings in the district, with each storefront 50 feet⁶⁶ wide or less.

c. Entries⁶⁷

- (i) On the first floor, entries shall incorporate glass doors and large, vertically oriented store front windows and front entry doors⁶⁸ shall be recessed. The Town Administrator or Historic Preservation Committee may approve an alternative design if the design provides equivalent or superior results than compliance with the established standards of this Section.⁶⁹
- (ii) Entries shall be designed to adequately protect from falling snow. Snow guards shall be installed where necessary and as required by the Building Official.⁷⁰

d. Windows

Windows on all stories shall be vertically oriented and organized in a symmetrical, balanced, and regular pattern. The Town Administrator or Historic Preservation Committee may approve an alternative design if

⁶⁵ Replaces the Silverton Builder’s Handbook.

⁶⁶ Increased from 25 feet.

⁶⁷ Replaces current requirement for first floor entries to incorporate glass doors and storefront windows. These details are addressed in the proposed Design Guidelines.

⁶⁸ Clarified the applicability to main entrance (typically front) doors and not all entries.

⁶⁹ Second sentence is new.

⁷⁰ New, per staff request.

the design provides equivalent or superior results than compliance with the established standards of this Section.⁷¹

⁷¹ Second sentence is new.

Article 3 Use Standards

15-3-10 Purpose⁷²

The purpose of this Article is to identify the land uses allowed in the Silverton zoning districts and establish the standards that apply to certain uses (use-specific standards). This article is organized as follows:

- (a) Table 15-3-1 lists the uses allowed by zoning district and cross-references applicable use-specific standards.
- (b) Section 15-3-50 establishes use-specific standards that are those unique standards applicable to certain land uses.
- (c) Section 15-3-60 establishes standards applicable to uses and structures that are accessory to the principal use of the property and/or structure.
- (d) Section 15-3-70 establishes standards applicable to non-permanent (temporary) structures and uses.

15-3-20 Organization

- (a) In Table 15-3-1, land uses and activities are classified into six general use categories: (1) Residential; (2) Public, Institutional, and Civic; (3) Commercial; (4) Industrial; (5) Accessory; and (6) Temporary. Specific uses are organized within the general use categories, based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This provides a systematic basis for assigning present and future land uses into appropriate zoning districts and for avoiding overlaps and inconsistencies between similar land uses.
- (b) The left-side column of Table 15-3-1 lists all use categories and many of the specific uses that might be approved by the Town. Columns in the center of the table correspond to each base zoning district and indicate whether the use is allowed in that district. The right-side column provides a cross-reference to use-specific standards that apply to that use in some or all of the zoning districts in which it is allowed.

(c) Compliance with Additional Requirements

- (1) Any use approved within a zoning district shall also comply with all applicable standards in this Code, any requirements of local, state, or federal law, and any conditions placed on the approval.
- (2) All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this Code.

⁷² New.

- (3) All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Silverton Municipal Code and regulations of the Colorado Department of Public Health and Environment, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this Code.

15-3-30 Abbreviations Used in the Table

(a) Permitted Uses

A “P” indicates the use is allowed by right within the respective zoning district.

(b) Uses Requiring Special Use Permit

An “S” indicates the use is only allowed through the Special Use Permit process of Section 15-8-40(j), subject to specified conditions.

(c) Prohibited Uses

A blank space indicates the listed use is not allowed within the zoning district.

(d) Uses for Other Purposes

Approval of a use listed in Table 15-3-1 authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 15-3-1 and approved pursuant to this Code is prohibited.

15-3-40 Use Table

Table 15-3-1: Use Table P = Permitted S = Special Use New uses in bold Uncolored cell = no change from current Grey Cell = more permissive than current Orange Cell = Less permissive Strikethrough = prior allowance							
Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Residential							
Household Living⁷³							
Dwelling, Single-Unit Detached	P	P	P		S		15-3-50(a)(1)

⁷³ Removed Condominium as separate use.

Table 15-3-1: Use Table

P = Permitted | S = Special Use
 New uses in bold
 Uncolored cell = no change from current
 Grey Cell = more permissive than current | Orange Cell = Less permissive
~~Strikethrough~~ = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Dwelling, Single-Unit Attached (Townhome) ⁷⁴	P	P					15-3-50(a)(2)
Dwelling, Duplex ⁷⁵	P	P	P				15-3-50(a)(2)a
Dwelling, Triplex or Fourplex ⁷⁶		P	P	P			15-3-50(a)(4)
Dwelling, Cottage Court ⁷⁷		P		P			15-3-50(a)(5)
Dwelling, Multiunit		P	P	P			15-3-50(a)(6)
Dwelling, Live/Work ⁷⁸				P	P		15-3-50(a)(7)
Dwelling, Mixed-Use			P				
Manufactured or Tiny Home Park ⁷⁹		S			S		15-3-50(a)(8)
Group Living							
Continuing Care Facility ⁸⁰		S					
Group Home	P	P	P S		S		
Civic							
Cultural							
Assembly ⁸¹	S	S	P	P	S	S	
Cemetery ⁸²						P	
Library			P			P	
Museum			P	P		P	
Parks and Open Spaces ⁸³	P	P	P	P	P	P	

⁷⁴ New.

⁷⁵ New.

⁷⁶ New.

⁷⁷ New.

⁷⁸ New.

⁷⁹ Replacing Mobile Home Park and expanding to include tiny homes.

⁸⁰ New.

⁸¹ New, broadens religious assembly to comply with RLUIPA and consolidates with 'Community Center' and 'Public Recreation Facilities.'

⁸² New.

⁸³ Consolidation of: 'Open Spaces' and 'Public Parks'.

Table 15-3-1: Use Table

P = Permitted | S = Special Use
 New uses in bold
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~~Strikethrough~~ = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Custodial Care							
Day Care Center, Adult⁸⁴	P	P	P	P			
Day Care Center, Child	P	P	P	P	S		
Education							
School, Elementary or Secondary ⁸⁵	S	S	P	P	P	P	
School, University or College ⁸⁶	S	S	P	P	P	P	
School, Vocational ⁸⁷			P	P	P		
Government Services							
Detention Facilities ⁸⁸						P	
Governmental and Public Facilities ⁸⁹			P	P	P	P	
Public Safety Facilities	S	S	P	P	P	P	
Health Services⁹⁰							
Hospital				S	S	P	
Medical or Dental Clinic	S ⁹¹		P	P	P	P	
Commercial							
Animal and Agriculture							
Animal Services⁹²			P	P	P		15-3-50(b)(1)
Equestrian Operation ⁹³		S ⁹⁴			S		
Greenhouse or Nursery⁹⁵				P	P	P	

⁸⁴ New.
⁸⁵ Split from 'Educational Institution.'
⁸⁶ Split from 'Educational Institution.'
⁸⁷ Replaces 'Scientific or Educational Institution.'
⁸⁸ Renamed from 'Jails.'
⁸⁹ Consolidation of: 'Courts', 'Public Offices', and 'Post Offices'
⁹⁰ Split of 'Hospital and Medical Clinic.'
⁹¹ The current medical clinic in Silverton is located in the R-1 district.
⁹² New.
⁹³ Replaces "Horse stables or businesses."
⁹⁴ There is an existing horse ring in R-2 currently.
⁹⁵ New.

Table 15-3-1: Use Table

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Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Kennel				S	S		15-3-50(b)(2)
Market Garden⁹⁶	S	S	S	P	P	P	
Entertainment and Recreation							
Convention and Conference Center			P	P			
Membership Club ⁹⁷			P	P			
Recreation and Entertainment, Indoor ⁹⁸			P	P	P	P	
Recreation and Entertainment, Outdoor ⁹⁹			P	P	P	P	
Eating and Drinking Establishments							
Bar or Tavern ¹⁰⁰			P	S P			
Craft Alcohol¹⁰¹			P	P	P		
Restaurant ¹⁰²			P	S P			
Lodging Accommodations							
Bed and Breakfast	S	S	P		P		
Hotel or Motel			P	P	P		
Recreational Vehicle Park				S	S		15-3-50(b)(3)
Vacation Rental	S	S	P		S		15-3-50(b)(4)
Marijuana Related Activities							
All	See Article 4, Chapter 6, Marijuana Licenses of the Silverton Municipal Code						

⁹⁶ New.

⁹⁷ Consolidation of 'Social or Fraternal Clubs' and 'Club'.

⁹⁸ Consolidation of 'Public Entertainment,' 'Performing Arts Center,' and 'Recreation'.

⁹⁹ Consolidation of 'Public Entertainment' and 'Recreation'.

¹⁰⁰ Split uses of "Restaurant and Bar".

¹⁰¹ New.

¹⁰² Split uses of "Restaurant and Bar".

Table 15-3-1: Use Table

P = Permitted | S = Special Use
 New uses in bold
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Strikethrough = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Retail, Personal, and Professional Services							
Financial Institution			P	P			
Office ¹⁰³			P	P		P	
Personal Services ¹⁰⁴			P	P	P		
Retail Sales ¹⁰⁵			P	P			
Transportation, Vehicles, and Equipment							
Car Wash				P	P		
Repair, High Impact				P	P		
Repair, Low Impact			P	P	P		15-3-50(b)(5)
Service Station				P	S		15-3-50(b)(6)
Transportation Facilities			P	P	P	P	
Vehicle and Equipment Sales, Leasing, and Rental¹⁰⁶			S	P	P		
Industrial							
Manufacturing and Processing							
Artisan Industrial¹⁰⁷			S	P	P		15-3-50(c)(1) and 15-3-50(c)(2)
Junk or Salvage Yard¹⁰⁸					S		15-3-50(c)(1)
Manufacturing and Assembly, Heavy ¹⁰⁹			S	S	P S		15-3-50(c)(1)

¹⁰³ Consolidated to include “professional services”.

¹⁰⁴ Consolidated to include “Laundromat”

¹⁰⁵ Consolidation of: ‘Retail Shops’, ‘Gift Shop’ and ‘Print Shop’.

¹⁰⁶ New.

¹⁰⁷ New. Split of Manufacture, Fabrication and Assembly.

¹⁰⁸ New.

¹⁰⁹ New. Split of Manufacture, Fabrication and Assembly.

Table 15-3-1: Use Table

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Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Manufacturing and Assembly, Light ¹¹⁰			S	P	P		15-3-50(c)(1)
Recycling or Composting Facility¹¹¹				S	S		15-3-50(c)(1)
Utilities							
Utility, Major¹¹²				S	S	S	15-3-50(c)(1)
Utility, Minor¹¹³	P	P	P	P	P	P	15-3-50(c)(1)
Wireless Communication Facilities¹¹⁴	P	P	P	P	P	P	15-3-50(c)(3)
Warehouse and Storage							
Contractor's Yard¹¹⁵				S	P		15-3-50(c)(1)
Distribution Services and Facilities ¹¹⁶				P	P		15-3-50(c)(1)
Principal Outdoor Storage¹¹⁷					S		
Warehousing and Storage Facilities ¹¹⁸				P	P		15-3-50(c)(1) and 15-3-50(c)(4)
Accessory							
Accessory Dwelling Unit	P	P	P	P	P		15-3-60(d)
Cottage Industry¹¹⁹	P	P	P	P	P		15-3-60(e)
Fowl or Domestic Animals¹²⁰	P	P	P	P	P	P	15-3-60(f)
Drive-Through Facility				P	P		

¹¹⁰ New. Split of Manufacture, Fabrication and Assembly.

¹¹¹ New.

¹¹² New.

¹¹³ New.

¹¹⁴ New.

¹¹⁵ New.

¹¹⁶ Split of: Warehousing, Storage, and Distribution Facilities

¹¹⁷ New.

¹¹⁸ Split of: Warehousing, Storage, and Distribution Facilities

¹¹⁹ New.

¹²⁰ New, for clarity.

Table 15-3-1: Use Table

P = Permitted | S = Special Use
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~~Strikethrough~~ = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Electric Vehicle Charging Station			P	P	P	P	15-3-60(g)
Family Child Care Home ¹²¹	P	P	P		S		15-3-60(h)
Greenhouse ¹²²	P	P	P	P	P	P	15-3-60(i)
Home Occupation	P	P	P	P	P		15-3-60(j)
Horse and Livestock Keeping	P	P		P	P		15-3-60(k)
Outdoor Commercial Storage¹²³			P	P	P	P	15-3-60(l)
Outdoor Residential Storage¹²⁴	P	P	P				15-3-60(m)
Propane Tank¹²⁵	P	P	P	P	P	P	15-3-60(n)
Recreational Vehicle Storage	P	P	P	P	P		15-3-60(o)
Solar-Energy Systems (Ground- or Roof-Mounted)¹²⁶	P	P	P	P	P	P	15-3-60(p)
Temporary Uses¹²⁷							
Farm Stand¹²⁸	P	P	P	P	P	P	15-3-70(e)
Farmers Market¹²⁹			P	P		P	15-3-70(f)
Food Truck¹³⁰			P	P	P	P	15-3-70(g)
Portable Storage Unit¹³¹	P	P	P	P	P	P	15-3-70(h)

¹²¹ Split from Child Care Centers and Family Care Homes

¹²² Removed "Tool houses, play houses, and sheds" from use title.

¹²³ Replaces Service Yards

¹²⁴ New. Replaces shed and toolshed.

¹²⁵ New, to clarify current practice.

¹²⁶ New.

¹²⁷ New.

¹²⁸ New. State regulations require communities to allow farm stands to be operated on a principal use site of any sized land area regardless of whether the site has been zoned by a local government for agricultural operations.

¹²⁹ New.

¹³⁰ New.

¹³¹ New.

Table 15-3-1: Use Table

P = Permitted | S = Special Use
 New uses in bold
 Uncolored cell = no change from current
 Grey Cell = more permissive than current | Orange Cell = Less permissive
 Strikethrough = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P	Use-Specific Standards
Portable Waste Trailer ¹³²			P			P	15-3-70(i)
Temporary Event or Sales ¹³³			P	P	P		15-3-70(j)
Temporary Outdoor Dining ¹³⁴			P				15-3-70(k)

15-3-50 Use-Specific Standards

(a) Residential Uses

(1) Single-Unit Detached Dwelling¹³⁵

- a. Where allowed, each zoning lot shall be limited to one single-unit detached dwelling.
- b. In the R-1 district, the maximum building footprint per zoning lot is 2,500 square feet.

(2) Single-Unit Attached Dwelling¹³⁶

- a. Single-unit attached dwellings with three or more units shall provide residential bulk storage areas as follows:
 - (i) A minimum of 100 square feet of storage per dwelling unit, either within individual dwelling units or in a shared on-site storage area shall be provided. The Town Administrator may waive or decrease this requirement based on site constraints or in order to accommodate a greater number of dwelling units.
 - (ii) Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, or ski equipment shall be designed for this purpose. Bulk storage areas shall be separate from water heaters or other types of mechanical or electrical equipment.

¹³² New.

¹³³ New.

¹³⁴ New – addresses the Town’s current “bump out” allowances for restaurants.

¹³⁵ New.

¹³⁶ New.

1. Exterior or detached bulk storage areas shall be designed as an integral part of the project.
 2. Bulk storage areas shall be incorporated into garages, car ports, and screening walls, using materials and details similar to those of the dwelling unit to achieve an integrated appearance.
- b. In the R-1 district, single-unit attached structures are limited to two dwelling units with a maximum total building footprint of 2,500 square feet per unit.

(3) Duplex Dwelling¹³⁷

In the R-1 district, a zoning lot containing a duplex dwelling shall be limited to a maximum building footprint of 2,500 square feet.

(4) Triplex or Fourplex Dwelling

Residential bulk storage areas shall be provided as follows:

- a. A minimum of 100 square feet of storage per dwelling unit, either within individual dwelling units or in a shared on-site storage area shall be provided. The Town Administrator may waive or decrease this requirement based on site constraints or in order to accommodate a greater number of dwelling units.
- b. Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, or ski equipment shall be designed for this purpose. Bulk storage areas shall be separate from water heaters or other types of mechanical or electrical equipment.
- c. Exterior or detached bulk storage areas shall be designed as an integral part of the project. Bulk storage areas shall be incorporated into garages, car ports, and screening walls, using materials and details similar to those of the dwelling unit to achieve an integrated appearance.

(5) Cottage Court Dwelling¹³⁸

- a. The minimum parcel size for a cottage court development is 10,000 square feet.
- b. The building footprint of each detached single-unit dwelling shall not exceed 650 square feet.
- c. Individual units shall be clustered around a shared private common space containing at least 10 percent of the project area.
- d. A shared facility for communal cooking, dining, and other activities containing no more than 1,500 square feet may be provided.

¹³⁷ New.

¹³⁸ New.

- e. All other building and lot requirements, including building setbacks, for the base zoning district shall apply to the project site as a whole, not individual units.

(6) Multiunit Dwelling

Residential bulk storage areas shall be provided as follows:

- a. A minimum of 100 square feet of storage per dwelling unit, either within individual dwelling units or in a shared on-site storage area shall be provided. The Town Administrator may waive or decrease this requirement based on site constraints or in order to accommodate a greater number of dwelling units.
- b. Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, or ski equipment shall be designed for this purpose. Bulk storage areas shall be separate from water heaters or other types of mechanical or electrical equipment.
- c. Exterior or detached bulk storage areas shall be designed as an integral part of the project. Bulk storage areas shall be incorporated into garages, car ports, and screening walls, using materials and details similar to those of the dwelling unit to achieve an integrated appearance.

(7) Live/Work Dwelling¹³⁹

- a. Residential areas shall be located on upper floors above nonresidential areas, or in the rear of the building behind nonresidential areas.
- b. The nonresidential use shall be a maximum of 60 percent of the gross floor area of the building.
- c. The nonresidential use shall be owned and operated by a resident of the live-work dwelling unit.

(8) Manufactured or Tiny Home Park¹⁴⁰

a. Manufactured Homes and Spaces¹⁴¹

- (i) Each manufactured home shall be:
 - 1. Either permanently or semi-permanently affixed to the ground in accordance with 8 CCR 1302-7 and the manufacturer's specifications, with the running gear and towing hitch removed; and
 - 2. Set upon a base or pad having an anchoring system that is completely concealed under the structure.

¹³⁹ New.

¹⁴⁰ Current Article 5, Chapter 16 unless otherwise noted. All references to "mobile home park" replaced with "manufactured home park" and all references to "recreational vehicles" replaced with "recreational vehicles" to reflect proposed changes.

¹⁴¹ Paragraphs (ii) – (iv) are new. Removed provision related to establishing a manufactured home park in connection with a recreational vehicle park.

- (ii) All manufactured homes must be fully skirted within 30 days of placement.
- (iii) The space below each manufactured home shall be kept clean and free from refuse. The space may be used for storage provided the ground is covered with an impervious material, the area is insulated, and the area is maintained to prevent harboring of rodents.¹⁴²
- (iv) Flammable materials shall not be stored beneath a manufactured home.
- (v) The owner of any existing manufactured or mobile home that is substantially damaged or destroyed (more than 50 percent of assessed valuation¹⁴³) shall submit an appraisal prepared by a professional appraiser within 60 days of notice of violation. If the appraisal shows that the home has been damaged by more than 50 percent of assessed valuation, the manufactured or mobile home shall be removed from the park within 30 days.

b. Tiny Homes

Each tiny home within a manufactured or tiny home park shall have a state certification and installation insignia to confirm it has been built to meet the state requirements related to wind, snow, design temperature, wildfire risk, and wildfire suppression.

c. Site Design¹⁴⁴

- (i) The minimum lot area required for a manufactured or tiny home park shall be 10,000 square feet.¹⁴⁵ Individual manufactured or tiny home spaces within the park are not required to meet the minimum lot area.
- (ii) All building and lot requirements, including primary structure setbacks, for the base zoning district shall apply to the project site as a whole (not individual units).
- (iii) No manufactured or tiny home in a park shall be located closer than 10 feet from the nearest manufactured or tiny home in any direction, including additions or added structures.
- (iv) Water, sewer, and electrical connections shall be installed pursuant to the Development Standards and Specifications, this Code, and all applicable Town ordinances.
- (v) All electric power lines within the park shall be buried.

¹⁴² Insulation requirement is new.

¹⁴³ New.

¹⁴⁴ Removed minimum manufactured home size requirement and screening requirements.

¹⁴⁵ Replaces current requirement of eight lots or 20,000 square feet and minimum 3,750 square foot area per space.

- (vi) All manufactured or tiny homes shall be equipped with an automatic fire suppression system or a fire extinguishing handheld device in good working condition that is capable of extinguishing all types of fires and comply with the adopted fire code.
- (vii) Each manufactured or tiny home park shall provide:¹⁴⁶
 - 1. A minimum of three manufactured or tiny home spaces;
 - 2. One off-street parking space;
 - 3. 100 square feet of storage per manufactured or tiny home, either in individual structures or in a shared structure; and
 - 4. 400 square feet of common open space per manufactured or home to be centrally located in the park and used for recreational purposes including but not limited to adult recreation and child play areas such as outdoor games, picnic tables, seating, and playgrounds.¹⁴⁷
- (viii) All manufactured or tiny home parks shall be maintained in accordance with the requirements of this Section, applicable State of Colorado Department Health regulations, and other applicable Town regulations.¹⁴⁸

(b) Commercial Uses

(1) Animal Services¹⁴⁹

- a. Animals shall not be permitted outside except within an accessory kennel or secure animal run or fenced area.
- b. The overnight boarding of animals shall only be permitted when incidental to medical treatment and limited to short periods of time.

(2) Kennel¹⁵⁰

- a. All kennels shall be enclosed within a building that prevents any sounds in excess of the maximum permissible noise levels for residential zoning districts, set forth in C.R.S. 25-12-103.
- b. Animals shall not be permitted outside except within a secure animal run or fenced area.

¹⁴⁶ Paragraphs 1-4 replace the current provision related to accessory structures on the site.

¹⁴⁷ New.

¹⁴⁸ New.

¹⁴⁹ New.

¹⁵⁰ New.

(3) Recreational Vehicle Park¹⁵¹

a. Recreational Vehicle Spaces

- (i) The minimum lot area for a recreational vehicle park is 60,000 square feet.
- (ii) The minimum size of each individual recreational vehicle parking space within the park is 1,250 square feet.
- (iii) The minimum space required between parked recreational vehicles is 15 feet in any direction.

b. Site Design

- (i) Water, sewer and electrical connections shall be provided for at least 60 percent of the total number of recreational vehicle spaces and camp sites within the park, all of which shall be installed pursuant to the Development Standards and Specifications, this Code, and all applicable Town ordinances. All new electric power lines within the park shall be buried.
- (ii) The storage, collection, and disposal of refuse shall be performed to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions. All trash containers shall be animal resistant.¹⁵²
- (iii) The park shall be sufficiently lighted to assure the security and safety of the residents. All lighting shall comply with the standards in Section 15-6-40, Outdoor Lighting.
- (iv) No permanent or semi-permanent structures, such as cabins, lean-tos, accessory structures, sheds, or habitable buildings, whether placed on a permanent foundation or not, shall be erected on a site except when owned and managed by the owner/operator of the property.¹⁵³
- (v) Opaque screening, such as fences or landscaping materials, a maximum of six feet in height, shall be provided along property boundaries separating the park from adjacent residential property.
- (vi) Each recreational vehicle park shall comply with the requirements of the Colorado Department of Public Health and Environment regulations for Campgrounds and Recreation Areas (6 CCR 1010-9)

¹⁵¹ Current Article 5, Chapter 16, unless otherwise noted. All references to “mobile home park” replaced with “manufactured home park” and all references to “recreational vehicles” replaced with “recreational vehicles” to reflect proposed changes.

¹⁵² Replaces current provision that specifies the provision of metal trash cans.

¹⁵³ New.

including those related to the provision of toilet, lavatory, and bathing fixtures.¹⁵⁴

c. Review Required

- (i) Special Use Permit applications for the construction of a recreational vehicle park shall be submitted concurrently with the initial business license and shall include a site plan showing the layout of recreational vehicle spaces, sanitary facilities, and all other aspects of conformance with this Section as may be required.
- (ii) The plat and design shall be subject Planning Commission and Board of Trustees review prior to the granting of a business license.

d. Damage, Destruction, or Inoperability

Any recreational vehicle unit that does not meet the requirements of this Section must be removed from the park within 15 days of a notice of violation.

(4) Vacation Rental¹⁵⁵

a. Purpose

- (i) The purpose of this Section is to:
 - 1. Preserve the character and ambiance of Silverton's neighborhoods;
 - 2. Allow vacation rentals as short-term visitor accommodations within certain zoning districts;
 - 3. Minimize the negative impacts attributable to vacation rentals and the associated increase in the negative intensity of their use; and
 - 4. Ensure compatibility with the existing surrounding land uses.
- (ii) These provisions are intended to address concerns regarding the use of residential units as vacation rentals on a short-term basis by regulating guest turnover rates, housekeeping and maintenance activities, traffic, noise, overcrowding, health and safety concerns, on-street parking, and other adverse neighborhood impacts.

b. Planning and Zoning

New and existing vacation rentals approved prior to the Effective Date shall comply with the following requirements and restrictions:

¹⁵⁴ Replaces current specific requirements with reference to State regulations.

¹⁵⁵ Current Sec. 16-1-60.

(i) Permit Required

Property owners are required to obtain a Vacation Rental Permit pursuant to Section 15-8-30(o) to operate a vacation rental within the town.

(ii) Non Transferrable

Vacation rental permits are non-transferable when a change in property ownership occurs. All vacation rental permits shall be granted solely to the property owner or legal entity for the residential dwelling unit at the address shown on the application.

(iii) Caps by Zoning District

Vacation rentals within the R-1, R-2, and C-2¹⁵⁶ zones are capped at a maximum of eight vacation rentals in each of these three zoning districts.

(iv) Prohibitions¹⁵⁷

Vacation rentals within the C-1 and P zoning districts, and in the red zone of avalanche hazard areas, are prohibited. No vacation rental applications will be accepted by the Town in any zoning district involving a structure that does not yet exist and/or has not yet received a Certificate of Occupancy.

(v) Separation Distance

No vacation rental application for a structure in the R-1, R-2, or C-2¹⁵⁸ zoning districts will be approved if the proposed vacation rental is within a 100 foot radius (measured from the nearest property line) of a currently permitted vacation rental (measured to the nearest property line of an existing vacation rental), excluding adjacency to any permitted MU-1¹⁵⁹ zoning district vacation rentals. There shall be no minimum separation distance for vacation rentals in the MU-1 zoning district.

(vi) Performance Standards¹⁶⁰

The emission of noise, glare, flashing lights, vibrations, or odors shall not exceed those commonly experienced in the underlying zoning district.

(vii) Parking

1. Guests shall park their vehicles and trailers on-site within a designated parking area and/or on the public street directly

¹⁵⁶ Previously E-D.

¹⁵⁷ Removed reference to vacation rentals in R-1A due to proposed combination of R-1 and R-1A districts.

¹⁵⁸ Previously E-D.

¹⁵⁹ Previously B-P.

¹⁶⁰ Replaces current appearance standards. Removed sentence related to outdoor lighting. All properties in the Town will be required to comply with the outdoor lighting standards.

adjacent to or nearest available space to the vacation rental, complying with the neighborhood parking pattern (i.e., perpendicular, angle, parallel).

2. Parking shall not block fire hydrants, alleyways or through traffic lanes, and are subject to snow route parking regulations.
3. The availability of guest parking, on-site and on-street (as provided for in this paragraph), shall be considered in calculating the allowable and appropriate capacity of the vacation rental.
4. Consideration shall be given by the applicant to avoid limiting impacts to adjacent land owner parking, impeding traffic, creating safety hazards (traffic and pedestrian). Violations of Town traffic laws, snow removal regulations, and other applicable portions of the Silverton Municipal Code will be considered in the calculation.

(viii) Signage

Vacation rentals are permitted signage as described in Section 15-7-50(f), Residential and Vacation Rental Signs.

c. Owner Restrictions and Requirements

Owners of vacation rentals shall comply with the following:

(i) Limitation of Ownership

1. Only one vacation rental permit shall be allowed per person.
2. An individual who owns more than one property, whether jointly, individually, or through a corporation, partnership, trust, LLC, or similar entity, may obtain a vacation rental permit for only one of the properties.¹⁶¹

(ii) Permits and Licenses

Owners of vacation rentals shall be required to obtain a vacation rental permit, current business license, and sales tax license. The required permit and licenses shall be obtained prior to operation of the vacation rental.

(iii) Fees

The vacation rental application fee and annual renewal permit fee are established by resolution by the Board of Trustees. Vacation rental owners are required to pay all applicable taxes and fees, including but not limited to the vacation rental application fee, annual permit renewal fee, Town lodger's fees and state sales tax.

¹⁶¹ Second sentence is new for clarity.

(iv) Inspections

Vacation rentals are subject to safety, fire, code and health inspections and shall be in compliance with all applicable building, fire and zoning codes. Receipt of a vacation rental application constitutes permission by the property owner to allow the Town Administrator¹⁶² to inspect the property for compliance with said codes. The structure for which the application is submitted shall be owned by the applicant, shall possess a Certificate of Occupancy, be free from requiring major repairs, be adequately furnished and clean, and be in compliance with all applicable building, fire, and safety codes, prior to tenant occupancy.

(v) Insurance

Owners of vacation rentals shall obtain and maintain industry standard property and liability insurance required for the operation of the vacation rental. Proof of being able to obtain property and liability insurance shall be submitted as part of the vacation rental application. Proof of required property and liability insurance coverage for use as a vacation rental is required prior to the first tenancy in a new operation, and for renewal of a vacation rental permit.

(vi) Safety

All vacation rentals shall have smoke and carbon monoxide detectors and fire extinguishers as required by the building code. Fire extinguisher(s) location(s) shall be shown and described in posted guest information and supplemented with a floor plan, which shall include an emergency exiting plan. All windows noted for emergency egress and rescue shall be operational. All heating appliances shall be properly installed and combustion gases vented per code (no "vent-less" combustion heating units are allowed). The Building Official or Fire Inspector may identify other issues required to be addressed prior to the issuance of the vacation rental permit.

(vii) Registration

Guest registration is required for all vacation rentals. The registry shall include all tenancies for that licensed year to date, updated with each tenancy. The registration shall include the name and address of the person(s) that has contracted for the vacation rental, the number of occupants, and the dates of tenancy. The guest registration shall be kept in the possession of the property manager and/or the property owner and shall be made available upon request by the Town Administrator for inspection and photocopying.

¹⁶² Replaced reference to "Town Staff."

(viii) Management Enforcement

It is the responsibility of the owner and/or manager(s) to self-regulate infractions and violations of this Section, as well as other Town codes and laws performed by or caused by the actions of the tenant(s) of the vacation rental. Examples of this include but are not limited to: parking violations, "red alert" snow removal violation, OHVs usage violations, excessive noise, or other infractions that requires law enforcement response or result in a substantiated complaint received the Town Administrator or elected officials. "Management" (owner/manager(s)) shall immediately revoke the renter's damage deposit and/or impose a substantial penalty. "Management's" imposed penalty shall be reported in writing (mail or email) to the Code Enforcement Officer to be placed on file as a positive indication of appropriate management of the vacation rental.

(ix) Town Enforcement

In the absence of self-regulation of tenancy by "Management," the Town Administrator¹⁶³ will collect documentation on infractions and violations of the Municipal Code, Law Enforcement reports, and substantiated complaints for inclusion in the vacation rental's file. At permit renewal, or at any time during the calendar year upon receipt of complaints, the Town Administrator¹⁶⁴ will review the vacation rental's file and determine if further corrective actions are to be taken such as immediate suspension or termination of the vacation rental permit.

(x) Local Contact and Guest Information

Each vacation rental shall have a designated local contact person(s). The local contact may be a property management/real estate company, rental agent or other person engaged or employed by the owner to rent, manage and/or supervise the vacation rental. A property owner may designate themselves as the local contact person if the owner meets the criteria of this Section. The local contact must reside within a 15 minute drive of the rental property and be available 24 hours a day during tenancies for timely response to guest and neighborhood issues and concerns. An alternate local contact shall be designated, available and meet the criteria of this Section when the primary is not available. All local contacts shall list their name, address and telephone/cell number and shall be posted in a prominent location within the vacation rental. Contact information also shall be provided to the Code Enforcement Officer. Any change to the local contact(s) name, address or telephone/cell

¹⁶³ Replaced reference to "Town Staff."

¹⁶⁴ Replaced reference to "Town Staff."

number shall be promptly updated and submitted to the Code Enforcement Officer.

(xi) Violations

It is unlawful for any person to use or allow the use of vacation rental in violation of the provisions of this Section. Failure to be in complete compliance with this Section at any time may be grounds for suspension or revocation of the vacation rental permit and business license. A suspension or revocation of the license, if necessary, shall be determined at the discretion of the Town Administrator¹⁶⁵.

(xii) Waiting List

The Town Administrator¹⁶⁶ will create and maintain a vacation rental application waiting list. The vacation rental application fee and business license fee payment is due when a vacation rental permit application, reasonably completed as determined by the Town Administrator¹⁶⁷, is placed on the waiting list. The application fee is non-refundable. To remain in good standing on the waiting list, applicants shall pay an annual waiting list fee as set forth in the Town's Fee Schedule. If an opening becomes available for a wait-listed application, an inspection shall be required prior to tenant occupancy. If a wait-listed applicant is contacted by the Town Administrator¹⁶⁸ about the availability of a permit, the applicant shall have 30 days to file an updated vacation rental permit application, if necessary, that meets all requirements of Sections c. and d.

d. Standards¹⁶⁹

(i) Occupancy R-1, R-2, MU-1¹⁷⁰, and C-2¹⁷¹ Zoning Districts

The maximum occupancy shall not exceed two persons per bedroom, plus two additional guests. The Town may modify a maximum occupancy based upon the following considerations: location, size, building/fire code requirements, parking and/or other site-specific neighborhood considerations.

(ii) Tenancy All Zoning Districts

A vacation rental owner may choose to rent their vacation rental for a longer term than 30 days to one tenant without penalty or loss of their current vacation rental permit so long as owner remains in compliance with all terms of this Section.

¹⁶⁵ Replaced reference to "Town Staff."

¹⁶⁶ Replaced reference to "Town Staff."

¹⁶⁷ Replaced reference to "Town Staff."

¹⁶⁸ Replaced reference to "Town Staff."

¹⁶⁹ Removed tenancies per month limitations.

¹⁷⁰ Previously B-P

¹⁷¹ Previously E-D.

(iii) Guest Information¹⁷²

Each vacation rental shall provide guests with information about the property, which shall include but is not limited to:

1. Local contact(s) information;
2. Procedures for use of appliances and heating safety and exiting;
3. Fire extinguisher location(s);
4. Emergency services;
5. Designated parking;
6. Snow route procedures and "Red Alert" notification sign up;
7. A statement that all guests will be held to the local municipal laws and applicable Land Use Code regulations; and
8. All other relevant information for the safe and legal occupancy of the rental unit.

(5) Repair, Low Impact¹⁷³

No outdoor storage of vehicle parts, discarded tires, or similar materials shall be permitted.

(6) Service Station¹⁷⁴

No above ground equipment for the service of gasoline, oil, air, water, or electric charging shall be closer than 10 feet to any right-of-way.

(c) Industrial Uses

(1) General Industrial Use Standards¹⁷⁵

a. Residential Adjacency

If a proposed industrial use shares common lot lines with or is separated only by an alley from a single-unit detached dwelling, all activities related to the industrial use shall be conducted within a completely enclosed building.

b. Performance Standards

- (i) Industrial uses shall not create any danger to the safety of persons in surrounding areas nor cause water, soil, or air pollution in violation of state or federal statutory and regulatory provisions, nor create noise, vibration, smoke, dust, odors, or glare that is measurable beyond the property line of the property on which the use is located.

¹⁷² Updated section to remove reference to "binder" and remove specific "Tenant Conduct" details.

¹⁷³ New.

¹⁷⁴ New.

¹⁷⁵ New.

- (ii) Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in order to make glare or heat completely imperceptible from off site when measured at the property line.
- (iii) Industrial operation shall cause no vibration perceptible without instruments at any point along the property line.
- (iv) All industrial uses that produce smoke or any air contaminant shall be subject to the jurisdiction and regulations of the Colorado Air Quality Control Department and the Colorado Air Quality Control Division. Visible emissions of any kind are prohibited when measured at ground level at the property line of the property on which the source of the emissions is located.
- (v) No industrial use shall cause or allow the emission of malodorous air contaminants from any single source that results in detectable odors that are apparent outside the property boundaries.
- (vi) All uses shall operate so that the volume of sound continuously or recurrently generated shall not exceed 70 decibels at any point on any boundary line of the property on which the use is located.
- (vii) No industrial operation shall be allowed to produce fugitive dust in amounts which are noticeable outside of the property boundaries of the use.
- (viii) All truck and other vehicular traffic to and from the site shall not create hazards or nuisances along any public roadways.
- (ix) All liquid and solid wastes produced shall be confined within the property boundaries until disposed of by proper means. No person shall cause or permit any materials to be handled, transported or stored in a manner which allows or may allow particulate matter to become airborne or liquid matter to drain onto or into the ground.

c. Screening Required

Any outdoor activities or storage associated with an industrial use shall be screened from public view to the maximum extent practicable. Methods of screening may include placing stored items inside a garage or storage shed, using an opaque fence to enclose the storage or activity area, or any method approved by the Town Administrator that would provide the same degree of screening as an opaque fence. Screening height shall be sufficient to hide the equipment, vehicles, or other materials, but shall not exceed six feet in height.

(2) Artisan Industrial¹⁷⁶

All activities shall be conducted within a completely enclosed building.

(3) Wireless Communication Facilities (WCF)¹⁷⁷

a. Purpose

The purpose of this Section is to establish development standards that comply with the requirements of state and federal law for public private telecommunication service and to:

- (i) Protect the public safety and welfare, safeguard community land values, and promote orderly planning and development;
- (ii) Provide for the managed development, installation, maintenance, modification, and removal of wireless communications infrastructure in the town with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent service;
- (iii) Encourage the joint use and location of new and existing WCFs; and
- (iv) Mitigate any adverse, undesirable visual impacts on the community.

b. Applicability

- (i) This Section shall apply to all WCF applications and shall not preempt underlying zoning regulations unless explicitly stated in this subsection or as explicitly state in federal and/or state law.
- (ii) The requirements set forth in this subsection shall not apply to:
 - 1. Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.
 - 2. Any WCF for which a permit has been properly issued prior to the Effective Date shall not be required to meet the requirements of this subsection, other than the operational standards set forth in this subsection. Changes and additions to pre-existing WCFs shall meet applicable operational standards set forth in this subsection.
 - 3. Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses of this UDC and the requirement that the

¹⁷⁶ New.

¹⁷⁷ New.

height be no more than the distance from the base to the property line are met. The Town Administrator has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the Town Administrator's reasonable discretion, modifications are necessary to comply with federal law.

4. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the Town Administrator.

c. General Provisions

(i) Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If the standards and regulations are changed, then the owners of the WCF shall bring the facility into compliance with the revised standards and regulations within the time period mandated by the controlling federal agency.

(ii) Radio Frequency Standards

All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the Town, the Town may request that the owner or operator of the WCF provide information demonstrating compliance. If the information suggests, in the reasonable discretion of the Town, that the WCF may not be in compliance, the Town may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this Section. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

(iii) Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, and other communication services utilized by adjacent residential and nonresidential

properties; nor shall any facilities interfere with any public safety communications.

(iv) Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the Town concludes that a WCF fails to comply with applicable codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring the WCF into compliance. Upon good cause shown by the owner, the Building Official may extend the compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring the WCF into compliance within said time period, the Town may remove the WCF at the owner's expense.

(v) Abandonment and Removal

1. For any WCF constructed after the Effective Date, if the WCF is not used to transmit, receive, or relay voice and data signals to or from wireless communication devices for a period of six months, the WCF shall be considered abandoned and the owner of record shall notify the Building Official and apply for a permit to remove the structure. All WCFs shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility, or by the property owner within 18 months from the time the WCF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.
2. If the use of the WCF has not been restored within an 18-month period from the time the WCF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the WCF shall be removed and the WCF site restored to its original or better condition, at the property owner's expense.

(vi) Building Permit Required

A building permit is required for all new WCFs.

d. Standards for Specific Facility Types

All new WCFs or collocations that do not meet the definition of an eligible facilities request, shall be subject to the standards in the table below:

Table 15-3-2: Summary of Standards by Facility Type

	Building-Mounted	Roof-Mounted	Ground-Mounted
Maximum Height	Maximum height permitted in the underlying zoning district [1]	10' in height above the existing roofline [1]	50' or the maximum height permitted in the underlying zoning districts, whichever is less [2]
Camouflage and Design	<p>1. Roof- and building-mounted WCFs shall be camouflaged by minimizing the visibility of antennae and transmission equipment and be screened from view by materials that are consistent and compatible with the building design, color and materials without increasing the apparent height of the building. Camouflaging includes locating facilities in bell steeples or clock towers, or on similar alternative design mounting structures.</p> <p>2. Screening of roof- and building-mounted WCFs include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening may be waived by the Town Administrator on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>		<p>1. Ground-mounted WCFs shall use existing landforms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment. Camouflaging includes, but is not limited to, making ground-mounted WCFs resemble manmade trees, locating facilities in bell steeples or clock towers, or on similar alternative design mounting structures.</p> <p>2. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences.</p> <p>3. Ground-mounted WCFs shall be enclosed by security fencing or wall and shall also be equipped with an appropriate anti-climbing device.</p> <p>4. Ground-mounted WCFs shall be compatible with</p>

Table 15-3-2: Summary of Standards by Facility Type			
	Building-Mounted	Roof-Mounted	Ground-Mounted
			the surrounding tree coverage and foliage.
Minimum Setback	N/A	N/A	2' from any abutting property line for every 1' of tower height or the minimum setback required in the underlying zoning district, whichever is greater
Minimum Separation	N/A	N/A	2,000' [3]

Notes:

- [1] Height measured to top of steel or antenna, whichever is greater.
- [2] Height measured from base of facility to top of steel.
- [3] Separation measured from the outermost portion of the base of existing facility to the outermost portion of the base of proposed facility.

e. Eligible Facilities Request

All applications for approval of an eligible facilities request and treatment of WCFs that do not propose a substantial change to existing WCFs shall be processed according to and meet the requirements of the federal Telecommunications Act and Section 6409 of the Middle Class Tax Relief and Job Creation Act (2012), also known as the “Spectrum Act,” as amended by the federal courts.

(4) Warehousing and Storage Facilities¹⁷⁸

- a. All storage areas shall be located within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.
- b. Only storage of goods and materials is allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.
- c. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.
- d. The storage of hazardous materials is prohibited.

¹⁷⁸ New.

15-3-60 Accessory Uses and Structures

(a) Purpose¹⁷⁹

The purpose of this Section is to allow for accessory uses that are customarily subordinate to principal uses, provided that the accessory use complies with all applicable standards in this Section.

(b) Applicability¹⁸⁰

All principal uses allowed in a zoning district per Table 15-3-1: Use Table, shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this Section. Accessory uses are subject to the standards in this Section and any applicable use-specific standards for the associated principal use in Section 15-3-50.

(c) General Standards¹⁸¹

All accessory uses and structures are subject to the following standards, except accessory dwelling units (ADUs), which are only required to meet the standards set forth in Section 15-3-60(d).

- (1) Accessory uses shall be located on the same lot as the associated principal use, either in a separate structure or in the same building. Accessory structures are subject to all applicable setbacks and required spacing between buildings.
- (2) Accessory uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Code.
- (3) The total square footage of accessory structures shall not exceed the total square footage of the primary structure.
- (4) The maximum height cannot exceed the height of primary structure.
- (5) No accessory use or structure shall be established prior to the principal use or primary structure to which it is accessory.
- (6) All accessory structures that are 120 square feet or larger shall be considered an accessory building and require a building permit.

(d) Accessory Dwelling Unit (ADU) ¹⁸²

(1) Purpose

The creation of legal accessory dwelling units (ADUs) is generally encouraged as an effective means to increase available long-term housing, while

¹⁷⁹ New.

¹⁸⁰ New.

¹⁸¹ New.

¹⁸² Current Sec. 16-8-80 updated to reflect Ordinance 2023-07. Removed current Sec. 16-8-80(o) related to parking because "protecting [on-street] parking availability for neighboring properties" is not easily enforceable. Removed specific enforcement provision in current 16-8-80(i), violations will be processed following the general procedures in Article 10.

minimizing any increase in infrastructure maintenance, and while retaining existing neighborhood character.

(2) General¹⁸³

Any accessory dwelling unit (ADU) shall:

- a. Have a minimum size of 300 square feet usable floor area, as defined by the currently adopted building codes;
- b. Not exceed 800 square feet of usable floor space, or 50 percent of the gross floor area of the principal dwelling, whichever is greater;
- c. Include a kitchen and a bathroom (to include, but not limited to, a sink, a toilet, and a shower or bathtub);
- d. Have an individual exterior entry or a shared interior entryway¹⁸⁴, with direct pedestrian access to a public right-of-way. Provisions for maintaining safe exiting from the ADU and the public right-of-way during all weather conditions shall be addressed; and
- e. Not be subdivided and/or subsequently sold as fee simple ownership. It shall remain as part of the property where the principal dwelling is located.

(3) Detached ADUs

- a. Detached ADUs shall be:
 - (i) Separated from the principal unit by a minimum distance of three feet; and
 - (ii) Located to the side or the rear of the principal dwelling unit.
- b. Detached ADUs shall not be calculated as part of the maximum building footprint limited by Section 15-3-50(a)(1), Single-Unit Detached Dwelling.
- c. Tiny homes, as defined in Section 15-11-30, shall be permitted as ADUs provided they meet all of the standards set forth in this Section.¹⁸⁵

(4) Dimensional Standards

a. Lot Size and Height

The minimum lot size and maximum height shall conform to the underlying zoning district's requirements.

b. Setbacks¹⁸⁶

Front, side, street side, and rear setbacks shall conform to the underlying zoning district's requirements. If the approximate setback distances

¹⁸³ Removed "Not be counted as a unit of density" because density is not specifically regulated in this Code.

¹⁸⁴ Reference to shared interior entryway is new.

¹⁸⁵ New.

¹⁸⁶ Relocated standards related to propane tanks to the accessory use standards.

cannot be determined, then the Town Administrator¹⁸⁷ may require the applicant to submit a survey or an improvement location certificate (ILC).

(5) Use and Occupancy of Principal and Accessory Dwelling Units¹⁸⁸

- a. If the owner obtains a valid approval for a vacation rental pursuant to Section 15-3-50(b)(4), the principal dwelling or the ADU can be used as a vacation rental, but not both dwellings.¹⁸⁹
- b. In the event of the simultaneous rental of both the ADU and the principal dwelling, the lease term for both units shall be for a minimum of three months.
- c. In the event an ADU is rented, not including those ADUs used as vacation rentals, it shall be rented by persons who meet the following criteria:¹⁹⁰
 - (i) The unit shall be the primary residence of the tenant(s); and
 - (ii) Long-term tenancy shall mean rental for a term of a minimum of 31 days is required for an initial lease.

(6) Design Standards¹⁹¹

- a. All construction of ADUs in the Historic District Overlay shall comply with all applicable design requirements set forth in Section 15-2-80(a).
- b. ADUs shall be oriented and designed in a manner that maintains the privacy of the occupants on adjacent properties, as determined by a site visit and site-specific conditions, including but not limited to building heights, solar access, locations of doors, windows and outdoor spaces, walls, fences, and landscape screening.

(7) Address

Addresses for ADUs shall be the same as the principal dwelling plus one-half, or shall be assigned a number by the tap location method, as determined by the Town Administrator.¹⁹²

(8) Utilities

ADUs shall comply with the utility and billing requirements set forth in Chapter 13 of the Silverton Municipal Code .

¹⁸⁷ Replaced reference to "Town Staff."

¹⁸⁸ Removed current Sec. 16-8-80(f)(1) related to owner occupancy and (5) related to exceptions to residency requirements.

¹⁸⁹ Removed prohibition of vacation rentals on a property with an ADU.

¹⁹⁰ Removed the requirement for the resident to be a local employee in San Juan County.

¹⁹¹ Removed reference to "ADUs in existing structures exceeding 50 years in age" and replaced with general reference to Historic Overlay district. Removed current Sec. 16-8-80(m) related to architectural compatibility.

¹⁹² Replaced reference to "Town Staff."

(e) Cottage Industry¹⁹³

(1) Prohibited Cottage Industry

The following cottage industries are prohibited in all districts:

- a. Industries that involve highly combustible materials or any material considered hazardous under federal or state law;
- b. Industries that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances;
- c. Heavy equipment or vehicle repair, unless all operations are conducted inside a fully enclosed structure; and
- d. Any other use that is not listed as a permitted or special use in any zoning district in the town.

(2) Requirements and Restrictions

- a. Signage may be permitted pursuant to Article 7, Signs.
- b. The cottage industry may be located within a single-unit detached or attached dwelling, not to exceed 40 percent of the dwelling, or in a separate structure not to exceed 1,200 square feet.
- c. Hours of operation shall be limited to between 8:00 a.m. and 9:00 p.m.
- d. There shall be no visible storage of equipment, materials, or vehicles with more than two axles.
- e. On-site dining is prohibited.

(3) Business License Required¹⁹⁴

All cottage industries shall be required to obtain a business license in accordance with the procedure for review provided in Chapter 6 of the Silverton Municipal Code.

(f) Domestic Animals¹⁹⁵

Any property keeping domestic animals shall be subject to all applicable standards of Chapter 7, Article 8 of the Silverton Municipal Code including Section 7-8-100, Rabbits and Fowl and Chapter 7, Article 8, Division 3, Cats and Dogs.

(g) Electric Vehicle (EV) Charging Station¹⁹⁶

- (1) All EV charging facilities shall be connected to the proper transformer as determined by San Miguel Power Association.
- (2) EV charging facility spaces shall be signed for the charging of electric vehicles only.

¹⁹³ New.

¹⁹⁴ Removed noticing requirements as no other business licenses require notice.

¹⁹⁵ New.

¹⁹⁶ New.

- (3) EV charging facility equipment shall be located so that it does not interfere with vehicular, bicycle, or pedestrian access and circulation, or with required snow storage areas.

(h) Family Child Care Home¹⁹⁷

- (1) All family child care homes shall comply with all applicable requirements set forth in 12 CCR 2509-8.
- (2) The child care operations shall be conducted only by the residents of the principal dwelling.
- (3) One non-illuminated wall sign not exceeding four square feet in area and mounted flat against the building is allowed.
- (4) The child care operation shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.

(i) Greenhouse¹⁹⁸

- (1) Accessory greenhouse structures, including but not limited to hoop houses, growing domes, and traditional framed greenhouses shall be limited to 400 square feet and shall not be over 15 feet in height.
- (2) Accessory greenhouse structures shall only be located in rear or side yards.

(j) Home Occupation¹⁹⁹

(1) Prohibited Home Occupations

The following home occupations are prohibited in all districts:

- a. Occupations that involve highly combustible materials or any material considered hazardous under federal or state law;
- b. Occupations that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances;
- c. Retail sales, including but not limited to firearms sales;
- d. Any use that involves serving food, beverages, or meals to customers who visit the site for that purpose except cottage food operations as defined in this LUC;
- e. Heavy equipment or vehicle repair, unless all operations are conducted inside a fully enclosed structure; and
- f. Any other use that is not listed as a permitted or conditional use in any zoning district in the town.

¹⁹⁷ New.

¹⁹⁸ New.

¹⁹⁹ Current Sec-16-8-20 unless otherwise noted. Sections (1) – (3) are new.

(2) Multiple Home Occupations

- a. More than one home occupation may be permitted within an individual dwelling unit.
- b. Where multiple home occupations are conducted within an individual dwelling unit, the requirements of Subsection (3), below, shall be applied to the combined total of all home occupation activities, not to each home occupation individually.

(3) Requirements and Restrictions

- a. The operator of the home occupation shall reside in a permitted primary or accessory dwelling unit on the property.
- b. The home occupation shall be conducted within the principal dwelling or an accessory structure on the same property as the principal dwelling.
- c. Up to 25 percent of the floor area of the dwelling unit, but in no case more than 500 square feet, may be used in the conduct of the home occupation.
- d. The home occupation shall have a maximum of two employees who do not reside on the property.
- e. Customer shall not visit the home occupation between the hours of 9:00 p.m. and 8:00 a.m.
- f. The home occupation shall not involve internal or external alterations or construction features not normally found in dwellings and shall not include a separate entrance.
- g. Any outdoor storage of equipment or materials in connection with the home occupation shall comply with the standards for outdoor residential storage in Section 15-3-60(m).
- h. No display of products, goods, or services that is visible from outside the dwelling unit are permitted.
- i. One non-illuminated wall sign not exceeding four square feet in area and mounted flat against the building is allowed.

(4) Business License Required²⁰⁰

All home occupations shall be required to obtain a business license in accordance with the procedure for review provided in Chapter 6 of the Silverton Municipal Code.

²⁰⁰ Removed noticing requirements as no other business licenses require notice.

(k) Horse and Livestock Keeping²⁰¹

Any property keeping livestock shall be subject to all applicable standards of Chapter 7, Article 8, Division 1 of the Silverton Municipal Code including Section 7-8-110.

(l) Outdoor Storage, Commercial²⁰²

- (1) Accessory outdoor storage areas used in conjunction with a nonresidential use shall not cover an area larger than the primary building on the site or 50 percent of the total area of the site, whichever is less.
- (2) Accessory outdoor storage areas shall be located to the side or rear of the primary building and outside any parking, traffic circulation, or right-of-way that serves the site.
- (3) Outdoor storage uses shall be maintained in an orderly manner with no junk, trash, or debris.
- (4) Outdoor storage areas shall be screened from public view to the maximum extent practicable. Screening height shall be sufficient to hide the equipment, vehicles, or other materials, but shall not exceed six feet in height.

(m) Outdoor Storage, Residential²⁰³

- (1) Accessory outdoor storage areas including enclosed structures used in conjunction with a residential use shall not exceed 200 square feet.
- (2) Outdoor storage areas shall be screened from public view to the maximum extent practicable. Screening height shall be sufficient to hide the equipment, vehicles, or other materials, but shall not exceed six feet in height.

(n) Propane Tank²⁰⁴

Any existing or proposed above-ground or underground propane tank(s) shall be located the minimum distances from property lines and/or structures on the lot as required by the International Building Code (IBC) and National Fire Protection Association (NFPA) standards.

(o) Recreational Vehicle Storage²⁰⁵

- (1) One unoccupied recreational vehicle per dwelling may be kept, stored, or parked on the same property as the dwelling. Units in excess of one per dwelling must be stored in totally enclosed accessory structures conforming with current building codes.

²⁰¹ New.

²⁰² New.

²⁰³ New.

²⁰⁴ Current ADU requirement applied broadly.

²⁰⁵ Current Sec. 16-5-30 unless otherwise noted. References to “recreational vehicles” replaced with “recreational vehicles.”

- (2) Storage may be on private property, with permission of the property owner, or on the street right-of-way, with permission of Public Works.²⁰⁶
- (3) All recreational vehicles stored under the above conditions must comply with Section 11-1-50 of the Silverton Municipal Code, with the Model Traffic Code adopted by the Town, and with all directives of the Public Works Director for purposes of street maintenance and snow removal.
- (4) No recreational vehicles shall be kept, stored, or parked in any alley.

(p) Solar Energy System, Ground or Roof-Mounted²⁰⁷

- (1) Solar collectors shall only be located in rear or side yards or on rooftops.
- (2) If the solar collector is not flush with the roof the applicant shall minimize the visibility of the collector from a public street, park, or open space to the maximum extent practicable without prohibiting the installation.
- (3) Ground-mounted accessory solar collectors shall not exceed the height of the primary structure on the lot or parcel.

15-3-70 Temporary Uses and Structures²⁰⁸

(a) Purpose

The purpose of this Section is to allow for temporary uses and structures of limited duration, provided that temporary uses comply with the standards in this Section and are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

(b) Applicability

This Section shall apply to:

- (1) Temporary buildings;
- (2) Temporary display and sale of merchandise;
- (3) Mobile trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises;
- (4) Seasonal uses (e.g., fireworks stands, Christmas tree lots, and produce stands); and
- (5) Other uses that clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the Town Administrator.

²⁰⁶ Replaced “the owner or occupant of the property adjacent to the street frontage being used.”

²⁰⁷ New.

²⁰⁸ New section to clarify those standards applicable to temporary uses and structures.

(c) Exemptions²⁰⁹

Temporary decorations or displays are allowed without a Temporary Use Permit or in conjunction with a temporary use subject to this Section provided:

- (1) Temporary decorations or displays are allowed when clearly incidental to and commonly associated with a particular season, holiday, cultural event, or any community-wide special event.
- (2) Temporary decorations and displays must be removed if damaged or in disrepair and within 72 hours following the conclusion of the particular event or holiday.
- (3) Temporary decorations and displays may not be erected so as to obstruct the use or visibility of the public right-of-way.

(d) General Standards

(1) Temporary Use Permit Required²¹⁰

No temporary use may begin operation before approval of a permit pursuant to Section 15-8-30(n).

(2) Location

The temporary use shall allow for placement of a temporary structure, vehicle, or sign outside of any required setback, sidewalk, or any other position on a lot that may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.

(3) Duration

Temporary uses shall not exceed 120 days, unless otherwise noted in this Section. One extension for up to an additional 120 may be granted by the Town Administrator.

(4) Additional Permits

Any tent, trailer, or structure subject to the requirements of this Section and intended or used for human occupancy shall comply with the adopted building and fire codes as well as with any local health regulations.

(5) Removal

After the termination of the temporary use, the site shall be restored to its prior condition by the removal of the any structures, debris or refuse associated with the temporary use.

(e) Farm Stand²¹¹

- (1) Farm stands may operate for up to six months of the year. When the farm stand is not in use, it must be removed and stored indoors.

²⁰⁹ Current Sec. 16-6-30(5).

²¹⁰ New.

²¹¹ New.

- (2) In residential zoning districts, hours of operation shall be restricted from 7:00 a.m. to 7:00 p.m.
- (3) The stand shall comply with all dimensional standards of the applicable zoning district.

(f) Farmer's Market²¹²

- (1) A farmer's market shall only operate, including any setup or breakdown activities, a total of 12 hours per day between the hours of 7:00 a.m. and 10:00 p.m.
- (2) A farmer's market shall not occupy an area larger than 20,000 square feet and shall meet the zoning district required setbacks, unless otherwise approved by the Town Administrator.

(g) Food Truck²¹³

- (1) Each food truck shall have written permission from the property owner for use of the site and allowed location on the site.
- (2) Each food truck shall comply with all applicable town, state, and federal requirements including those related to licensing and operating in the public right-of-way and shall be in good operating condition.
- (3) Food truck operations shall only occur between 7:00 a.m. and 10:00 p.m., unless otherwise specified in an approved Special Event Permit.

(h) Portable Storage Unit²¹⁴

- (1) A portable storage unit shall be used only for temporary storage. Long-term, on-site storage is prohibited.
- (2) The outside dimensions shall not exceed 16 feet in length, eight feet in width, and nine feet in height.
- (3) Portable storage units are prohibited within any public right-of-way.
- (4) A portable storage unit shall be located in a manner which does not hinder pedestrian or vehicular access to the premises.

(i) Portable Waste Trailer²¹⁵

Portable waste trailers may be parked in an on-street parking space or along a public street, excluding Greene Street, provided the trailer is located on the same block of the business(es) using the trailer.

Trailer dimensions shall not exceed 16 feet in length and eight feet in width.

- (1) Portable waste trailers shall not encroach into or interfere with pedestrian or vehicular travel.

²¹² New.

²¹³ New.

²¹⁴ New.

²¹⁵ New.

- (2) All trash or recyclables shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate around or near the trailer.
- (3) Portable waste trailers shall not create excessive odor problems or present a health hazard.

(j) Temporary Event or Sales²¹⁶

- (1) Temporary events or sales conducted from movable structures or upon vacant lots shall submit a site plan, including, without limitation, the location, setback from property line, screening, sign and fence locations, if applicable, and electric meter locations or power source.
- (2) Upon termination of the use and on days for which no event is approved, the lot or portion of the lot used for the event or sales area shall be returned substantially to its original condition. All litter, fences, borders, tie-down materials, and other items associated with the temporary event shall be promptly removed.
- (3) Temporary events shall only be conducted by the owner or lessee of the property or with the permission of the owner or lessee of the property on which it is conducted.
- (4) Temporary events that require a liquor license shall obtain a Special Event Permit in accordance with Chapter 6, Article 2, Division 2 of the Silverton Municipal Code.

(k) Temporary Outdoor Dining²¹⁷

(1) General

- a. For the purpose of this Section, references to “restaurants” include the following uses described in Table 15-3-1: Use Table: bar or tavern, craft alcohol, and restaurant.
- b. All operation must comply with state and local guidance for food and beverage operations.
- c. Business owners are responsible for following any state or local public health agency orders imposing occupancy limits.
- d. All applicants shall hold a current/active business license from the Town of Silverton.
- e. It shall be the sole responsibility of the business owner to adequately maintain and furnish a sanitary environment in patio areas/restaurant extensions including frequent general cleaning, trash removal and placement of furniture. The Town will not be responsible for providing

²¹⁶ New.

²¹⁷ From the Town of Silverton Outdoor Dining Standards Guide.

seating or tables and all patio spaces must maintain an orderly appearance when not in operation.

- f. If alcohol is to be permitted and served within a temporary outdoor dining area, the applicant shall comply with the standards set forth in Chapter 6, Article 2, Division 3, Outdoor Dining Within the Town's Right-of-Way, of the Silverton Municipal Code.

(2) Location

- a. For outdoor dining areas within the public right-of-way, the area shall be located at the frontage or side street adjacent to the associated principal use restaurant.
- b. A maximum of 33 percent or one-third of existing private lots may be used for a restaurant patio extension for a currently permitted restaurant, subject to the written approval of the owner of the lot. Private lots to be used for this purpose must be immediately adjacent or attached to a principal use restaurant.

(3) Operations

- a. Temporary outdoor dining areas are allowed between May 1st and October 31st.
- b. Hours of operation shall be limited to 7:00 a.m. through 10:00 p.m.
- c. Temporary outdoor dining areas shall only be used for sit-down dining or curbside service (pick-up or delivery). Temporary outdoor dining areas shall not be used for standing areas, yard games, or entertainment, including but not limited to live entertainment, amplified sound or entertainment such as music over speakers, movies, sports broadcasts, or loudspeaker call systems.

(4) Design Standards

a. Size

Temporary outdoor dining areas shall be limited to 512 square feet or three parking spaces.

b. Accessibility

For all outdoor restaurant activity, operations may not block sidewalks, ADA parking, drive aisles, emergency access, fire hydrants or right-of-way; and may not create tripping hazards (e.g., with extension cords).

c. Barricades²¹⁸

- (i) In an effort to maintain a uniform appearance, the Town will provide metal barricades to business seeking to operate a temporary outdoor

²¹⁸ Removed Town provision of flower boxes.

dining area in parking spaces adjacent to their business following issuance of an approved outdoor dining license.

- (ii) Town-issued barricades will be provided on a first come first served basis. If all Town owned barricades are in use, it will be the responsibility of the business owner to obtain approval from the Code Enforcement Officer for a suitable alternative.
- (iii) Barricades placed annually prior to May 31 will be the responsibility of the business owner to remove at the request of the Town with 48 hours' notice to accommodate for street cleaning, line painting, and other seasonal maintenance facilitated by the Fire Department and Public Works. Failure to comply with Town requests may result in revocation of outdoor dining program participation or fines.
- (iv) The Town will aid business owners who are physically unable to move barricades with removal processes and storage with 24 hours' notice.
- (v) Barricade storage will be made available to all business owners behind the Quonset hut in the public works yard. Barricades shall be kept and dropped off in a neat and orderly manner. Failure to do so may result in revocation of outdoor dining program participation or fines.

d. Additional Standards

- (i) Temporary tents shall be permitted provided they are weighted down a minimum of 40 pounds per leg of a 10 foot by 10 foot tent and more for larger tents.
- (ii) Temporary lighting is permitted and shall comply with the standards in Section 15-6-40, Outdoor Lighting.

e. Review Required

- (i) Restaurants shall apply for a Temporary Use Permit. Restaurants shall be responsible for obtaining all Town approvals required by Planning/Building/Code Enforcement, as well as any relevant public health agency requirements. Restaurants must pay the fee prior to receiving their barricades.
- (ii) Applicants will be required to submit proof of insurance listing the "Town of Silverton" as additionally insured as defined in Ordinance 2022-01.
- (iii) The holder of a Temporary Use Permit that authorizes the licensee to go upon public property shall indemnify and hold harmless the Town, its officers, employees and agents against any and all claims arising from any occurrence occasioned by the permitted use.

Article 4 Subdivision Design and Improvement

15-4-10 General Provisions²¹⁹

(a) Purpose

The purpose of this Section is to provide for:

- (1) Efficient circulation through the proper arrangements of streets in relation to other existing or planned streets;
- (2) Adequate and convenient open spaces for traffic circulation, utilities, emergency access, recreation, light, air, snow, and drainage;²²⁰ and
- (3) Adequate infrastructure through the establishment of standards for the design and construction of improvements.

(b) Applicability²²¹

This Section shall apply to the subdivision of all land located within the legal boundaries of the Town and, when in reference to an adopted major street plan, all land located within three miles of the corporate limits of the Town.

(c) Compliance with LUC²²²

- (1) The general layout of lots, streets, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, and otherwise accomplishes the purpose and intent of this LUC and of the zoning district in which the subdivision is located.
- (2) Applicants shall apply these standards in the design and creation of lots or patterns of lots to ensure compliance with applicable development standards to the maximum extent practicable.

(d) Design Standards and Specifications

- (1) Required improvements shall be designed in accordance with this Article and the Development Standards and Specifications.
- (2) No improvements shall be made until all engineering plans, profiles, and specifications have been reviewed and approved by the Town.

²¹⁹ Current Sec. 17-1-10. Content related to fees (including consultant fees) removed – all cost reimbursement information is located in Common Review Procedures.

²²⁰ Added references to snow and drainage.

²²¹ Current Sec. 17-1-20.

²²² Replaces current Sec. 17-4-20(a), (b), and (f).

(e) Suitability of Land for Development²²³

Land subject to natural hazards such as flooding, wildfire, falling rock, landslides, and avalanches shall be considered unsuitable for any occupancy that may impair the health, safety, or welfare of the inhabitants, unless otherwise permitted by this LUC. Where hazardous conditions exist on or adjacent to lands proposed for subdivision, the application shall meet the applicable standards of Article 5, Environmentally Sensitive Lands.

15-4-20 Subdivision Design Standards

(a) Lots and Blocks²²⁴

- (1) Lot size, width, depth, shape, orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall conform to the dimensional standards for the zoning district.
- (2) Lots and blocks shall be designed to afford the maximum solar access to each building site.
- (3) Double frontage and reverse frontage lots are prohibited except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantages of topography and orientation.
- (4) A statement relinquishing right of access from individual lots to Highway 550 and/or an arterial road shall be included in the Final Plat.
- (5) Side lot lines shall be substantially at right angles to street lines, unless otherwise approved by the Board of Trustees.²²⁵
- (6) The maximum block length between intersecting streets shall be 600 feet.²²⁶

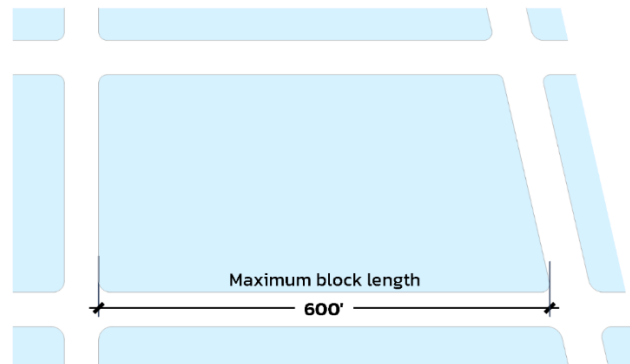


Figure 15-4-1: Maximum Block Length

²²³ Replaces current Sec. 17-4-20(c) and (e).

²²⁴ Refined current Sec. 17-4-60. Removed provision rated to corner lots. Street side setbacks that match front setbacks are proposed in Article 2.

²²⁵ Changed from Planning Commission.

²²⁶ Decreased from current 1,500 feet.

(b) Streets²²⁷

(1) Minimum Design Standards²²⁸

All streets, alleys, bridges, sidewalks, curbs, gutters, and public right-of-way shall meet the minimum design standards as set forth in the Development Standards and Specifications.

(2) Arrangements of Streets²²⁹

- a. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots.
- b. New streets and extensions of existing streets must bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties, unless otherwise approved by the Town. The arrangement of streets in a subdivision shall either:
 - (i) Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
 - (ii) Conform to a plan for a neighborhood or Planned Unit Development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.
- c. Any development requiring access onto a State highway shall obtain a permit for access from the Colorado Department of Transportation before the issuance of any Town development permit. State or federal highways shall not be intersected by local streets.²³⁰
- d. Any development requiring access onto a County road shall obtain a permit for access from San Juan County before the issuance of any Town development permit.²³¹

(3) Access Easement or Alley

- a. The use of an easement or alley for principal access to a lot shall be allowed where:
 1. Alleys currently exist;
 2. Alleys are part of an overall project design; or
 3. An alley can be used to provide access in a manner that corresponds to surrounding site design and allows maneuvering that is safe for vehicles, pedestrians, and bicyclists.

²²⁷ Deleted current Sec. 17-4-30 (k), Alleys, Sec. 17-5-40(h), Bridges, and 17-4-30(e), Perimeter Streets.

²²⁸ Replaces current Sec. 17-4-30(f), (g), and (h).

²²⁹ Replaces current Sec. 17-4-30(a). Removed specific provisions related to street extensions – arrangement requirements broadly apply.

²³⁰ Removed “Collector streets shall not intersect arterial streets at intervals of less than 1,320 feet.”

²³¹ New.

(4) Closed-end Streets²³²

- a. Closed-end streets should only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical. Closed-end streets are prohibited when street connection across adjacent property is possible. Ordinarily, closed-end streets shall be discouraged as they do not result in a continuation or conformance to existing streets or streets pattern.²³³
- b. Closed-end streets shall be designed in compliance with the Development Standards and Specifications.
- c. An alternative design may be approved by the Fire Department and Public Works.²³⁴

(5) Intersections²³⁵

- a. Streets shall intersect as nearly as possible at right angles.
- b. All streets shall intersect at right angles for a minimum of 50 feet from the edge of the intersection.
- c. More than two streets intersecting at a point shall be avoided.

(6) Half-streets²³⁶

Half streets are prohibited, except where essential to the reasonable development of the subdivision and where the Board of Trustees finds that it will be practicable to require the dedication of the other half of a street when the adjoining property is subdivided.

(7) Street Names

- a. Names of new streets shall not duplicate names of existing streets, except for new streets that are extensions of, or that are in alignment with, existing or platted streets.
- b. Street names shall not be named for a living individual.²³⁷

(8) Sight Distance²³⁸

All portions of the grade line must meet sight distance requirements for the design speed. The minimum stopping sight distance is the distance required by the driver of a vehicle, traveling at the design speed, to bring the vehicle to a stop after an object on the road becomes visible.

²³² Current Sec. 17-4-30, unless otherwise noted.

²³³ New.

²³⁴ Alternative design allowance is new.

²³⁵ Replaces and simplifies current Sec. 17-4-30(c).

²³⁶ Replaces and simplifies current Sec. 17-4-30(d). Replaces reference to Planning Commission with Board of Trustees

²³⁷ New.

²³⁸ Replaces current Sec. 17-4-30(j).

(c) Utility Easements²³⁹

- (1) Where necessary for installation and/or maintenance of utility systems, easements of at least 10 feet in width shall be reserved along rear lot lines of each lot, or at other locations which will not interfere with the siting of buildings.
- (2) In general, utility systems shall be arranged and located to avoid cross-connections, minimize trenching, and adequately separate incompatible systems.

15-4-30 Required Improvements²⁴⁰

(a) Water and Sewer Service Extensions²⁴¹

Extension of the municipal water and sewer services to serve every existing or proposed structure in any subdivision within or seeking to be annexed to the Town is mandatory. Fees and procedures for municipal utility extensions and services shall be governed by Chapter 13 of the Silverton Municipal Code and shall be payable as provided in Chapter 13.

(b) Storm Drainage System

The following criteria shall be followed in the design of all drainage systems:

- (1) The storm drainage system shall consist of natural drainage courses whenever possible and/or surface drainage structures, catch basins, and other underground drainage structures. The storm drainage system shall be of sufficient size and design to carry off all predictable surface water runoff within the subdivision or development and stormwater drainage which enters the development from adjacent areas based on a 25-year frequency storm.
- (2) Catch basins shall be provided at all low points, at street intersections and at intermediate locations as necessary to prevent overloading of the street gutters. Catch basins provided shall be connected to collection mains of adequate size with outfalls approved by Public Works.²⁴²
- (3) Storm drainage shall not be permitted to empty into any sanitary sewerage system.

(c) Sanitary Sewerage System

- (1) The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built.

²³⁹ Current Sec. 17-4-40. Deleted paragraph (b).

²⁴⁰ Current Article 5, Chapter 17, unless otherwise noted. Removed current Sec. 17-5-40(g).

²⁴¹ Current Sec. 17-1-20(c)(2)c.

²⁴² Replaced reference to Planning Commission.

-
- (2) The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development and comply with the requirements in the Development Standards and Specifications with review and acceptance by the Public Works Director.

(d) Potable Water System

- (1) The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches.
- (2) The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built and comply with the requirements in the Development Standards and Specifications with review and acceptance by the Public Works Director.

(e) Fire Hydrants

Fire hydrants shall be installed pursuant to applicable Fire Code requirements.

(f) Utilities²⁴³

All new electric utilities shall be installed underground. Above-ground facilities associated with new installations (e.g., pedestals, transformers, and transmission lines of 50kv capacity or greater) may be allowed if deemed necessary by Public Works.

(g) Street Lights²⁴⁴

- (1) Ornamental street lighting and associated underground street lighting supply circuits shall be installed. Street lights shall maintain maximum spacing of 400 feet, with lighting at each intersection.
- (2) All street lighting shall meet the requirements of Section 15-6-40, Outdoor Lighting.

The street lighting plan specifying the number, line and approximate location of street lights must be included with the Final Plat application.

(h) Arterial Roads²⁴⁵

An applicant for a subdivision that is access from Highway 550 or an arterial road may be required to submit a traffic impact analysis that considers the following factors: street capacity and level of service; vehicle access and loading; on-street parking impacts; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety.

²⁴³ Replaces and expands current Sec. 17-5-40(e).

²⁴⁴ Removed the requirement referencing 7,000 lamp lumens and replaced with a general cross-reference to the Outdoor Lighting standards.

²⁴⁵ New.

(i) Street Improvements²⁴⁶

All street improvements shall meet the standards of Section 15-4-20(b) including the minimum design standards set forth in the Development Standards and Specifications.

15-4-40 Public Land Dedication²⁴⁷

(a) Dedication or Cash in Lieu Requirement²⁴⁸

- (1) Every Major Subdivision and PUD shall include a dedication of land to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities, or cash in lieu of the dedication in an amount established by this Section.
- (2) The applicant shall dedicate a minimum of 10 percent of the gross land area, exclusive of streets, alleys, and utility easements for one or more of the public purposes listed above.

(b) Cash in Lieu

- (1) If the Board of Trustees finds that the park and recreational needs of a proposed development would be better served by a park in a different location or the expansion or improvement of an existing park or recreational area, the Board of Trustees may substitute a cash payment or other equivalent conveyance in lieu of land dedication.
- (2) The amount of cash payment shall be calculated based on the land area that would be required as a dedication. The Board of Trustees shall establish by resolution the per-square foot fee based on the current fair market value for raw lands within the corporate limits of the Town.²⁴⁹
- (3) The equivalent cash valuation, when used, shall be based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant. The applicant shall pay one-half the total cost of the services of the appraiser, with payment to be deposited to the General Fund of the Town prior to approval of the Final Plat by the Board of Trustees.²⁵⁰

(c) Acceptance

- (1) All land dedicated to the Town shall be formally accepted by the Town through the adoption of an appropriate ordinance if it chooses to accept the dedication and the dedication conforms to the requirements of this Section.
- (2) The proceeds of any equivalent cash payment under this Section shall be placed in a separate Town fund and shall be used only for the acquisition or

²⁴⁶ Replaces current 17-5-30.

²⁴⁷ Renamed and replaced current Sec. 17-6-10.

²⁴⁸ Delete current Sec.

²⁴⁹ Replaces current "10 percent of the value of the gross land area or \$0.25 per square foot of residential floor area and/or \$0.50 per square foot of commercial or industrial floor area , whichever figure is greater."

²⁵⁰ Second sentence is from current Sec. 17-1-20(c)(2)b.

improvement of land for public park and recreation areas or other public facilities.

(d) Reservations

- (1) Reservation by covenant, in lieu of dedication, may be permitted in some cases, such as a Planned Unit Development where land is to be used for recreational or amenity purposes by the property owners.
- (2) Reservation of land within a subdivision may be required for the duration of the Preliminary Plan approval in order to afford the appropriate public agency the opportunity to coordinate its acquisition of public land with the development of the subdivision. An agreement shall be entered into between the subdivider and the public agency regarding the timing and method of acquisition.

Article 5 Environmentally Sensitive Lands

15-5-10 Avalanche Hazard Areas

(a) Purpose²⁵¹

The purpose of this Section is to:

- (1) Identify those areas within the Town where, after due investigation and study, hazards to the safety of property and occupants exist due to potential avalanche activity impacting the areas;
- (2) Give notice to the public of those areas within the Town where avalanche hazards to property and occupants potentially exist;
- (3) Mitigate the public's exposure to health, safety, and welfare hazards within avalanche hazard areas; and
- (4) Allow for the use and development of properties situated within avalanche hazard areas only when the use and development comply with the requirements of this Section.

(b) Applicability²⁵²

- (1) This Section shall apply to the land areas subject to potential avalanche danger identified in the "Snow Avalanche Mapping Analysis, Silverton, Colorado," by Arthur I. Mears, P.E., Inc., dated February 1998, together with supplemental avalanche mapping information submitted by Arthur I. Mears in conjunction with the referenced study. This analysis may be updated by the Town from time to time.
- (2) Avalanche hazard areas shall consist of two sub-zone designations as follows:
 - a. The High Hazard Red Zone means land areas exposed to avalanches with a return period of less than 30 years and/or avalanche impact pressures greater than 600 pounds per square foot on a flat, rigid surface situated perpendicular to the direction of avalanche flow.
 - b. The Moderate Hazard Blue Zone means land areas exposed to avalanches with a return period in excess of 30 years and avalanche impact pressures of less than 600 pounds per square foot on a flat, rigid surface situated perpendicular to the direction of avalanche flow.
- (3) The standards in this Section shall only apply to the portion of the lot that is encumbered by an avalanche hazard area. Partial encumbrance shall not render a lot undevelopable.

²⁵¹ Current Sec. 16-4-210, revised for clarity.

²⁵² Current Sec. 16-4-230.

(c) Review Required²⁵³

All development within the boundaries of the High Hazard Red and Moderate Hazard Blue Zones shall obtain a Minor or Major Avalanche Hazard Development Permit as set forth in Sections 15-8-30(h) and 15-8-40(d) below before beginning any development or use activity.

(d) Restrictions on Development

(1) New Construction Prohibited in High Hazard Red Zone²⁵⁴

New permanent residential or nonresidential occupied structures are prohibited in the High Hazard Red Zone, unless the applicant follows the procedure in Subsection (f) to adjust the map designation of the property.

(2) Prohibited Uses in the Moderate Hazard Blue Zone²⁵⁵

The following types of land development and use are prohibited within the Moderate Hazard Blue Zone:

- a. Critical facilities as defined in Section 15-5-20(f)(1);
- b. Multiunit dwellings, hotels, motels, bed and breakfasts, manufactured or tiny home parks, and recreational vehicle parks that continue operation or seasonal recreational vehicle occupancy between November 1 to April 30; and
- c. Solid waste disposal sites, sewage treatment plants or aboveground facilities for the storage or disposal of hazardous, toxic, nuclear, flammable or explosive materials, including aboveground propane tanks.

(3) Nonconforming Structures

Any building or structure that has been constructed within the High Hazard Red or Moderate Hazard Blue Zone prior to the Effective Date and does not meet the standards in this Section shall be a nonconforming building or structure and is subject to the standards in Section 15-9-50(a), Nonconforming Structures in Avalanche Hazard Areas.

(4) Certification of Construction²⁵⁶

Building construction shall be certified to withstand avalanche impact and static loads and otherwise protected by external avalanche-defense structures that have been similarly certified.

(5) Vegetation Removal Prohibited²⁵⁷

The development shall not result in timber clear cutting or other large scale removal of vegetation in avalanche hazard areas. Alteration of plant cover

²⁵³ Replaces and expands on current Sec. 16-4-250.

²⁵⁴ New – similar regulations are used in Crested Butte Colorado to allow development, while ensuring the safety of the residents of the Town.

²⁵⁵ Replaces current Sec. 16-4-240(20),

²⁵⁶ New.

²⁵⁷ New.

which would decrease the stabilizing effect shall be prohibited, especially on slopes above the proposed development.

(6) General Notice Requirements²⁵⁸

- a. Any person who rents, leases or sublets any structure or premises within the High Hazard Red Zone or Moderate Hazard Blue Zone for any portion of the months of November, December, January, February, March, or April shall provide the Town with written notice, signed and notarized by the tenant, lessee, or sub-tenant that they have been informed that the property is located within the High Hazard Red Zone or Moderate Hazard Blue Zone and the tenant shall execute and file with the Town a release and indemnification agreement. Written notice and proper execution of the release and indemnification agreement to the Town shall be accomplished prior to any occupancy of the structure or premises.
- b. Every real estate agent, sales person, broker, and private party owning property within the High Hazard Red Zone or Moderate Hazard Blue Zone shall, upon first inquiry, provide the prospective purchaser, lessee, or tenant, prior to or in conjunction with viewing the property, with written notice that the real property is located within the High Hazard Red Zone or Moderate Hazard Blue Zone.

(e) Administration

All development subject to this Section shall obtain a Major or Minor Avalanche Permit pursuant to Section

(f) Amendments to Map Boundaries²⁵⁹

- (1) In the event that any property owner affected by a High Hazard Red Zone or Moderate Hazard Blue Zone believes that as a result of the erection of avalanche protective, deflective, and preventative structures, devices, or earth work, or through a change in topography or erection of other structures, the boundaries of the sub-zone designation should be altered or changed, a Major Avalanche Development Permit application is required.
- (2) The application shall include, at a minimum, an analysis performed by a licensed Colorado engineer as to the effect of the avalanche protective, deflective, or preventative structure, device, or earth work, or other changes upon the areas within the High Hazard Red Zone or Moderate Hazard Blue Zone, together with a map of the newly defined area within the High Hazard Red Zone or Moderate Hazard Blue Zone.
- (3) If the Town of Silverton erected avalanche protective, deflective, and preventative structures, devices, or earth work, it shall make available information to engineers as requested.

²⁵⁸ Current Sec. 16-4-290.

²⁵⁹ New.

- (4) Upon an application, the High Hazard Red Zone or Moderate Hazard Blue Zone boundaries may be amended subsequent to public hearing and adoption of an ordinance amending the map.

(g) Warning and Disclaimer of Safety and Liability²⁶⁰

- (1) Avalanches occur naturally, suddenly, and unpredictably based upon steepness of slope and runout area, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. The avalanche hazard areas designated in this Section are considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study.
- (2) This Section does not represent or imply that areas outside the High Hazard Red Zone and Moderate Hazard Blue Zone are free from avalanches or avalanche danger. The fact that the Town has not prohibited all development, construction, or use of real property within these areas does not constitute a representation, guarantee or warranty of any kind as to the safety of any construction, use, or occupancy.
- (3) The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the Town, or any official or employee, of the practicality or safety of any construction, use or occupancy thereof, and shall create no liability upon or cause of action against the Town, or its officials or employees, for any injury, loss or damage that may result.

15-5-20 Flood Hazard Areas²⁶¹

(a) General Provisions

(1) Statutory Authorization²⁶²

Pursuant to C.R.S. 31-23-301, the legislature of the state has delegated the responsibility of the local governmental units to adopt regulations designed to minimize flood losses.

(2) Purpose²⁶³

The purpose of this Section is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

- a. Avoid or mitigate the potential adverse impacts of flood on property, economic activity, and the environment;

²⁶⁰ New.

²⁶¹ Replaces current Article 4, Division 1. Content has been clarified and reorganized for simplicity.

²⁶² Revised for clarity.

²⁶³ New.

- b. Ensure development does not increase the extent or severity of the flood hazard;
- c. Ensure development does not cause injury, loss of life, or damage to premises and property due to flooding; and
- d. Regulate the use of areas subject to periodic flooding.

(3) Applicability

This Section shall apply to all areas of special flood hazard and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town.

(4) Basis for Establishing Areas of Special Flood Hazard

- a. The special flood hazard areas identified by FEMA in a scientific and engineering report entitled, “The Flood Insurance Study for the Town of Silverton, Colorado and Incorporated Areas,” dated May 9, 2023, with accompanying Flood Insurance Rate Maps (FIRM), as amended, are the minimum area of applicability of this Section and may be supplemented by studies designated and approved the Town. The Flood Hazard Administrator shall keep a copy of the FIS, DFIRMs, and FIRMs on file and available for public inspection.²⁶⁴
- b. Areas of special flood hazard are divided into two separate and distinct areas:
 - (i) The floodway; and
 - (ii) The flood fringe.

(5) Compliance

No structure shall be constructed, located, extended, converted, substantially improved or altered, and no development shall be permitted, within the areas of special flood hazard without full compliance with the terms of this Section and other applicable regulations.

(6) Abrogation and Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(7) Interpretation²⁶⁵

In the interpretation and application of this Section, all provisions shall be:

- a. Considered as minimum requirements;

²⁶⁴ Reflects changes adopted through Ordinance 2023-02.

²⁶⁵ New standards that are common in floodplain regulations across the state.

- b. Liberally construed in favor of the Town; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

(8) Warning and Disclaimer of Safety and Liability

- a. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood height may be increased by man-made or natural causes.
- b. This Section does not imply that lands outside the areas of special flood hazard or uses permitted within those areas will be free from flooding or flood damage. This Section shall not create liability on the part of the Town, any officer or employee of the Town, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Section or any administrative decision lawfully made under this Section.

(b) Review Required

- (1) A Flood Hazard Development Permit shall be obtained before construction, substantial improvement, or development begins within any area of special flood hazard. Any structure of nonstructural activity or development that may affect flooding or flood damage must have a permit. Flood Hazard Development Permits shall be reviewed in accordance with Section 15-8-30(e).
- (2) Encroachments into the area of special flood hazard must be certified by a Colorado registered professional engineer that the encroachments are in accordance with this Section. Within Zones A1-30 and AE on the community's FIRM, it shall be demonstrated that:
 - a. The cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community; and
 - b. Within the adopted regulatory floodway, it must be demonstrated through hydrologic and hydraulic analyses in accordance with standard engineering practice that the proposed encroachment would not result in any increase (require a no-rise certification) in flood levels in the community during the occurrence of the base flood discharge.

(c) General Regulations

(1) Minimum Federal and State Standards²⁶⁶

Development in the area of special flood hazard must comply with the National Flood Insurance Program (NFIP) and State of Colorado minimum standards. These standards require applicants to demonstrate that those development projects allowed in the floodway, when combined with all other existing and anticipated development, will not cause an increase in the modeled 1-percent annual chance water surface greater than 0.00 feet and, for projects in the flood fringe, will not cause an increase greater than 0.50 feet.

(2) General Provisions

- a. No structure (temporary or permanent), fill, (including fill for roads and levees), deposits, obstruction, storage of materials or other floodplain uses that, acting alone or in combination with existing or future floodplain uses, shall adversely affect the efficiency or decrease the storage capacity of the floodplain.
- b. No floodplain use shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

(d) Uses Allowed in Floodway

The following uses shall be permitted in the floodway unless the use is prohibited in the underlying zoning district, adversely affects the efficiency of the floodway, changes the direction of flow, or poses a significant safety hazard. Any use or structure not listed is prohibited.

- (1) Uses accessory to residential uses, including, but not limited to lawns, open areas, gardens, driveways, and play areas;
- (2) Parks and open space;
- (3) Multi-modal path or trail;
- (4) Minor utilities not requiring structures; and
- (5) Hydraulic structures such as bridges, culverts, weirs, diversions, drop structures, and fish ladders, for access and flood or stormwater control.

(e) Development Standards in Flood Fringe

(1) Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- b. All new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic

²⁶⁶ New.

loads, including the effects of buoyancy, and must be certified by a Colorado registered professional engineer that they have been constructed to withstand hydrodynamic and hydrostatic forces and are adequately protected from flooding up to one foot above the base flood elevation.

- c. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) Residential Construction

All new construction and substantial improvement of residential structures must have the lowest floor (including basement), electrical heating, ventilation, plumbing and air conditioning equipment, and other service facilities (including ductwork) elevated to at least one foot above the base flood elevation on the community's FIRM. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a Colorado registered professional engineer, architect, or land surveyor. The certification shall be submitted to the Flood Hazard Administrator.

(3) Nonresidential Construction

All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities (including ductwork) elevated at least one foot above the base flood elevation specified in feet on the community's FIRM, or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Colorado registered professional engineer or architect shall submit certification to the Flood Hazard Administrator that the standards are satisfied.

(4) Enclosed Areas Below Lowest Floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are in the flood hazard area and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Colorado registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
- b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or

devices, provided that they permit the automatic entry and exit of floodwaters.

(5) Manufactured Homes

- a. Manufactured homes shall be anchored to resist flotation, collapse, or lateral movement and be able to withstand hydrodynamic loads. Methods of anchoring may include over-the-top frame ties to ground anchors. Specific requirements shall be that:
 - (i) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
 - (ii) Frames ties shall be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
 - (iii) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - (iv) Any additions to the manufactured home shall be similarly anchored.
- b. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system. For homes placed on pilings:
 - (i) Lots shall be large enough to permit steps;
 - (ii) Piling foundations shall be placed in a stable soil no more than 10 feet apart; and
 - (iii) Reinforcements shall be provided for pilings more than six feet above the ground level.²⁶⁷

(6) Recreational Vehicles

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either:

- a. Be on the site for fewer than 90 consecutive days²⁶⁸;
- b. Be fully licensed and ready for highway use; or
- c. Meet the requirements for manufactured homes in Subsection (5) above.

²⁶⁷ Details related to manufactured homes on pilings are new.

²⁶⁸ Decreased from 180.

(7) Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(8) Mechanical and Utility Equipment

Electrical, heating, ventilation, plumbing and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) Standards for Critical Facilities

(1) Classification of Critical Facilities²⁶⁹

Critical facilities are those facilities identifies in Rule 6 of 2 CCR 408-1.

(2) Protection for Critical Facilities

- a. New critical facilities are prohibited in the special flood hazard area.
- b. Substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Section, protection shall include one of the following:
 - (i) Location outside the special flood hazard area;
 - (ii) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the base flood elevation; or
 - (iii) Be retrofitted so that the building is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrodynamic loads.

(g) Administration

(1) Flood Hazard Development Permit

All development subject to this Section shall obtain a Flood Hazard Development Permit pursuant to Section 15-8-30(e).

²⁶⁹ Replaced detailed content with general reference to state regulations provided by the Department of Natural Resources.

(2) Flood Hazard Variance

All requests for a Variance of standards in this Section shall obtain a Flood Hazard Variance pursuant to Section 15-8-40(d).

15-5-30 Slope Hazard Areas²⁷⁰

(a) Purpose²⁷¹

The purpose of this Section is to:

- (1) Prevent soil erosion and landslides;
- (2) Protect the public by preventing or regulating development in locations with steep slopes over 25 percent;
- (3) Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas; and
- (4) Encourage only minimal grading that relates to the natural contour of the land.

(b) Applicability²⁷²

This Section shall apply to any development or subdivision that contain slopes of 25 percent or greater as identified in the Unified Hazard Overlay Map I, Flood, II, Avalanche, III, Slope dated March 23, 1992, on file in the office of the Planning Director or where adverse conditions associated with slope stability, erosion, or sedimentation are present as determined by the Town Administrator.²⁷³

(c) Development on Slopes Between 25 and 30 Percent

(1) Engineering Study

Lots with 25 percent or greater slope shall require a special engineering study performed by a qualified professional engineer licensed in Colorado, or qualified professional geologist to establish the feasibility of development proposed for the site. The study shall address feasibility of construction required for the use and describe the mitigation measures to be used to overcome excessive slope problems.

(2) Maximum Disturbance²⁷⁴

No more than 30 percent of the slopes between 25 and 30 percent shall be disturbed during development.

²⁷⁰ Replaces and expands current Division 3 of Article 4.

²⁷¹ New, replaces current Sec. 16-4-410.

²⁷² Removed reference to the Unified Hazard Overlay Map I, Flood, II, Avalanche, III, Slope dated March 23, 1992, which requires updating.

²⁷³ New.

²⁷⁴ Recommended in the Development Readiness Assessment.

(3) Grading Standards

- a. Grading shall be limited to the minimum necessary for development of streets, building sites, utilities, and driveways.
- b. Visible cut or fill slopes shall not exceed three horizontal to one vertical (3:1); provided, however, that slopes as steep as two horizontal to one vertical (2:1) may be approved by a qualified engineer upon a finding that the appearance or stability of the completed project will be superior to the result that would be obtained by adhering to the three horizontal to one vertical (3:1) standard.

(4) Erosion Control

Standard erosion control methods shall be used during construction to protect water quality, control drainage, and reduce soil erosion. Sediment traps, small dams, barriers of straw bales, or other methods acceptable to the Town shall be located wherever there are grade changes to slow the velocity of runoff.

(5) Building Location

Where permitted, structures shall be integrated into the hillside or built at the base of the slope.

(6) Streets

Streets shall be design in accordance with the Development Standards and Specifications.

(d) Development on Slopes Greater than 30 Percent²⁷⁵

The creation of new lots, construction of structures, or clearing, excavation, and grading where the average slope within the limits of disturbance is greater than 30 percent shall require a Special Use Permit.

(e) Development on Unstable or Potentially Unstable Slopes

If a site is identified as having unstable or potentially unstable slopes, then development may be allowed if the applicant demonstrates that the development cannot avoid those areas and the development complies with certified geotechnical design and construction stabilization and maintenance measures.

(1) Cutting Into a Slope

Cutting into the slope is prohibited without provision of adequate mechanical support.

(2) Adding Water or Weight

Adding water or weight to the top of the slope, or along the length of the slope is prohibited.

²⁷⁵ New, requires a Special Use Permit for any development on slopes greater than 30 percent.

(3) Removing Vegetation

Vegetation shall not be removed from the slope unless it will be replaced on a timely basis acceptable to the Town.

(4) Over-Steeping

Activities that over-steep the existing grade of an unstable slope are prohibited. site is identified as having unstable or potentially unstable slopes, then development may be allowed if the applicant demonstrates that the development cannot avoid those areas and the development complies with certified geotechnical design and construction stabilization and maintenance measures.

(f) Administration

All development subject to the standards of this Section shall obtain a Slope Hazard Development Permit pursuant to Section 15-8-30(m).

15-5-40 Wildfire Hazard Study²⁷⁶

(a) Purpose

The purpose of this Section is to protect public health and safety and to protect public and private property from avoidable damage, by requiring additional protections from risks of wildfire in areas of increased wildfire risk, as shown on any maps of wildfire risk that the Town determines to be reasonable.

(b) Applicability

The following standards shall apply to new development or subdivision and redevelopment in the areas identified as areas of High Intensity wildfire risk as defined by the Colorado State Forest Service or the Colorado Division of Fire Prevention and Control²⁷⁷, excluding applications for single-unit detached dwellings. Single-unit detached dwellings shall follow Firewise planting techniques and materials to the maximum extent practicable.

(c) Wildfire Hazard Study

The study shall be submitted with any applicable Planned Unit Development, Special Use Permit, Major Subdivision, or Site Plan, and shall provide a detailed, site specific analysis that includes the following minimum information:

- (1) A schedule delineating how the wildfire mitigation actions identified in the study will be implemented including, but not limited to, vegetation thinning, creation of fuel breaks, and the installation of working fire hydrants, fire cisterns, or dry hydrants prior to the introduction of combustible construction materials on the site;

²⁷⁶ New.

²⁷⁷ Added reference to DFPC.

- (2) Communication capabilities during construction with the ERFPD and the type of communication system. A physical address is required for E-911 purposes;
- (3) Detailed specification of fire protection equipment and emergency preparedness actions to be installed or implemented and maintained within the subdivision during construction;
- (4) Detailed mitigation actions including, but not limited to, thinning, spacing, and removal of trees and vegetation and building construction techniques designed to mitigate wildfire hazard areas;
- (5) The identification of building envelopes shall be required to locate structures outside of severe hazard areas, off of steep slopes, and outside of ravines to the maximum extent practicable;
- (6) Identification of the entities responsible for implementing the plan, constructing required improvements, and maintenance in perpetuity of the improvements and appropriate easements, if any; and
- (7) A map identifying major timber stands and vegetation, locations of fire hydrants, water tanks, cisterns or dry hydrants, as well as locations and flows or capacity of fire hydrants, water tanks, cisterns, or dry hydrants.

(d) Referral to Colorado State Forest Service or Division of Fire Prevention and Control

- (1) As part of the review of the wildfire hazard study, the Town Administrator shall refer the development application to the Colorado State Forest Service (CSFS) or the Colorado Division of Fire Prevention and Control (DFPC). Referral of Final Plat applications will be at the discretion of the Town Administrator.
- (2) CSFS or DFPC shall review the application and comment on the potential effectiveness of the management plan and the mitigation techniques proposed and make recommendations based on guidelines promulgated by CSFS or DFPC. (See, for example, "Creating Wildfire Defensible Zones, No. 6.302 or currently accepted standards.)
- (3) The Town shall consider the recommendations of the CSFS or DFPC and apply the appropriate recommendations as conditions of approval of the development application.

(e) Requirements for Final Approvals

Based on Town and CSFS or DFPC review, the applicant may be required to revise the study. The applicant must demonstrate prior to development approval how the development complies with the mitigation strategies identified in the study.

Article 6 Site Development Standards

15-6-10 Mobility, Connectivity, and Parking²⁷⁸

(a) Purpose

The purpose of this Section is to:

- (1) Provide for safe and convenient interaction between vehicles, bicycle, and pedestrians;
- (2) Encourage multi-modal transportation options and enhanced pedestrian safety; and
- (3) Ensure the quality of life of the community will not be impeded by off-street parking requirements when adequate on-street parking is available.

(b) Applicability

This Section shall apply to new development or redevelopment of three or more single-unit attached dwellings, triplex or fourplex dwellings, multiunit dwellings, mixed-use development, and nonresidential development.

(c) Mobility

- (1) Sidewalks designed to Town standards are required along all public streets. The Town Administrator may approve a walkway that is surfaced in pavers, bricks, colored or patterned concrete, gravel, or other methods approved by the Town to enhance pedestrian safety and the attractiveness of the walkway.
- (2) All development in the MU-1, C-1 and C-2 districts shall provide a pedestrian walkway system as follows:
 - a. There shall be a walkway from the perimeter public sidewalk or street to the primary building entrance. Walkways shall be constructed with using firm, stable, and slip resistant surface.
 - b. Pedestrian walkways or sidewalks shall connect all primary building entrances and must be provided along any building wall featuring an entrance that exits into a parking area or public right-of-way.

²⁷⁸ All content is new, unless otherwise noted.

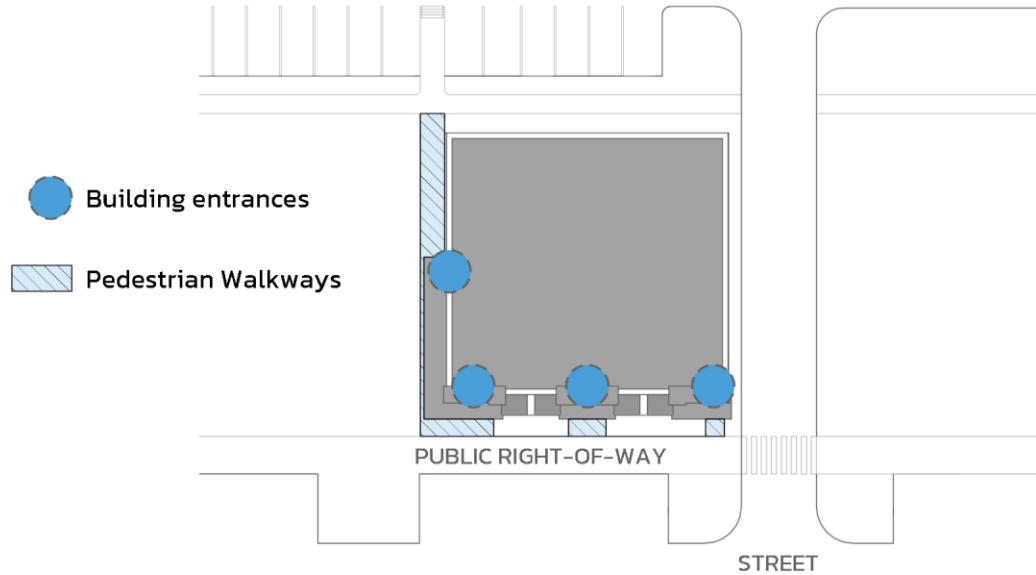


Figure 15-6-1: Pedestrian Walkway Requirements

(d) Connectivity

- (1) Every mixed-use, commercial, and industrial lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles, trucks supplying necessary services, and for those needing access to the property for its intended use.
- (2) All driveway entrance and other openings onto streets shall be constructed so that:
 - a. Vehicles may safely enter and exit the property; and
 - b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(e) Parking for those Experiencing Disabilities

Where ADA-compliant parking is required, it shall be consistent with the ADA design requirements, including but not limited to providing a firm, stable, and slip resistant surface, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

(f) Bicycle Parking

Multiunit dwellings, including five or more dwellings within a mixed-use building, are encouraged to provide a minimum of one short- or long-term bicycle space per dwelling unit. A combination of short- and long-term spaces may be provided.

(g) Parking Area Design

Where provided, parking areas shall meet the following standards.

(1) Vehicle Parking

- a. Each off-street parking space shall consist of an open area measuring at least nine feet wide by 18 feet long and seven feet high; provided, however, parallel parking spaces shall measure at least nine feet wide by 23 feet long and seven feet high.
- b. Off-street parking shall be free of weeds, properly drained, and surfaced with concrete, asphalt, sealed pavers, cobbles, sealed brick, gravel or rock a minimum depth of four inches to ensure a dust-free surface or any other material with similar characteristics and uses and shall be maintained in a usable condition at all times.
- c. The Town Administrator may prohibit the use of gravel or rock for parking areas when deemed necessary for erosion control, drainage, or other ecological considerations.²⁷⁹

(2) Bicycle Parking

Where provided, short- and long-term bicycle parking shall meet the following standards.

a. Short-Term Bicycle Spaces

Short-term bicycle racks shall be located so that they:

- (i) Are easily accessed from the street and protected from motor vehicles;
- (ii) Are visible to passers-by to promote usage and enhance security;
- (iii) Do not impede or interfere with pedestrian traffic or routine maintenance activities;
- (iv) Do not block access to buildings; and
- (v) Allow reasonable clearance for opening of passenger-side doors of parked cars.

b. Long-Term Bicycle Spaces

Long-term bicycle parking shall be enclosed and secured to the maximum extent practicable. Enclosed bicycle parking includes but is not limited to: an area enclosed by a secure fence with a lockable entrance or a secure and accessible room in a building.

15-6-20 Landscaping and Screening²⁸⁰

(a) Applicability

This Section shall apply to new development or redevelopment of three or more single-unit attached dwellings, triplex or fourplex dwellings, multiunit dwellings,

²⁷⁹ From current Sec. 17-5-40(j). Changed Planning Commission approval to Town Administrator.

²⁸⁰ Replaces current Sec. 16-4-540 and 17-5-40(k). All content is new unless otherwise noted.

mixed-use development, and nonresidential development unless otherwise specified.

(b) Nonfunctional Turf, Artificial Turf, and Invasive Plant Species²⁸¹

- (1) On or after January 1, 2026, all new development and redevelopment, as defined below, of nonresidential principal uses are prohibited from installing, planting, or placing any nonfunctional turf, artificial turf, or invasive plant species as defined in Colorado Statutes.
- (2) Redevelopment, for the purposes of this Section, requires both of the following:
 - a. A disturbance of more than 50 percent of the aggregate landscape area, and
 - b. Activity that requires a building permit or Site Plan.

(c) Screening

(1) Fences and Walls

a. Maximum Fence Height

The maximum height for fences or walls shall be six feet, unless otherwise approved through an Administrative Adjustment in Section 15-8-30(a).

b. Setbacks

Fences and walls, including those over six feet in height, are not considered structures and therefore not required to meet the principal or accessory building setbacks for the underlying zoning district.

c. Clear Vision Triangle

No obstructions above 42 inches in height are permitted within the clear vision triangle as defined in Section 15-11-20(b), Clear Vision Triangle Measurement.

(2) Roof-mounted Mechanical and Utility Equipment

Roof-mounted mechanical and utility equipment, excluding solar panels, shall be an integral part of the building's overall architectural design and shall be screened from view to the maximum extent practicable from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties using parapet walls or other means of screening. When reviewing the type and amount of screening, the Town Administrator shall consider the following:

- a. The proximity of the development to surrounding residential land uses and the visual impact that roof-mounted equipment may have upon those surrounding residential land uses;

²⁸¹ New to align with SB24-005.

- b. The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted; and
- c. Roof-mounted equipment shall maintain a color and finish that are compatible with the primary building façade.

15-6-30 Site and Building Design Standards²⁸²

(a) Purpose

The purpose of this Section is to:

- (1) Establish design and development standards that foster high-quality development;
- (2) Enhance the human and pedestrian scale of commercial developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses; and
- (3) Balance the community's economic and aesthetic concerns.

(b) Townwide Design Standards

(1) Applicability

This Section shall apply to all new residential and nonresidential development or redevelopment that requires a Site Plan.

(2) Roofs, Eaves, and Parapets

Roofs, eaves, and parapets shall be designed to withstand the Town's variable mountain climate by using appropriate pitch, drainage, R-value, and materials.

(3) Climatic Conditions

- a. Local climatic conditions shall be considered when designing the orientation of new buildings. For example, north-facing facades are especially susceptible to winter snow and ice accumulation, and entries may require special treatment.
- b. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.

(4) Reflective Materials Prohibited

No glare-producing material including, but not limited to, unpainted metal or reflective glass, shall be used on the exterior of structures. The light reflectance value (LRV) of any material shall not exceed 60 percent.

²⁸² New, replaces and expands current Sec. 16-4-800(4).

(5) On-Site Snow Shedding and Storage

Each application for a Site Plan or a Special Use Permit shall submit a snow shedding and storage plan that demonstrates compliance with the following requirements.

a. Snow Storage

- (i) In all districts except the MU-1 district, a minimum snow storage area equaling 10 percent of the impervious surface on the lot, either located in one location or distributed across multiple areas, shall be provided for the removal, management, and storage of snow removed from pedestrian and vehicular ways, driveways, parking, and loading spaces.
- (ii) In all districts, adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.

b. Snow Shedding

- (i) Sites and structures shall be designed so that snow does not shed across the property line onto an adjacent property.
- (ii) Snow shall not be allowed to shed freely into building entrances. The buildup of ice and snow within pedestrian areas shall be minimized to the maximum extent practicable.
- (iii) Any roof that may shed snow onto walkways and entries shall include rooftop snow retention techniques including snow guards and/or snow fences designed in accordance with adopted building codes to prevent injury, as deemed necessary by the Building Official. The Town Administrator may waive this requirement if the snow shedding plan shows that the standards of this Section can be met without using retention techniques.

(6) Refuse Containers

- a. Dumpsters and refuse containers shall be animal resistant. Animal resistant containers are fully enclosed containers that may be constructed of pliable materials reinforced to deter access by wildlife. The containers must employ sturdy lids that have a latching mechanism that prevent access to their contents by wildlife.
- b. Enclosures shall be located to minimize view and odors from public locations at the primary street frontage and neighboring properties and uses to the maximum extent practicable.

(7) Mechanical

- a. Underground utility connection is required unless otherwise provided by the Building Official.

- b. Risers, utility meters, panel boxes, or similar, are encouraged to be covered with the same or compatible material as the siding material where the connection meets the building, unless prohibited by utility company regulations.

(8) Small Lot Development Bulk Plane

The following standards shall apply to lots less than 5,000 square feet in area.

- a. A bulk plane analysis shall be applied to define the three-dimensional area to which development will be limited. The bulk plane extends up 12 feet from all four lot lines and angles in at 45 degree angles from the side lot lines until it reaches the maximum building height in the zoning district or intersects with the plane that is created by the lot line on the opposite side of the lot. The buildable area, or area in which development may occur, consists of the area within the required front, side and rear yard setback and the defined bulk plane.

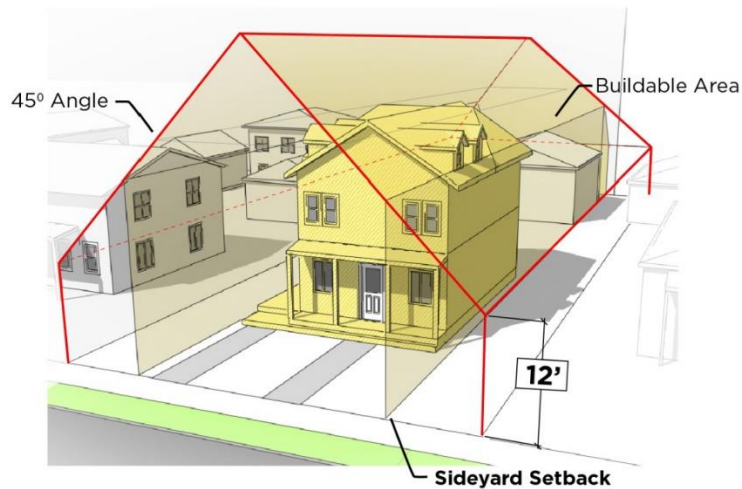


Figure 15-6-2: Bulk Plane Analysis

- b. Individual dormers (shed or gable) may extend up to six feet beyond the buildable area, with a maximum width of eight feet. The portion(s) that extend beyond the buildable area shall have a combined width no greater than 50 percent of the length of the roof upon which they are located. The width of the dormer shall be measured at the point that it intersects the bulk plane.
- c. The end(s) of a shed roof may extend up to five feet beyond the buildable area.
- d. The end(s) of a side-gabled roof may extend up to five feet beyond the buildable area with a maximum width of 20 feet or no more than 50 percent of the length of the home, whichever is less. The width of the side-gabled roof shall be measured at the point that it intersects the bulk plane.

- e. A rooftop solar system, that is flush-mounted to the roof or mounted at up to a 15 degree angle measured from a horizontal plane may extend beyond the buildable area provided that the roof structure supporting the solar system does not extend beyond the bulk plane limit.

(c) Historic District Overlay Standards

All lots within the Historic District Overlay shall be subject to Section 15-2-80(a)(7), Design Standards for All Development in the Historic District Overlay.

(d) Additional Greene Street Standards

(1) Applicability

In addition to the standards set forth in Subsection(b) above, this Section shall apply to any new development or redevelopment on lots abutting Greene Street outside of the Historic District Overlay.

(2) Referral to Historic Preservation Committee

The Town Administrator may refer any application subject to the Greene Street standards to the Historic Preservation Committee for review and comments regarding the structure's compatibility with nearby historic buildings, the original and historic facade of existing buildings, and the aesthetics as viewed from the main heritage tourism thoroughfares.

(3) Building Orientation

The facade containing the primary entry way shall parallel the street. Building entrances shall be visible and accessible from the pedestrian right-of-way along the building's primary street.

(4) Building Mass and Form

- a. The following elements shall be used to provide relief and contrast in the façade and delineate individual units. A minimum of three elements shall be incorporated:
 - (i) Balconies;
 - (ii) Overhangs;
 - (iii) Covered patios;
 - (iv) Prominent entry features;
 - (v) Window variations;
 - (vi) Door opening variations;
 - (vii) Variations in materials with an alternative material use for at least 20 percent of the structure;
 - (viii) Variations in building height with differing levels of height provided for at least 20 percent of the total height;
 - (ix) Variation in roof form, with differing roof forms provided for at least 20 percent of the total room;

-
- (x) Projected or recessed building walls that vary from the primary vertical plane by at least six inches; or
 - (xi) Another architectural feature as approved by the Town Administrator.
- b. Entries and stairwells shall be an integral part of the building design. Exterior stairwells shall be protected from the weather and partially screening or designed with architectural treatments that are integrated into the overall building elevation.

(5) Building Materials

New additions and new buildings shall be designed with building materials that preserve or complement exterior building materials characteristic of the Town’s history. Applicants are encouraged to use History Colorado’s Field Guide to Historic Architecture and Engineering as a reference document.

(6) Roof Form

- a. Roofs should be similar in scale to those used historically on comparable buildings. Typical primary roof shapes are gabled, hipped, and shed.
- b. Bowed or curved roof forms are prohibited.

(7) Parking

If on-site parking is provided, parking shall be located to the side or rear of the primary structure to the maximum extent practicable.

15-6-40 Outdoor Lighting²⁸³

(a) Purpose

The purpose of this Section is to:

- (1) Preserve and protect the natural dark sky resource;
- (2) Minimize light pollution, glare, light trespass, and sky glow;
- (3) Promote energy conservation;
- (4) Maintain nighttime visibility for safety and security;
- (5) Prevent unnecessary or inappropriate outdoor lighting;
- (6) Minimize nighttime lighting impacts on wildlife;
- (7) Maintain the rural atmosphere and character of the town; and
- (8) Make the town an attractive place for residents and tourists.

(b) General Provisions

- (1) All outdoor light fixtures permanently or temporarily installed outdoors, except for those listed under Subsection (d), shall:

Be the minimum necessary to provide for safety and functionality;

²⁸³ New. Informed by the International Dark Sky Community Program Guidelines June 2018, referred to as “Guidelines” in following footnotes. Illustrations to be included for later drafts.

- a. Be turned off when no one is present to use the light;

Be fully shielded; and²⁸⁴

Be directed such that illumination is within the property boundary where the outdoor light fixture is located. This provision does not apply to publicly owned outdoor light fixtures.²⁸⁵

The correlated color temperature of each lamp shall not exceed 3,000 Kelvins.²⁸⁶

- (2) The following lumen per net acre values are an upper limit and not a design goal.

- a. All uses except single-unit detached dwellings are limited to 15,000 lumens per net acre and fixtures are limited to 1,600 lumens each.

Single-unit detached dwellings are limited to 10,000 lumens per net acre and fixtures are limited to 850 lumens each.²⁸⁷

(c) Specialized Outdoor Lighting

(1) Canopies

Canopies for service stations and other overhangs may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cutoff. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

²⁸⁴ Current 16-8-10(2)a. Required by Guidelines section 1A for all light fixtures over 1000 initial lamp lumens. "Initial lamp lumens" is defined as the number of lumens of light emitted by a lamp when new and not counting any depreciation of output due to the age of the lamp. This information can be found in manufacturer data sheets. The Guidelines section 1C also require a restriction on the total amount of unshielded lighting. To simplify, this provision requires that all fixtures be fully shielded as already required.

²⁸⁵ Current 16-8-10(2)b. Reworded for clarity.

²⁸⁶ Required by Guidelines section 1B.

²⁸⁷ This is aimed at meeting Guidelines section 1D. These limits do not have to apply to publicly owned outdoor lighting, but this proposed language would apply.

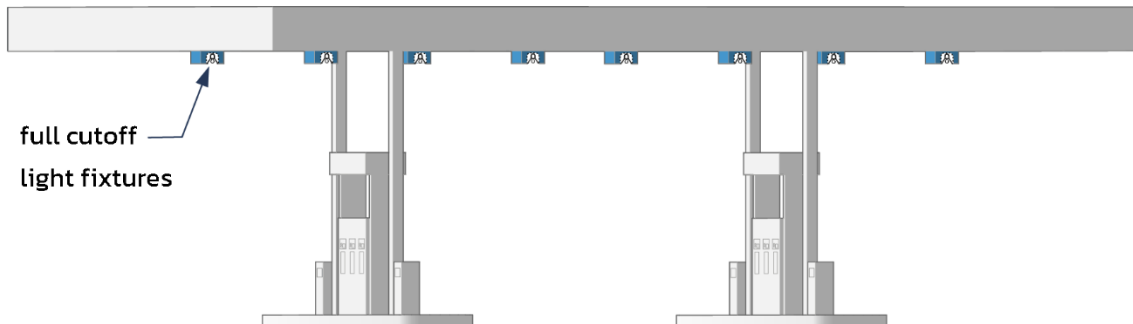


Figure 15-6-3: Canopy Lighting for Fuel Station

(2) Outdoor Recreational Facilities²⁸⁸

Lighting for sporting and/or athletic facilities do not have to be fully shielded or be limited to 3,000 Kelvins if all the following are met:

- a. Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play.
- b. Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications.
- c. Illuminance levels are adjustable based on the task (e.g., active play versus field maintenance).
- d. Off-site impacts of the lighting are limited to the maximum extent practicable.
- e. Lights are extinguished by 10:00 p.m. or one hour after the end of play, whichever is later.
- f. Timers are installed to prevent lights being left on accidentally overnight by automatically extinguishing them.

(3) Publicly Owned Outdoor Lighting²⁸⁹

- a. New publicly owned outdoor light fixtures shall only be installed where needed for safety and functionality.
- b. All new publicly owned outdoor light fixtures installed six months or more after the adoption of these regulations shall incorporate adaptive controls.

²⁸⁸ Required per Guidelines section 1G.

²⁸⁹ Required per Guidelines section 1E.

(4) Signs²⁹⁰

- a. Luminance levels for operation between sunset and sunrise shall not exceed 100 nits (100 candelas per square meter, cd/m²) as measured under conditions of a full white display.
- b. During the first hour after sunset and during the last hour immediately preceding sunrise, sign luminance shall not exceed 100 nits (100 candelas per square meter, cd/m²).
- c. Sign illumination shall be extinguished completely during the hours the business is closed.
- d. The luminous/illuminated surface area of an individual sign shall not exceed 40 square feet.

(d) Exemptions

The following are exempt from this Section:

- (1) Temporary emergency lighting in use by law enforcement or government agencies or at their direction;
- (2) Temporary lighting for events that do not create issues of light trespass or safety as approved by the Town Administrator for a period of up to seven days;

Temporary holiday decorative lights from November 15 through January 15 and one other seven-day period a year. Lights shall be extinguished by 10pm and remain off until one hour before sunrise. Holiday decorative lights may blink, so long as the safety of any moving vehicle is not impacted;²⁹¹

- (3) String, bistro, and similar lighting, provided the emission of no individual lamp exceeds 50 lumens and no installation of lighting exceeds, in the aggregate, 6,000 lumens. These lights must be rated at or below 2,700 Kelvin. Lights shall be extinguished by 10:00 p.m. and remain off until one hour before sunrise;
- (4) Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed not more than 18 inches above the adjacent ground level;
- (5) The lighting of artwork that is outdoors and on publicly owned property. Lighting shall not exceed 850 lumens per artwork nor more than 3000 Kelvin. Lights shall be extinguished by 10:00 p.m. and remain off until one hour before sunrise;
- (6) Lighting on structures or signs for buildings on the National Register of Historic Places in which the lighting contributes to the historical significance

²⁹⁰ Required per Guidelines section 1F. Electronic signs are prohibited per Prohibited Sign Types section in Article 7.

²⁹¹ Public input requested this date be extended to Presidente's Day and that the time restriction be removed. Based on a discussion with DarkSky International, they will not accept extended dates or times.

of the building. Efforts shall be made to comply with the outdoor lighting standards where it does not compromise the historic integrity;

- (7) The lighting of federal or state flags, provided that the light is above the flag and faces downward;
- (8) Traffic control signals and devices; and
- (9) Lighting required by federal, state, county, or Town ordinance and regulations.

(e) Prohibited Outdoor Lighting

The following are prohibited:

Searchlights, sky beams, and similar lighting except as required by response personnel during emergency conditions;²⁹²

Blinking, flashing, rotating, or moving lights, including those used for signage. This does not apply to holiday-type decorative lights as exempted above;²⁹³

Lighting which produces any glare or distraction for any passing motorist;²⁹⁴

Neon or luminous tube lighting including any sign, except "open/closed" or "vacancy/no vacancy" type signs; and²⁹⁵

- (1) Mercury vapor lighting.

(f) Nonconforming Outdoor Lighting

- (1) All existing outdoor lighting that was legally installed before the adoption of this Section but does not meet the requirements of this Section shall be considered nonconforming.
- (2) Nonconforming outdoor lighting is allowed to remain in use unless any of the following occurs:
 - a. Replacement of the fixture;
 - b. Non-use of the fixture for a period of six months; and/or
 - c. Damage to the light fixture such that the cost or repair is 50 percent or more of the cost to replace the fixture with a conforming fixture.
- (3) No alteration may be made to outdoor lighting which would increase the amount of degree of the nonconformity.
- (4) After 10 years from the date of adoption of this Section, all nonconforming outdoor light fixtures shall be brought into compliance with this Section.²⁹⁶

(g) Plan Submission and Compliance Review

- (1) All applications for business permits, building permits, Sign Permits, Site Plan, Historic District Overlay Review, Planned Unit Development, Special

²⁹² Current 16-6-40(9). Refined to add more detail.

²⁹³ Current 16-6-40(6). Refined to not just apply to signage.

²⁹⁴ Current 16-6-40(5).

²⁹⁵ Current 16-6-40(8). Revised to add "Open" signs.

²⁹⁶ Required per Guidelines section 1H.

Use Permit, and Simple and Major Subdivisions shall submit a lighting plan showing compliance with this Section. The lighting plan shall include the following information:

- a. The manufacture's cut sheet for each proposed outdoor light fixture;
 - b. A site plan with property boundaries including all existing and proposed light fixture locations and their light spill;
 - c. A table showing the total lumens by fixture and a calculation explaining the total lumens per net acre;
 - d. Total Kelvin for each proposed lamp; and
 - e. Other materials necessary to show compliance with this Section.
- (2) Review of lighting plans shall be by the Town Administrator who may refer review to the Planning Commission if that, in their opinion, issues are present that require Planning Commission attention.

Article 7 Signs

15-7-10 Purpose²⁹⁷

The purpose of this Section is to:

- (a) Provide signs that do not present a safety hazard to the public;
- (b) Promote aesthetics in the community by encouraging signs that are compatible with their surroundings;
- (c) Protect and encourage local tourist-related businesses for the general economic wellbeing of Silverton;
- (d) Provide a reasonable balance between the need to advertise businesses and the need to protect the public from the effects of unsafe signs; and
- (e) Establish procedures and regulations that control the location, size, type, and number of signs permitted.

15-7-20 Applicability²⁹⁸

- (a) This Section shall apply to all signs within the Town of Silverton, unless specifically exempted by Section 15-7-50.
- (b) No sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this Article.

15-7-30 Permit Required²⁹⁹

All signs subject to the regulations in this Article shall obtain a Sign Permit as set forth in Section 15-8-30(i).

15-7-40 Measurement and Calculation³⁰⁰

(a) Building Frontage³⁰¹

The building frontage shall be measured as the length in feet of the wall, including all windows, doors, and other openings, of the primary building that faces the street abutting the property. If the primary building is located on a corner lot, the frontage shall be the wall of the primary building that contains the primary entrance to the building.

²⁹⁷ New.

²⁹⁸ Replaces current Sec. 16-6-10.

²⁹⁹ Current Sec. 16-6-20.

³⁰⁰ New.

³⁰¹ Replaces current measurement.

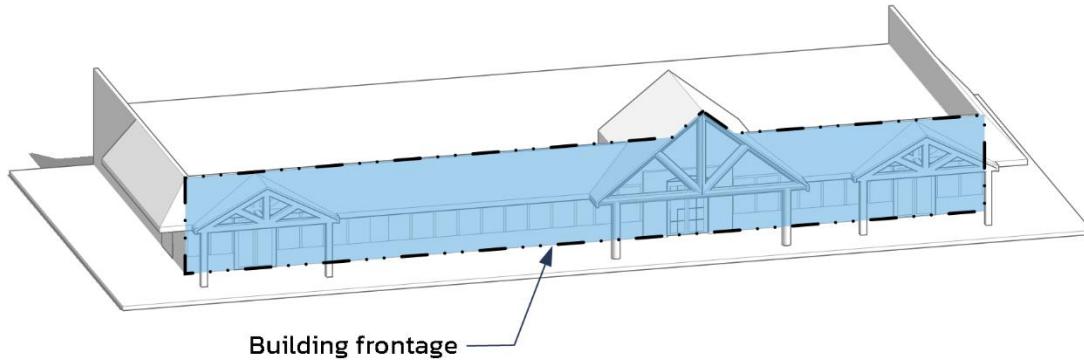


Figure 15-7-1: Building Frontage

(b) Sign Area³⁰²

- (1) The area of a two-dimensional sign is measured by encompassing the advertising display surface area within any combination of geometric figures (e.g., rectangles, squares, triangles, parallelograms, circles, or ellipses), having no more than eight sides, that would enclose all parts of the sign.

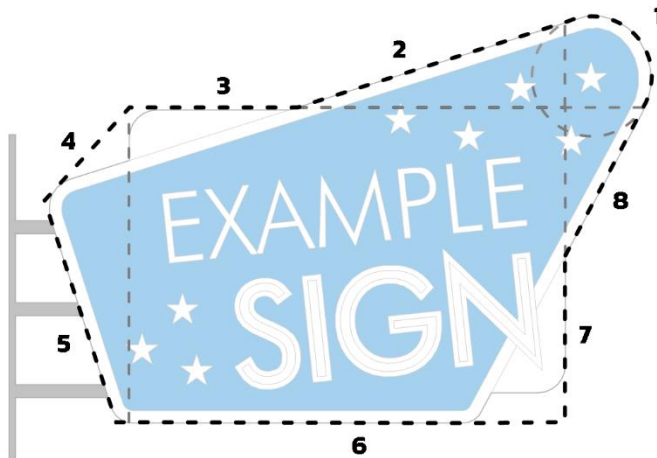


Figure 15-7-2: Sign Area Measurement

- (2) The sign area of three-dimensional free-form or sculptural (non-planar) signs is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.

³⁰² New.

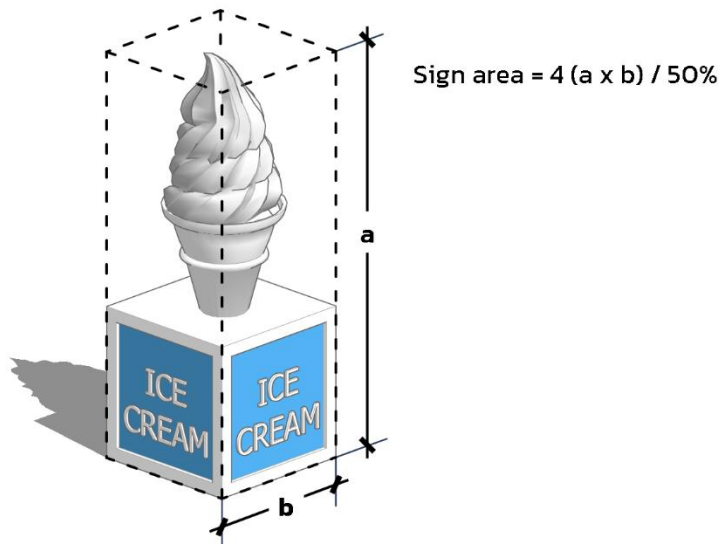


Figure 15-7-3: 3-D Sign Area Measurement

- (3) If elements of a sign are movable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.
- (4) Only structural components shall be excluded in computing the total allowable area.

(c) Freestanding Sign Height³⁰³

- (1) The height of a freestanding sign shall be computed as the distance from the base of the sign at existing finished grade to the top of the highest attached component of the sign.
- (2) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.
- (3) The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.

³⁰³ New.

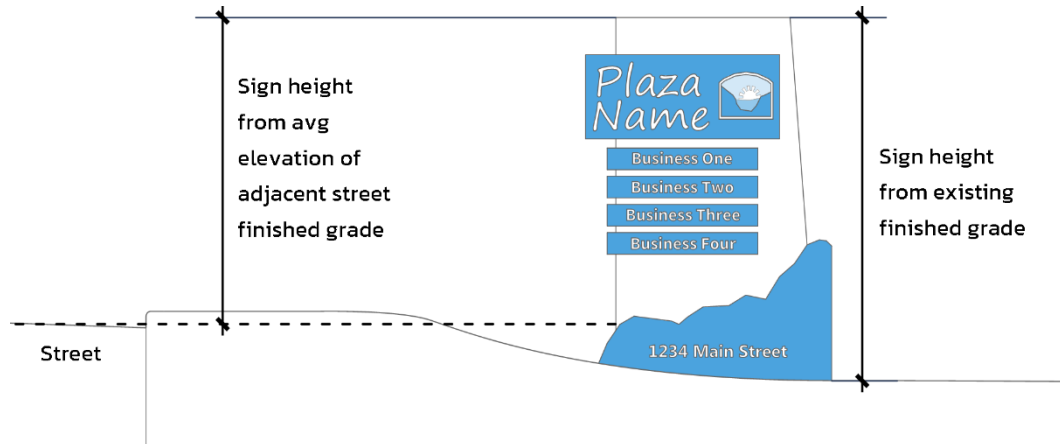


Figure 15-7-4: Freestanding Sign Height Measurement

- (4) If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

15-7-50 Exempt Signs³⁰⁴

The following signs, items, and activities do not require a Sign Permit, but shall comply with the requirements identified below.

(a) Internal and Integral Signs³⁰⁵

- (1) Signs not intended for view or readily legible from the public right-of-way.
- (2) Integral signs that are carved into stone, concrete, or similar material or made of metal or other permanent-type construction and made an integral part of the structure. Integral signs shall not exceed four square feet in area.
- (3) Signs that do not exceed two square feet per face or four square feet in total surface area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps/electric vehicle charging units, or utility cabinets.
- (4) Signs or banners on fences and structures within a Town park or recreational area, provided the signs or banners face inward to the Town park or recreational area.

(b) Flags or Insignia

Entryway flags³⁰⁶ shall not exceed three feet by five feet, or 15 square feet in size. All other flags, crests, or banners shall be 24 square feet or less and affixed to a permanent flagpole or building.

³⁰⁴ All provisions related to lighting have been relocated to Sec. 15-6-50, Outdoor Lighting.

³⁰⁵ Replaces current Sec. 16-6-30(1) and (2).

³⁰⁶ Replaces "Open" flags to be content neutral.

- (1) Entryway flags shall be a minimum of eight feet and a maximum of 20 feet above grade and shall not extend more than six feet over any public right-of-way.
- (2) Each business may display one entryway flag during business hours.
- (3) Each building is limited to two flags.
- (4) When applicable, flags shall comply with Chapter 10 of Title 36 of the United States Code named "The Flag Code," as it pertains to all rules and regulations to the official Flag of the United States of America.

(c) Public Signs³⁰⁷

Official public signs or plaques approved by a governmental or quasi-governmental body, Town department, or special district (collectively "governmental organizations") for structures used by the governmental organization and signs related to issues that the governmental organization has jurisdiction over, such as traffic safety, pedestrian safety, construction safety, schools, legal and public notices, railroad crossings, health, historic matters, hazards, parking, swimming, or dumping. Traffic signs shall follow the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration.³⁰⁸

- (1) Signs and notices required to be maintained by law or governmental order, rule, or regulation, provided that the content and size of the sign does not exceed the requirements of the law, order, rule, or regulation.
- (2) Town-sponsored, Town-owned, and Town-maintained signs and temporary banners that are displayed and erected above Greene Street and/or Blair Street, at or near the Visitor's Center, on the fence surrounding the ballpark located at Greene Street and 4th Street and at the Kendall Mountain Recreation Center, provided that any sign or banner erected above and over a public right-of-way or thoroughfare shall meet the minimum and maximum height requirement by state or federal law. All banners must obtain and be in compliance with the standards for a public banner permit.

(d) Artwork³⁰⁹

Works of art that in no way identify, advertise, or display, directly or indirectly, a product or business. This shall include wall murals, yard art, or other public mosaics or sculptures.

(e) Menu-Sized Sign Boxes and Changeable Sign Boards

Each restaurant or bar may display one menu-sized sign box attached to the building in which they are located. Menu-sized sign boxes may not exceed two feet in height, two feet in width, and three inches in depth. Each restaurant and/or bar may display one pedestrian-oriented changeable sign board of chalk,

³⁰⁷ Combines current Sec. 16-6-30(3),(4), (6), (17),and (18).

³⁰⁸ Last sentence is new for clarity.

³⁰⁹ Current Sec. 16-6-30(10).

dry-erase, or similar nature, attached to the building in which it is located.

Changeable sign boards may not exceed two feet in height, two feet in width, and three inches in depth.

(f) Residential and Vacation Rental Signs³¹⁰

Non-illuminated signs (either freestanding or wall signs only), provided that they are located on the same lot as the dwelling unit with which they are associated, there is not more than one sign displayed on any street frontage, and the sign does not exceed two square feet in sign area per dwelling unit.

(g) Temporary Signs

See Section 15-7-90, Standards for Temporary Signs.

(h) Vehicle Signs³¹¹

The vehicle shall be owned by the business or employee of the business, operable and properly licensed, and regularly used in the normal conduct of business, such as delivering or transporting goods or providing services related to the business.

(i) Window Signs³¹²

- (1) Window signs may be affixed directly to the inside or outside window or hung/mounted inside the window from the top, side, or bottom of the window frame or similar architectural element.
- (2) Each sign shall be no more than four square feet in area.
- (3) Signs in windows visible from public rights-of-way are limited to 20 percent of the total area of each architecturally distinct ground floor window area.
- (4) In buildings with multiple tenants, these provisions shall be applied to each individual tenant based on the size of the windows located within that portion of the facade adjacent to the tenant's leased premises.

15-7-60 Prohibited Signs and Sign Locations³¹³

(a) Improper Location³¹⁴

Signs shall not be installed or located so that they:

- (1) Obstruct the driver's vision of a moving vehicle;³¹⁵
- (2) Create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location,

³¹⁰ Removed content-related text from current Sec. 16-6-30(19).

³¹¹ Removed content-related text from current Sec. 16-6-30(20).

³¹² New.

³¹³ Replaces Sec. 16-6-40. Definitions of particular sign types have been relocated to Article 11. All provisions related to lighting have been relocated to Sec. 15-6-50, Outdoor Lighting.

³¹⁴ New, unless otherwise noted.

³¹⁵ Current Sec. 16-6-40(5).

content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device;³¹⁶

- (3) Create a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed;
- (4) Create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations; or
- (5) Are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of the sign and the mounting have been verified in writing by a structural engineer licensed to practice in the state.

(b) Prohibited Sign Types

The following types of signs shall not be permitted in any zoning district:

- (1) Off-premise signs or signs in the public right-of-way, unless approved by Public Works and the Town Administrator;
- (2) Electronic signs and signs that have blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity, brightness, or color;³¹⁷
- (3) Signs that move in any mechanical manner, have structural moving part(s) powered by a motor, or swing because of their design or by the manner of their suspension or attachment as a result of wind pressure, mechanically-driven apparatus, electrically-driven apparatus, or any combination;³¹⁸
- (4) Neon signs;
- (5) Roof signs; and
- (6) Wind signs (pennants, streamers, balloons, whirligigs, or similar devices) or flutter flags, unless otherwise allowed by this Article.³¹⁹

15-7-70 Standards for Permanent Signs

(a) Sign Materials³²⁰

Exterior signs shall be constructed of durable materials able to withstand Silverton's climate and shall not be constructed of paper, cloth, canvas, cardboard, wallboard, or other similar nondurable material.

³¹⁶ Replaces Current Sec. 16-6-40(7).

³¹⁷ Replaces current Sec. 16-6-40(6).

³¹⁸ Replaces current Sec. 16-6-40(6).

³¹⁹ Replaces current Sec. 16-6-40(11).

³²⁰ Current Sec. 16-6-50.

(b) Requirements by Sign Type³²¹

All signs shall comply with the following standards, as applicable.

Sign Type	Freestanding Sign	Wall Sign	Projecting Sign
Number	One per zoning lot	Subject to total aggregate square footage limitations	
Area	40 square feet	40 square feet [1][2]	20 square feet
Height	20 feet [3]	No higher than the eave line or parapet wall of the building on which they are located	20 feet [3][4]

Notes:

[1] Signs on awnings shall be considered wall signs for the purpose of measuring sign area.

[2] No sign part, including cut-out letters, shall extend more than 12 inches from the building wall.

[3] Any sign that projects over any public pedestrian way shall be located a minimum of eight feet above grade and shall not extend more than six feet over any public right-of-way.

[4] Signs affixed to or located on the posts or pillars supporting a marquee, or signs affixed to the eaves of the marquee, are allowed, provided that the signs do not project above the eaves.

15-7-80 Allowable Signage by Zoning District³²²

(a) Residential Districts³²³

- (1) The maximum total signage permitted per property is 32 square feet per sign and 16 square feet per sign face.
- (2) Each property is limited to one permanent sign per street frontage.
- (3) Freestanding signs shall be limited 12 feet in height.

(b) Mixed-Use, Commercial, and Public Districts³²⁴

- (1) The total sign area for all signs for which permits are required shall not exceed 1.25 square foot per lineal foot of building frontage. For buildings with multiple tenants, the calculation shall be based on the length of the leased space of the frontage for each individual tenant. The aggregate sign area square footage allowance may include any desired combination of sign styles and types, but in no event shall any sign or combination of all signs on a building be greater than the maximum aggregate sign area computed using the above restrictions.
- (2) Buildings with more than one frontage on a public street, such as a corner lot, may have the maximum total sign area on each frontage, but only one frontage per lot may include a freestanding sign.

³²¹ Current Sec. 16-6-60.

³²² Current Sec. 16-6-70.

³²³ New. Signs are not currently allowed in Residential zoning districts.

³²⁴ Significantly simplifies current regulations where allowed total sign area is scaled by length of frontage.

In addition to the total sign area allowed in Subsection (1), above, any building or property with multiple lots or buildings or one building with multiple tenants shall be allowed one additional sign, not to exceed the maximum limitations for the particular sign type in Table 15-7-1.³²⁵

- (3) Buildings or businesses that have no actual frontage on a public street because other buildings or businesses on the same lot capture the allowed frontage shall be entitled to erect signage at the building's location that is equal to the signage allowed if they did have actual street frontage.

15-7-90 Standards for Temporary Signs

(a) General Standards for All Temporary Signs

- (1) No temporary sign shall be erected, re-erected, or maintained for more than a cumulative 30 days per year, unless otherwise permitted by this Section.
- (2) Temporary signs are subject to the prohibited sign locations identified in Section 15-7-60(a).
- (3) Temporary signs shall not be illuminated.
- (4) Temporary signs shall not contain any electronic components or display any digital or electronically projected copy on the sign face.
- (5) All temporary signs shall be made of durable materials.

(b) Sandwich Boards and Signboards³²⁶

Each building having at least one licensed and authorized business may display one sandwich board or signboard per building entrance. The sandwich board or signboard shall be located on the sidewalk within 10 feet of the building entrance and located so that it does not disrupt pedestrian movement. Sandwich boards and signboards shall be removed when the use is closed or during severe weather.³²⁷

- (1) No sandwich board or signboard shall be greater than two feet in width and four feet in height.
- (2) A sandwich board or signboard shall not impede or block pedestrian traffic in any way or be located within any right-of-way.
- (3) Signboards shall not be greater than eight square feet in total sign area.

(c) Temporary Banner Signs³²⁸

(1) Design Standards

- a. Temporary banners shall not exceed 40 square feet in total sign area.
- b. Banners shall be firmly attached to a wall or fence on all four corners.

³²⁵ Removed current 16-6-70(8).

³²⁶ Current Sec. 16-6-30(13).

³²⁷ The last sentence is new.

³²⁸ New.

(2) Construction Site Banners

- a. Construction site banners shall not be erected prior to the issuance of a building permit for the project to which the sign pertains and shall be removed prior to the issuance of a certificate of occupancy.
- b. Active construction sites shall be limited to one temporary banner per street frontage. For a lot with multiple street frontages, the banners may be placed on separate frontages or grouped together on one frontage.

(3) All Other Banners

- a. Any nonresidential establishment may display one banner sign, not to exceed 40 square feet, for a maximum of 60 consecutive days at the same location, one time during the first three months after the issuance of a Certificate of Occupancy or change in ownership.
- b. Each lot shall be limited to one temporary banner sign per tenant.

(d) Yard Signs³²⁹

- (1) Each yard sign shall not exceed 12 square feet in area (or six square feet per side if double-sided) and four feet in height.
- (2) Yard signs up to an aggregate area of 12 square feet may be displayed for an unlimited amount of time.
- (3) An aggregate area of up to 48 square feet is allowed 60 days prior to and 15 days following an election.
- (4) A minimum of four feet of sidewalk width clearance shall be available for pedestrian use.

15-7-100 Nonconforming Signs

All nonconforming signs shall be subject to the standards in Section 15-9-70, Nonconforming Signs.

15-7-110 Coordinated Sign Plan³³⁰

(a) Applicability

The owner of any building or property with multiple lots or multiple tenants may apply for a Coordinated Sign Plan for the property per 15-8-30(j).

(b) Standards

- (1) Prohibited signs and sign elements are not eligible for inclusion in a Coordinated Sign Plan.
- (2) All signs included in the Coordinated Sign Plan shall be architecturally integrated into or complementary to the design of the building(s) and

³²⁹ Replaces current Sec. 16-6-30(15).

³³⁰ Replaces and adds more flexibility to current Sec. 16-6-70(7).

character of the site, and shall use similar and coordinated design features, materials, and colors.

- (3) The Town Administrator may approve a deviation in one or more dimensional or numerical standards including sign area, sign height, and number of individual signs, based on the following criteria:
- a. The overall size of the development site and the scale of the use or uses located or anticipated to be located there;
 - b. Access and visibility to the site;
 - c. Intended traffic circulation pattern and the need for wayfinding;
 - d. Relationship between the site and adjacent uses; or
 - e. The desired function of the site.

15-7-120 Abandoned Signs³³¹

- (a) Any sign that is located on property that becomes vacant or is unoccupied for a period of 12 months or more, any sign that was erected for an occupant or business unrelated to the present occupant or business, or any sign that pertains to a time, event or purpose that no longer exists or has passed, shall be determined to be abandoned, and no person shall maintain or permit to be maintained any abandoned sign upon their property, building, structure, or business.
- (b) Any sign that has been determined to be abandoned must be removed by the property owner. If the property owner fails to remove an abandoned sign, upon a public hearing before the Board of Trustees on the matter, the Town may cause the sign to be removed and charge to the property owner all costs which are incurred in the sign removal.

³³¹ Current Sec. 16-4-40(3).

Article 8 Administration and Procedures

15-8-10 Review and Decision-Making Bodies³³²

(a) San Juan Regional Planning Commission

(1) Creation³³³

The San Juan Regional Planning Commission has been created pursuant to Article 28 of Title 30 and Article 23 of Title 31, C.R.S., (“Planning Commission”).

(2) Powers and Duties

The Planning Commission is authorized to perform each and all of the duties specified by Article 28 of Title 30 and Article 23 of Title 31, C.R.S., together with any other duties or authority conferred upon it by the laws of the state, including:

- a. Making and adopting a master plan for the physical development of the county and town; and³³⁴
- b. Recommending the boundaries of the various zoning districts and appropriate regulations to be enforced in the districts.³³⁵

(3) Membership

- a. The Planning Commission shall consist of seven members as follows:
 - (i) Two members of the Board of Trustees appointed by the Board of Trustees, who shall be ex officio members of the Planning Commission and shall serve during their respective official tenures;
 - (ii) One member of the Board of County Commissioners, appointed by the Board of County Commissioners, who shall be an ex officio member of the Planning Commission and shall serve during their official tenure; and
 - (iii) Four members at large, two appointed by the Board of Trustees and two appointed by the Board of County Commissioners, who shall serve for a term of three years, or until a successor takes office.³³⁶

³³² This Section contains consolidated information regarding all review bodies. All information should now be organized similarly for each body and missing information added to fill the gaps. The portions of this Section that affect the county will be reviewed and agreed upon with the county.

³³³ Current 16-2-210. Adjusted to just address the PC here.

³³⁴ Current 16-2-160(a). Removed first sentence with CRS references. Adjusted to include county. Removed details of requirements for a Master Plan as they are in the statute listed in the intro paragraph.

³³⁵ Current 16-2-160(b). Removed details regarding criteria since criteria will be included for each procedure.

³³⁶ Current 16-2-110. Added that the Board of County Commissioner position is appointed by the BOCC.

- b. All members of the Planning Commission shall live within the Town of Silverton or San Juan County, and, if any member ceases to reside in the town or county, that membership shall immediately terminate.³³⁷
- c. All members of the Planning Commission shall serve without compensation.³³⁸
- d. The appointing authority shall have the power to remove any member of the Planning Commission with just cause.³³⁹

(4) Officers and Procedures

- a. The Planning Commission shall elect a chairperson and vice chairperson from among the members, whose terms shall be for one year, with eligibility for reelection. The chairperson shall preside at all meetings and perform the other duties as may be necessary and the vice chairperson shall act in the absence of the chairperson.³⁴⁰
- b. The Planning Commission shall adopt by-laws, operating policies, and other rules of procedure as deemed appropriate; provided, however, that the rules are not inconsistent with this Code or statutes of the state.³⁴¹
- c. The Town Administrator shall keep a record of the Planning Commission's resolutions, transactions, findings and determinations, which record shall be a public record.³⁴² The public record shall show the action of the Planning Commission and the vote of each member upon each item considered.³⁴³
- d. Four voting members of the Planning Commission shall constitute a quorum and the affirmative vote of a majority of the members in attendance shall be necessary to pass any motion.³⁴⁴
- e. The Planning Commission shall hold at least one regular meeting per month unless there are no items for the agenda. Special meetings and/or workshops may be called as deemed necessary by the Town Administrator.³⁴⁵

(b) Board of Adjustment

(1) Creation³⁴⁶

The Board of Adjustment has been created pursuant to C.R.S. § 31-23-307.

³³⁷ Current 16-2-120

³³⁸ Current 16-2-120

³³⁹ New.

³⁴⁰ Current 16-2-130, first 2 sentences. Reworded and vice chair added.

³⁴¹ Current partial 16-2-130, substantially rewritten for clarity.

³⁴² Removed "contractual undertaking" from this sentence as it is not included in CRS 31-21-204.

³⁴³ Current 16-2-130, last 2 sentences.

³⁴⁴ New.

³⁴⁵ New.

³⁴⁶ Current 16-2-210. Adjusted to just address the BOA here.

(2) Powers and Duties³⁴⁷

The Board of Adjustment shall be empowered and required to:

- a. Meet at the call of the chairperson, by their request, by petition from an aggrieved party or an applicant for Variance, or by order of the Board of Trustees; and
- b. Hear and decide on granting of certain Variances, reviews of Variances, and certain appeals.

(3) Membership³⁴⁸

- a. The Board of Trustees shall act as the Board of Adjustment.
- b. All members of the Board of Adjustment shall serve without compensation, unless otherwise compensated as a member of the Board of Trustees or Board of County Commissioners.³⁴⁹

(4) Officers and Procedures³⁵⁰

- a. The Town Administrator shall keep a record of the meetings showing the action of the Board of Adjustment and the vote of each member upon each question considered, which record shall be a public record.
- b. Four members of the Board of Adjustment shall constitute a quorum, and a concurring vote of the majority of the members of the Board of Adjustment in attendance shall be necessary to decide on most matters.³⁵¹ The concurring vote of four members shall be necessary to:
 - (i) Reverse any administrative order, requirement, decision, or determination, or
 - (ii) Approve any variance.
- c. The Board of Adjustment shall hold one regular meeting per month unless there are no items for the agenda. Special meetings and/or workshops may be called by as deemed necessary by the Town Administrator.³⁵²
- d. Appeals from the Board of Trustees acting as the Board of Adjustment may be made to the County District Court pursuant to the Colorado Rules of Civil Procedure.

³⁴⁷ Current 16-2-230. Removed review criteria.

³⁴⁸ Current 16-2-210.

³⁴⁹ Copied from current 16-2-120 to also apply to the BOA.

³⁵⁰ Current 16-2-220

³⁵¹ Current 16-2-240(d), simplified for clarity.

³⁵² New.

(c) Historic Preservation Committee

(1) Creation³⁵³

There is hereby created the Historic Preservation Committee.

(2) Powers and Duties³⁵⁴

The Historic Preservation Committee shall advise the Board of Trustees and staff on the following:

- a. Conduct surveys and create inventories of properties and areas for the purpose of defining those of historic significance;
- b. Review and determine qualifications of buildings, structures, objects, sites, and districts nominated for designation and recommend that the Board of Trustees designate by ordinance the buildings, structures, objects, sites, or districts qualifying for designation;
- c. Recommend to the Board of Trustees the establishment of construction and design guidelines, consistent with the Secretary of the Interior's Standards for The Treatment of Historic Properties, for review of proposals to alter, relocate, or demolish historic properties;
- d. Hear and decide on Historic District Overlay Review, Major.
- e. Participate in review of National Register of Historic Places nominations;
- f. Maintain online data base of resources related to physical and financial aspects of preservation, rehabilitation, restoration, and reconstruction, including nomination to the Town's Historic Register, The Colorado State Register of Historic Properties, and The National Register of Historic Places;
- g. Develop and assist in public education programs on history, archaeology, and historic preservation;
- h. Advise the Board of Trustees on matters related to preserving the historic character and substance of the town and recommend easements, covenants, licenses, and other methods which will implement the completion of the purposes of this Code;
- i. Participate in federal Section 106 review as requested by the Board of Trustees or the Town Administrator; and
- j. Identify and advise the Board of Trustees regarding the implementation of economic incentives for the preservation of historic properties.

(3) Membership

- a. The Historic Preservation Committee shall be appointed by the Board of Trustees and comprised of the following members:

³⁵³ Current 16-2-310, substantially rewritten for simplicity.

³⁵⁴ Current 16-2-370, except last item in list.

- b. One year-round resident of the Town of Silverton and owner of property in the Historic District Overlay, voting member;
 - (i) One year-round resident of the Town of Silverton, voting member;
 - (ii) One member of the Board of Trustees, voting member;
 - (iii) One member of the San Juan Regional Planning Commission who is not also on the Board of Trustees, voting member;
 - (iv) One member of the Historical Society or Member of San Juan County Historic Impact Assessment Review Committee, voting member;
 - (v) One high school student (when available), non-voting member; and
 - (vi) One Town staff member, non-voting member.³⁵⁵
- c. The five voting members shall have demonstrated interest in, competence with or knowledge of preservation. At least 40 percent of voting members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to history, architecture, landscape architecture, American studies, American civilization, cultural geography, cultural anthropology, planning, archaeology, building trades, real estate, or law.³⁵⁶
- d. The five voting members shall serve for a term of three years and may serve an unlimited number of terms. Terms shall be staggered.³⁵⁷
- e. All members shall be residents of the Town of Silverton, unless approved by the Board of Trustees.³⁵⁸ If any member ceases to reside in the town, that membership shall immediately terminate, unless approved by the Board of Trustees.³⁵⁹
- f. All members of the Historic Preservation Committee shall serve without compensation.³⁶⁰
- g. The Board of Trustees shall have the power to remove any member of the Historic Preservation Committee with just cause.³⁶¹

(4) Officers and Procedures

- a. The five voting members shall elect a chairperson and vice chairperson from among the members, whose terms shall be for one year, with eligibility for reelection.³⁶² The chairperson shall preside at all meetings

³⁵⁵ Current 16-2-320(B) and part of (A) – revised for clarity and initial terms removed.

³⁵⁶ Current 16-2-320(D) and part of (A), modified to add additional preservation-related fields.

³⁵⁷ Current 16-2-330 – Substantially revised for clarity and to remove initial terms.

³⁵⁸ Current 16-2-320(C)

³⁵⁹ New.

³⁶⁰ Current 16-2-360 – Removed exception.

³⁶¹ Current 16-2-390(B)

³⁶² Current 16-2-340 – Reworded substantially for clarity and consistency.

and perform the other duties as may be necessary and the vice chairperson shall act in the absence of the chairperson.³⁶³

- b. The Town Administrator shall keep a record of the meetings showing the action of the Historic Preservation Committee and the vote of each member upon each question considered, which record shall be a public record.³⁶⁴
- c. The Historic Preservation Committee may draft and recommend for adoption by the Board of Trustees by-laws, operating policies, and other rules of procedure as deemed appropriate; provided, however, that the rules are not inconsistent with this Code or statutes of the state.³⁶⁵
- d. A quorum shall consist of a majority, or 51 percent, of the members. For a committee of five members, three members shall be in attendance to establish a quorum. A quorum is necessary to conduct business, including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of the motion or recommended action.³⁶⁶
- e. The Historic Preservation Committee shall meet at least four times a year. Meetings shall be held monthly unless there are no items for the agenda³⁶⁷. Special meetings and/or workshops may be called as deemed necessary by the Town Administrator.³⁶⁸

(d) Floodplain Administrator

(1) Designation of Flood Hazard Administrator³⁶⁹

The Town Administrator is hereby appointed the Flood Hazard Administrator to administer and implement this Section by granting or denying Flood Hazard Development Permit applications. The Building Official may delegate this responsibility to a Town staff representative or qualified consultant hired by the Town.³⁷⁰

(2) Duties and Responsibilities of Flood Hazard Administrator

a. Permit Review

The Flood Hazard Administrator shall:

- (i) Review all Flood Hazard Development Permits to determine that the requirements of this Section have been satisfied;

³⁶³ New.

³⁶⁴ Current 16-2-380(C) and (D) – Revised for clarity.

³⁶⁵ Current 16-2-370, last item in list. Revised for consistency.

³⁶⁶ Current 16-2-350

³⁶⁷ Current 16-2-380(B)

³⁶⁸ New.

³⁶⁹ Updated all instances of Building Official to be Flood Hazard Administrator throughout this Section.

³⁷⁰ New.

- (ii) Review all Flood Hazard Development Permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;
- (iii) Review all Flood Hazard Development Permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purpose of this Section, adversely affects means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - 1. If it is determined that there is no adverse effect and the development is not a structure, then the permit shall be granted without further consideration.
 - 2. If it is determined that there is an adverse effect, then technical justification prepared by a Colorado registered professional engineer for the proposed development shall be required.
 - 3. If the development is a structure, then all other requirements set forth in this Section must be complied with; and
- (iv) Review all Flood Hazard Development Permits to determine if the proposed development or structure is located in the floodway. If it is located in the floodway, all relevant encroachment provisions contained in this Section must be met.

b. Use of Other Base Floodplain Data

In the event of a conflict, or if base floodplain data is not available, the Flood Hazard Administrator may obtain, review, and reasonably use any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this Section.

c. Information to be Obtained and Maintained

The Flood Hazard Administrator shall:

- (i) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- (ii) For all new or substantially improved floodproofed structures:
 - 1. Verify and record the actual elevation to which the structure has been floodproofed; and
 - 2. Maintain all floodproofing certifications required in this Section; and
- (iii) Maintain for public inspection all records pertaining to the provisions of this Section.

d. Alterations of Watercourses

The Flood Hazard Administrator shall:

- (i) Notify downstream communities, the Colorado Conservation Board and the U.S. Army Corps of Engineers prior to any alteration or relocation of a watercourse and submit evidence of the notification to the Federal Emergency Management Agency; and
- (ii) Require that the maintenance be provided within the altered or relocated portion of the watercourse to preclude diminishing the flood-carrying capacity.

e. Interpretation of Flood Insurance Rate Map boundaries

The Flood Hazard Administrator shall make interpretation, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.

15-8-20 Development Review Procedures³⁷¹

(a) Summary Table of Development Review Procedures

Table 15-8-1 summarizes the procedural steps that are applicable for each specific application or action, and in the case of recommendation and decision hearings, which decision-making body has authority.

Table 15-8-1: Summary of Development Review Procedures								
Application Type	Code Sec.	Pre-app Mtg.	Info Mtg	Notice [1]	Admin	Recom'd	Decision	Final Decision
Key	✓ = Required P = Published notice required M = Mailed notice required BOT = Board of Trustees HPC = Historic Preservation Committee PC = Planning Commission BOA = Board of Adjustment Admin = Town Administrator NoD = Notice of Decision Ord. = Ordinance							
Admin. Adjustment	15-8-30(a)				Decide			NoD
Avalanche Hazard Development Permit, Minor	15-8-30(b)	✓			Decide			NoD
Expedited Review for AH	15-8-30(c)	✓			Decide			NoD

³⁷¹ This Section includes a summary table for all application types as well as a description of all common review procedures.

Article 8 Administration and Procedures
Section 15-8-20 Development Review Procedures

15-8-20(a) Summary Table of Development Review Procedures Summary Table of Development Review Procedures

Table 15-8-1: Summary of Development Review Procedures

Application Type	Code Sec.	Pre-app Mtg.	Info Mtg	Notice [1]	Admin	Recom'd	Decision	Final Decision
Key	✓ = Required P = Published notice required M = Mailed notice required BOT = Board of Trustees HPC = Historic Preservation Committee PC = Planning Commission BOA = Board of Adjustment Admin = Town Administrator NoD = Notice of Decision Ord. = Ordinance							
Final Plat, Condo. or Townhome	15-8-30(d)				Decide			NoD
Flood Hazard Development Permit	15-8-30(e)	✓			Decide			NoD
Historic Dist. Overlay Review, Minor	15-8-30(f)	✓			Decide			NoD
LUC Interpretation	15-8-30(g)				Decide			NoD
Minor Plat Amend.	15-8-30(h)				Decide			NoD
Sign Permit	15-8-30(i)				Decide			NoD
Sign Plan, Coordinated	15-8-30(j)				Decide			NoD
Simple Subdivision	15-8-30(k)	✓			Decide			NoD
Site Plan	15-8-30(l)	✓			Decide			NoD
Slope Hazard Development Permit	15-8-30(m)	✓			Decide			NoD
Temporary Use Permit	15-8-30(n)				Decide			NoD
Vacation Rental Permit	15-8-30(o)				Decide			NoD
Annexation/ Disconn.	15-8-40(a)	Per Colorado Statutes						
Appeal of Administrative Decision	15-8-40(b)			P			BOA/ BOT [2]	NoD
Appeal of PC or HPC Decision	15-8-40(c)			P			BOT	NoD
Avalanche Hazard Development Permit, Major	15-8-40(d)	✓		P	Review	PC	BOT	NoD

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Section 15-8-20 Development Review Procedures

15-8-20(a) Summary Table of Development Review Procedures Summary Table of Development Review Procedures

Table 15-8-1: Summary of Development Review Procedures

Application Type	Code Sec.	Pre-app Mtg.	Info Mtg	Notice [1]	Admin	Recom'd	Decision	Final Decision
Key	✓ = Required P = Published notice required M = Mailed notice required BOT = Board of Trustees HPC = Historic Preservation Committee PC = Planning Commission BOA = Board of Adjustment Admin = Town Administrator NoD = Notice of Decision Ord. = Ordinance							
Flood Hazard Variance	15-8-40(e)	✓		P, M	Review		BOA	NoD
Historic District Overlay Designation	15-8-40(f)	✓	✓	P	Review	HPC	BOT	Ord.
Historic District Overlay Review, Major	15-8-40(g)	✓			Review		HPC	NoD
LUC Text Amend.	15-8-40(h)	✓		P	Review	PC	BOT	Ord.
Master Plan Amend	15-8-40(i)	✓		P	Review	PC	BOT	Ord.
Special Use Permit	15-8-40(j)	✓		P	Review		PC	NoD
Subdivision, Major								
Sketch Plan	15-8-40(k)(2)	✓	✓		Review		PC	NoD
Prelim. Plan	15-8-40(k)(3)	✓	✓	P	Review	PC	BOT	NoD
Final Plat	15-8-40(k)(4)	✓		P	Review	PC	BOT	NoD
Subdivision Design Modification	15-8-40(l)	Processed with Preliminary Plat						
Vacation of ROW	15-8-40(m)	✓		P	Review		BOT	Ord.
Variance	15-8-40(n)	✓		P, M	Review		BOA/PC [3]	NoD
Zoning Map Amend.	15-8-40(o)	✓	✓	P	Review	PC	BOT	Ord.

Notes:

[1] Notice to mineral estate owners is required for all public hearings per Section 15-8-20(g)(3).

[2] All Appeals of Administrative Decisions are reviewed and decided on by the Board of Adjustment except Appeals of Administrative Decisions on vacation rental permit renewals which are reviewed and decided on by the Board of Trustees.

[3] All Variances are reviewed and decided on by the Board of Adjustment except Variances to subdivision standards which are reviewed and decided on by the Planning Commission.

(b) Common Review Procedures Described³⁷²

- (1) This Article establishes the Common Review Procedures for development application review and decision-making. The following procedures are standard and generally apply to all, or most, types of applications as shown in Table 15-8-1.
- (2) Sections 15-8-30 and 15-8-30(o) establish additional provisions for specific procedures. Where these Common Review Procedures conflict with specific procedure provisions, the specific procedures provisions shall apply.

(c) Preapplication Meeting³⁷³

(1) Purpose

Preapplication meetings are established to:

- a. Provide the applicant and Town an opportunity to discuss the following prior to application submission:
 - (i) The application concept;
 - (ii) General compliance with the LUC and Building Regulations; and
 - (iii) Any potentially significant issues regarding compliance;
- b. Determine the applicable process(es) and estimated timing; and
- c. Assist the applicant in understanding the submittal requirements and review procedures.

(2) When Required

This meeting is required prior to the formal submission of an application, as identified in Table 15-8-1. This step is optional for all other applications.

(3) Information and Effect

- a. The applicant shall bring supporting documentation such as a narrative explaining the project, plans, diagrams, plats, or other information sufficient to allow a conceptual review of the proposed application.
- b. The informal evaluation provided at the preapplication meeting is not binding upon the applicant or the Town. The Town will create and share a meeting summary letter with the applicant that identifies applicable code sections and recommends next steps. The meeting summary letter shall be submitted with the formal application submission.

³⁷² New introduction. The remainder of this Section includes compiled procedural information that is standard for most applications. Details were added. Aligned with the Town's Internal Review Timeline.

³⁷³ New

(d) Informational Meeting³⁷⁴

(1) Purpose

Informational meetings are established to allow residents, business, and community members a pre-submission opportunity to learn from the applicant about a proposed development project, including but not limited to land uses, size, height, and layout, at an early stage of the development process and to communicate directly with the applicant about their issues, concerns, or comments.

(2) When Required

a. Generally

This meeting is required prior to the submittal of an application as identified in Table 15-8-1. This step is optional for all other applications.

b. Informational Meeting Requirement or Waiver

- (i) The Town Administrator may require, or the Planning Commission or Board of Trustees may request, an informational meeting when the proposed development may impact neighboring properties more than the typical development allowed on the site.
- (ii) At an applicant's request, the Town Administrator may waive a required informational meeting when, in the Town Administrator's opinion, the proposed development will not have any impact on neighboring properties. The Town Administrator shall provide the applicant with a written confirmation that the informational meeting has been waived and generally describe the reasons for the waiver.

(3) Scheduling and Notice

- a. The Town Administrator and the applicant shall coordinate meeting time, place, and notice to the community.
- b. The applicant shall be responsible for:
 - (i) Notifying all property owners and residents within 300 feet of the property line by mail and publishing notice of the meeting in the newspaper at least 15 days prior to the meeting;
 - (ii) Conducting and facilitating the meeting;
 - (iii) Covering all expenses of the meeting including but not limited to facility costs and the cost of the meeting notice; and
 - (iv) Preparing a written report of meeting comments and submit the report with the development application. The applicant may elect to make changes to the proposal based on comments to improve the project outcome.

³⁷⁴ New

- c. A representative from the Town of Silverton may be in attendance to listen but will not provide information about project specifics or facilitate the meeting.

(e) Application Submittal and Acceptance

(1) Application Requirements

- a. Applications may be filed by the property owner(s) with title to the entire property subject to the application or their authorized representative, unless specified otherwise under each specific procedure in Sections 15-8-30 and 15-8-30(o).
- b. The applicant shall prepare and submit an application(s) that meets all requirements of this Code.
- c. The Town Administrator is authorized to establish and amend application forms based on the requirements of this Code and Colorado law.³⁷⁵ All applications shall include, at a minimum, the following, in addition to any submittal requirements listed under each specific procedure in Sections 15-8-30 and 15-8-30(o):
 - (i) Completed application form;
 - (ii) Application fee, any required deposits, and Agreement for Payment of Development Review Expenses per Section 15-8-20(e)(3);
 - (iii) If a specific property is involved in the application:
 - 1. Proof of ownership or authorization to submit the application on behalf of the owner(s);
 - 2. A list of all mineral interest owners with interests severed from the subject property; and
 - 3. Vicinity map showing the project area with all applicable lot and parcel lines and abutting roads; and
 - 4. Written narrative explaining the project and the request, exact Section(s) of the Code involved in the request, and a detailed description of how the requests complies with the generally applicable review criteria and the review criteria for the specific procedure.³⁷⁶
- d. All applications shall be submitted electronically to the Town Administrator. Hard copies of plats, site design surveys, construction plans, and other similar documents may be required as determined by the Town Administrator once the application is determined to be complete.

³⁷⁵ The generally applicable submittal requirements and others throughout the code will be refined as new regulations are drafted and revised.

³⁷⁶ Submittal requirements informed by 16-2-240.

(2) Concurrent Application

Where multiple applications are submitted for the same property, the Town Administrator may allow concurrent review of applications for efficiency and practicality.

(3) Fees

The Board of Trustees may adopt and amend from time to time a fee schedule for all applications and proceedings under this Code.

a. Town Cost Reimbursement³⁷⁷

All applicants shall comply with the following at the time of application:

- (i) The applicant shall pay all required fees for the purpose of the Town's review and processing of the application. Where the application will require additional staff or Town consultant time or services (such as but not limited to notice, recording fees, subject matter expert review, or legal services), the Town Administrator will prepare an estimate of fees and establish a deposit amount for the applicant to submit to the Town.
- (ii) The applicant shall enter into an Agreement for Payment of Development Review Expenses ("Reimbursement Agreement").
 - 1. The final form of an Agreement shall be subject to the Town Attorney's review and revision, based on the particular circumstances of the proposed development.
 - 2. The Town Administrator may, at their discretion, execute the Agreement on behalf of the Town or forward the agreement to the Board of Trustees for consideration.

b. Expenses

- (i) The Town shall maintain separate accounts of all monies expended as a result of the review of an application. Statements of expenses incurred will be made available to the applicant upon reasonable request.
- (ii) In the event the Town incurs expenses for the review of the applicant's request greater than the deposit monies collected from the applicant, the applicant shall reimburse the Town for the additional expenses. The Town will invoice the applicant for the additional fees and applicant shall reimburse the Town within 10 days of receipt of the invoice. If the applicant fails to pay the invoice on time, the Town Administrator may instruct the Planning Department to cease processing the application or deny approval of the application.

³⁷⁷ Current 16-1-80 and 16-1-90 (Ord 2023-01). Combined sections into one.

(iii) All unused funds will be returned to the applicant within 30 days after final action on the application.

c. Waivers and Modification of Fees and Expenses

When a project specifically addresses an identified community need, the applicant may submit a written request to the Board of Trustees to refund any portion of a fee or expense associated with the processing of any application. The written request shall be submitted with the associated application. If approved, the applicant will be reimbursed and required to enter into a development agreement or record a covenant on the property ensuring the community need will be secured for a specified period of time.

(4) Completeness Review³⁷⁸

- a. The Town Administrator shall review an application within a reasonable timeframe to determine whether the application is complete.
- b. If the application is missing required information, including information necessary or sufficient to decide on the application, it will be determined to be incomplete, and the Town Administrator shall inform the applicant in writing of what materials are missing or insufficient.
- c. The application will not be processed further until the application is determined to be complete.
- d. No application shall be deemed complete unless accompanied by a properly executed Reimbursement Agreement.
- e. Once the application is determined to be complete, the Town Administrator shall process the application for review.

(f) Administrative Review and Action³⁷⁹

(1) Referral Agency Review

The Town Administrator shall distribute the complete application to Town staff and agencies or entities outside of the Town that may be affected by the application. Referral of applications shall be for a time frame of 14 days unless extended by the Town Administrator for applications that present technical issues requiring additional review or for modified applications. Referral agencies may include:

- a. Town employees or contractors including but not limited to Public Works staff and the Town Attorney;
- b. County employees;
- c. Fire district;

³⁷⁸ New.

³⁷⁹ New.

- d. Utility providers and districts;
- e. School district;
- f. State of Colorado agencies including the Department of Transportation, Department of Health and Environment, State Forest Service, Parks and Wildlife, Colorado Geological Survey, Division of Water Resources, Division of Reclamation, Mining and Safety; and
- g. Federal land management agencies including the Bureau of Land Management, U.S. Army Corps of Engineers, Environmental Protection Agency, and U.S. Forest Service.

(2) Readiness for Decision

- a. Following completion of any referral agency review, the Town Administrator shall determine if the application is ready for a decision.
- b. If not, the Town Administrator shall request, in writing, additional information or corrections from the applicant. New and revised materials shall be reviewed in a reasonable timeframe.
- c. Once the application is ready for a decision, the Town Administrator shall proceed to make the decision per Subsection (5) below or prepare the application for decision by a decision-making body per Subsection (6) below.

(3) Inactive Applications

a. Criteria

- (i) The Town Administrator may notify an applicant that an application will be considered inactive unless corrective action is taken within 45 days, if at any point in a development review process the following have occurred:
 - 1. The applicant fails to attend any scheduled mandatory meeting, meeting with the Town Administrator, meeting or hearing before the Planning Commission, Board of Trustees, Board of Adjustment, or Historic Preservation Committee; or
 - 2. The applicant has not responded to a staff request for information, has not agreed to a date for a meeting or hearing, or has not taken some other affirmative step within a reasonable timeframe that is within the applicant's control and is necessary to advance the application for a final determination.
- (ii) If an applicant is no longer reasonably able to be reached, the Town Administrator may publish inactive application notice on the Town's website.

b. Application Terminated

- (i) No further processing of any inactive application shall occur until the deficiencies are corrected.
- (ii) If the applicant does not correct the deficiencies within the 45 day correction period, the application shall be considered withdrawn and terminated with no further action by the Town. Any resubmittal of the application by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application fees.

(4) Withdrawal

The applicant may choose to withdraw the application for any reason by providing written notice, through email or hard copy, to the Town Administrator at least one day prior to the hearing. An applicant is not entitled to a refund of application fees for withdrawn applications.

(5) Administrative Decisions

- a. Where the Town Administrator has the authority to decide an application, the application shall be reviewed against the applicable provisions of this Code, which may include review criteria in Section 15-8-20(h)(4), Generally Applicable Review Criteria or 15-8-30, Specific Procedures – Administrative Decisions.
 - (i) To be approved, the application shall be fully consistent with the standards of this Code unless an Administrative Adjustment is concurrently approved.
 - (ii) Administrative approvals shall not be conditioned, but instructions may be provided to ensure compliance with this Code.
 - (iii) Applications found to be inconsistent with the standards of this Code shall be denied.
- b. A Notice of Decision per 15-8-20(i)(1) shall be provided to the applicant and Board of Trustees within a reasonable timeframe.

(6) Preparation for Decisions by Decision-Making Bodies

For procedures where the Planning Commission, Board of Trustees, Board of Adjustment, or Historic Preservation Committee has authority to make a recommendation or decide an application, the Town Administrator shall:

- a. Set the date, time, and location of the public hearing within a reasonable timeframe;
- b. Notify, in writing, the applicant and any staff involved of the hearing date, time, and location; and
- c. Prepare a staff report including:
 - (i) All applicable provisions of this Code and an analysis of how each is satisfied or not, including the review criteria;

- (ii) A recommendation whether to approve, approve with conditions, or deny the application. If approval with conditions is recommended, a list of suggested conditions; and
- (iii) Any additional information pertinent to the review of the application.

(g) Public Notice

When an application requires a public hearing **as specified in Section 15-8-40**, each public hearing shall be noticed in accordance with Table 15-8-1.

(1) Published Notice

The Town Administrator shall publish the date, time, place, and purpose of the public hearing in a newspaper of general circulation of the town at least 15 days prior to the meeting.³⁸⁰

(2) Mailed Notice

The Town Administrator shall send mailed notice, describing the date, time, place, and purpose of the public hearing to all property owners within a 300 foot radius from the center point of the subject property at least 15 days prior to the public hearing.³⁸¹

(3) Mineral Estate Notice

The applicant shall provide mailed notice to any mineral estate owner that has a severed mineral interest within the proposed development not less than 30 days before the initial public hearing for the application. The notice shall be sent by certified mail, return receipt requested, or by a nationally recognized overnight courier and shall contain the date, time, place, and purpose of the public hearing as well as the location of the property and name of the applicant. A copy of the notice, including the names and addresses of where notices were sent along with the applicant's certification of compliance with these notification requirements shall be submitted to the Town.³⁸²

(h) Decision-Making Review and Action³⁸³

(1) All Meetings

- a. All Planning Commission, Board of Trustees, Board of Adjustment, and Historic Preservation Committee meetings shall be open to the public unless otherwise allowed by law.

³⁸⁰ Current partial 16-1-40, 16-1-50, 16-2-240(c), 17-7-10, 17-2-40. Current regulations vary in the number of days prior to the meeting in which notice must be published, generally 5-15 days. All are now required to be done 15 days prior to the hearing. State statute requires 15 days for LUC text and map amendments.

³⁸¹ Current 16-2-240. Revised for all mailed notice to go to property owners within 300' from the center point of the subject property since that is how the assessor's map tool measures and provides a mailing list. Current regs require everything from adjacent properties to 300' from exterior property boundary.

³⁸² New

³⁸³ New

- b. The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to prove compliance with the applicable standards and criteria.
- c. Any decision by the reviewing body shall be based upon consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh the evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.
- d. The decision-making body may continue or postpone the public hearing or any other action at any time to a specified date in order to allow for the preparation of additional information for further review by the decision-making body.

(2) Recommendation Hearing

- a. The reviewing body shall review the application for conformance with the applicable procedure, review criteria, and the staff report. The reviewing body shall issue a recommendation whether to approve, approve with conditions, or deny the application within a reasonable timeframe.
- b. The recommendation shall be forwarded to the appropriate decision-making body.

(3) Decision Hearing

- a. The decision-making body shall host a public hearing to review the application for conformance with the applicable procedure and review criteria within this Code, staff report, and recommendation from the reviewing body, if applicable.
- b. The decision-making body shall approve, approve with conditions, or deny the application within a reasonable timeframe. If the application is denied, the written notification shall include the reasons for denial.

(4) Generally Applicable Review Criteria

The decision-making body shall consider the following generally applicable review criteria:

- a. Conformance with prior approvals, if applicable;
- b. Compliance with applicable provisions of this Code;
- c. Compliance with the Development Standards and Specifications;
- d. Conformance with the Master Plan and other applicable Town plans and policy guides; and
- e. Compliance with review criteria for the specific procedure identified in Sections 15-8-30 and 15-8-30(o).

(5) Conditions

- a. The decision-making body may impose conditions on an approval to safeguard the welfare and protection of the town and adjacent property.
- b. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development and implementing the requirements of this Code and the intent of the Master Plan.
- c. The decision-making body may place specific time limits on the satisfaction of any condition of approval. If a time limit is not specified in the approval or in the specific provisions of this Code then a one year time limit shall apply.
- d. The Town Administrator shall determine when conditions have been met.

(6) Guarantee of Completion for Required Improvements³⁸⁴

- a. When public improvements are required by this LUC or as a condition of approval, the applicant shall enter into a written Development Improvement Agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage system, sanitary sewerage, potable water system, street lights, street name signs and all other improvements covered by Article 4, Subdivision Design and Improvement.
- b. The Development Improvement Agreement shall include terms for required improvements, construction specifications in compliance with the Development Standards and Specifications and other applicable regulations, the date for completion of the improvements, and the terms and conditions upon default by the subdivider or acceptance of the improvements by the Town.
- c. Under the agreement, the applicant shall post a performance bond, letter of credit, or certified check, prior to commencing construction, which bond or check shall be drawn in favor of the Town in an amount equal to the estimated cost of construction of improvements required as enumerated.
- d. The performance bond, letter of credit, or certified check posted by the applicant shall not be released until final construction of improvements has been completed, inspected at the applicant's expense and approved and accepted by the Town.
- e. If the Town determines that the applicant will not construct any or all of the improvements in accordance with the Development Improvement Agreement, the Town shall have the power to annul the agreement and apply all or part of the financial guarantee to the construction or

³⁸⁴ Current 17-5-20

completion of any or all of the specified improvements in accordance with the agreed specification.

- f. The Development Improvement Agreement shall be reviewed with the specific procedure that requires public improvements and by the Town Attorney based on the particular circumstances of the proposed improvements.

(7) Call Up of Administrative Decisions³⁸⁵

- a. The Board of Trustees may exercise review over an application decided by the Town Administrator, Planning Commission, or Historic Preservation Committee by calling-up the application for addition to the Board of Trustees's agenda. The purpose of the call-up process is to allow the Board of Trustees to exercise oversight of administrative, Planning Commission, and Historic Preservation Committee approvals as it deems necessary, not to provide an applicant with an unofficial appeal.
- b. Any member of the Board of Trustees may call-up decisions made by the Town Administrator, Planning Commission, or Historic Preservation Committee within 15 days of the Notice of Decision being issued.
- c. Called-up applications shall be reviewed at the next regularly scheduled Board of Trustees meeting. A vote of the majority of the members present to review the application is required prior to any action on the application.
- d. The Town Administrator shall notify the applicant that the decision has been called-up, which requires they do not take any action on the application, and the meeting date. The Board of Trustees shall review the application as it was submitted to the Town. An applicant who wishes to submit additional information regarding an application shall first submit the additional information through a new application.

(i) Post-Decision Actions and Obligations

(1) Notice of Decision

For all final decisions requiring a Notice of Decision in Table 15-8-1 after a decision is made, the Town Administrator shall prepare and send to the applicant and Board of Trustees a Notice of Decision that identifies the decision, any conditions attached to the approval, and all applicable timeframes.

(2) Appeals

- a. Appeals of any administrative determination shall be made per Section 15-8-40(b).

³⁸⁵ New. Since more administrative approvals and a PC approval are proposed in this draft, the addition of a call up process allows for another review step before going to an appeal.

- b. Appeals of any decision of the Planning Commission or the Historic Preservation Committee shall be made per Section 15-8-40(c).
- c. Appeals of any decision of the Board of Adjustment and the Board of Trustees may be scheduled for a rehearing by the decision-making body. Following a rehearing or rehearing denial, further appeal shall be made to the District Court, as provided by state statute.

(3) Limitation on Resubmission

Whenever the Town Administrator, Planning Commission, Board of Trustees, Board of Adjustment, or Historic Preservation Committee decides an application or an appeal of an application, no person shall submit an application that is the same, or substantially the same, for at least one year from the date of the final action on the application. The Town Administrator shall determine whether a new application or reapplication is limited by this provision.

(4) Final Documents and Recordation

- a. The applicant shall submit all final documents reflecting any conditions of approval to the Town for final review and acknowledgement.
- b. Ordinances, plats, vacation of plats, and other processes that require the recording of documents as specified in the specific procedures listed in Section 15-8-30(o), shall be required to be recorded with the San Juan County Clerk and Recorder. These documents shall be fully executed by the applicant and submitted for execution and recording by the Town within 60 days³⁸⁶ from the date of approval by the decision-making body. The approval expires if documents are not properly recorded within 60 days. The Town Administrator may provide one 60-day extension for good cause.
- c. No person shall record a plat of a subdivision nor prepare or execute any documents that purport to create or creates a new lot or airspace unit, nor record or execute a deed of trust or a mortgage descriptive of the property other than all of a lot unless the plat, deed, deed of trust or mortgage has been approved by the Town and unless it conforms to all of the provisions of this Code.

(5) Termination of Approval

a. Expiration

Except for Rezoning approvals or as otherwise specified in Sections 15-8-30 and 15-8-30(o), an approval granted under this Code shall lapse and become void one year following the date of the final decision unless, prior to the expiration date, a building permit based upon the approval is

³⁸⁶ Updated to 60 days. Current regulations vary from 10 to 90.

issued and construction is commenced and diligently pursued without expiration toward completion.

b. Extension

- (i) An approval may be extended by up to one year by the Town Administrator. The request for extension shall be submitted in writing to the Town Administrator prior to the expiration of the original approval.
- (ii) All additional requests for extensions shall be approved by the decision-making body that issued the original approval. The request shall be submitted to the Town Administrator in writing at least 30 days prior to the expiration of approval. An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes to the Master Plan or this Code that have occurred since approval of the permit/plan as these changes affect the permit/plan, and the anticipated time schedule for completing the approval process or project.
- (iii) The decision-making body shall review the request for compliance. This review for extension may result in additional conditions.
- (iv) If the extension is denied, the applicant may resubmit a new application, subject to the fees and regulations in effect at the time of resubmittal, for the same project.

(6) Revocation of Approval³⁸⁷

The Town Administrator may recommend that the approving body review and revoke an approval that was granted with conditions. The matter will be scheduled for review in the same manner as it was originally heard, at either a regular meeting or public hearing. The approving body will determine whether the development fails to comply with applicable conditions in a manner that is detrimental to the site or surrounding area such that the approval should be revoked. The burden to show compliance with approval conditions is on the approval holder.

(7) Amendments or Modifications to Approvals

All changes, modifications, removal, or release of the provisions of an approval that do not qualify for an Administrative Adjustment per Section 15-8-30(a) or Site Plan per Section 15-8-30(l) shall be considered an amendment. For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this Article.

³⁸⁷ New.

15-8-30 Specific Procedures – Administrative Decisions³⁸⁸

(a) Administrative Adjustment³⁸⁹

(1) Purpose

Administrative Adjustments allow the modification of an existing numeric dimensional standard such as lot area, setbacks, and building height to accommodate site-specific or minor construction issues.

(2) Applicability

a. Permitted Types of Adjustments

Applications for Administrative Adjustments that are not related to a request for reasonable accommodation under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may only be considered for the adjustments listed below.

Table 15-8-2: Permitted Administrative Adjustments	
Standard	Allowed Adjustment
Lot Area, Minimum	10%
Setbacks, Minimum	Lots > 5,000 SF: 10% Lots ≤ 5,000 SF: 15%
Building Height	10%
Fence Height	15% (one foot maximum)
Sign Area, Maximum	10%
Sign Height, Maximum	15%
All dimensional standards, if providing Affordable Housing	If not listed in this table: 20% If listed in this table: Allowed Adjustment + 20%

b. Limitations on Administrative Adjustment

Administrative Adjustment may not be used to:

- (i) Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;
- (ii) Modify standards not listed in or modify any standard outside this Code;
- (iii) Permit uses other than those permitted in the zoning district; or
- (iv) Modify a standard that has already been modified through a separate Variance pursuant to Section 15-8-40(n).

³⁸⁸ This Section contains the purpose and applicability for each application type along with any additional requirements for process, review criteria, expiration, and appeals that differ from the Common Review Procedures.

³⁸⁹ New.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

- a. Any requests for an Administrative Adjustment shall be submitted concurrently with any applicable application.
- b. Mailed public notice shall be completed per Section 15-8-20(g)(2) except that the notice shall contain the application and provide a method in which notified property owners can submit comments on the application before a decision is made.

(5) Review and Decision-Making

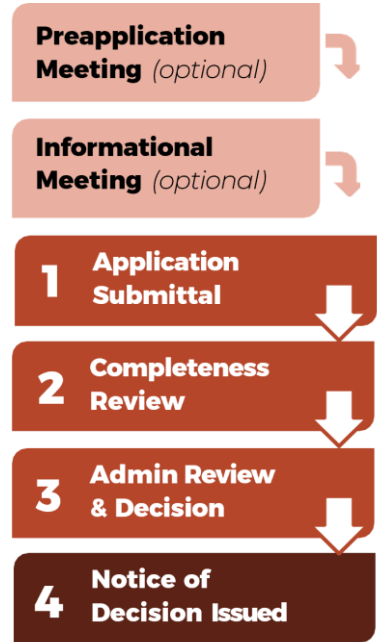
a. Review and Decision

- (i) Administrative Adjustment applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- (ii) The Town Administrator may refer any Administrative Adjustment application to the Planning Commission that, in their opinion, presents issues that require Planning Commission attention.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on an Administrative Adjustment:

- (i) The proposed use, structure, or activity is permitted in the underlying zoning district;
- (ii) There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zoning district;
- (iii) The special circumstances have not been created by the applicant; and
- (iv) The impact of the Administrative Adjustment is internal to the subject property.



(b) Avalanche Hazard Permit, Minor³⁹⁰

(1) Purpose

The purpose a Minor Avalanche Hazard Development Permit is to regulate the approval of certain substantive building and construction activities within the Moderate Hazard Blue Zone.

(2) Applicability

Minor Avalanche Development Permits are required for the following development in the Moderate Hazard Blue Zone:

- a. New single-unit detached dwellings and detached accessory dwellings units (ADUs);
- b. Parks and open space uses, as defined in this LUC;
- c. Minor utilities, as defined in this LUC;
- d. Accessory buildings and structures³⁹¹;
- e. Any seasonal development activity or land use not occurring between November 1 and May 1 of any year, including the placement of temporary structures; and
- f. Outdoor recreation and entertainment uses that involve no structures being built or situated within the Moderate Hazard Blue Zone from November 1 to May 1 of any year.

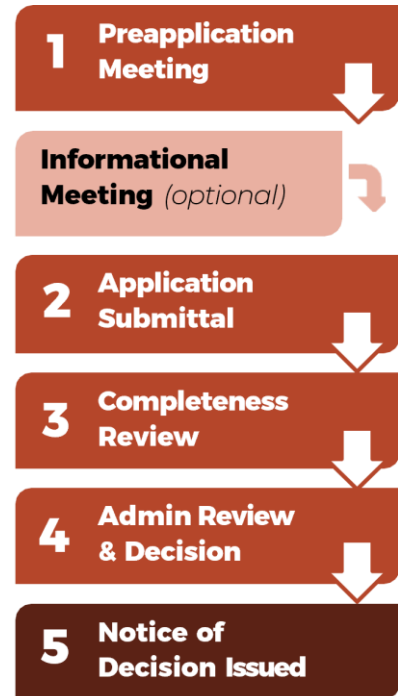
(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

In addition to the general application submittal requirements, the application shall contain the following:

- a. A two-part, site specific engineering study report that contains:
 - (i) The complete study and report (as prepared by a qualified professional civil or geotechnical engineer licensed in Colorado or qualified professional geologist in the field of avalanche occurrence, force and behavior) documenting avalanche impact pressures



³⁹⁰ New.

³⁹¹ Removed the inclusion of fences.

present at any and all proposed building and construction sites on the applicant's property; and

- (ii) Complete construction plans and specifications for all proposed buildings and structures (as prepared by a qualified structural engineer licensed to practice in the State of Colorado), including the structural engineer's certification that the buildings and structures, if constructed in accordance with the submitted plans and specifications, will withstand the avalanche impact pressures as documented in the study and report.
- b. All investigations, studies, and reports shall be prepared at the applicant's expense. The investigations, studies, and reports must specifically answer the following:
 - (i) Whether the site specific conditions are such that the property can or cannot be developed for the specific structures or proposed uses with or without on-site protective measures and, if protective measures are necessary, what those specific measures are, including site and construction plans for the protective measures; and
 - (ii) Whether the on-site protective measures will increase the hazard to other properties, structures, roads, rights-of-way, easements, utilities, or construction located adjacent to or downslope from the applicant's property.
 - c. Certification by the design engineer that the on-site protective measures, if constructed as designed, will withstand the documented avalanche impact pressures and protect the subject properties without adversely impacting adjoining and/or downslope properties.
 - d. A vegetation protection and removal plan that demonstrates compliance with Section 15-5-10(d)(5), Vegetation Removal Prohibited.³⁹²

(5) Review and Decision-Making

- a. Minor Avalanche Hazard Development Permit applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- b. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Minor Avalanche Hazard Development Permit:
 - (i) The application shall comply with all standards set forth in Section 15-5-10.
 - (ii) The applicant has submitted sufficient proof that the site can be developed for the proposed use because the danger posed by an avalanche can be reduced or mitigated to a reasonable level.

³⁹² New.

- (iii) The public health, safety, and welfare hazards associated with developing and occupying property are maximally reduced to a reasonable and acceptable level, including specific findings that establishment of the proposed improvements and/or land uses will not increase the potential avalanche hazard or public health, safety and welfare hazards associated with avalanches on adjoining properties, both within and outside of the Moderate Hazard Blue Zone, especially downslope of the subject property.
- (iv) The applicant does not have the opportunity to build outside the hazard and chooses, with substantial hardship reason, to develop within the avalanche hazard area boundaries.

(6) Post Decision Actions and Obligations

- a. Prior to issuance of any building permit for construction within the Moderate Hazard Blue Zone, the applicant shall sign a release and indemnification agreement and the agreement shall be properly recorded in the office of the County Clerk and Recorder, at the expense of the applicant, by the Town.
- b. All plans submitted with a building permit application for property within a Moderate Hazard Blue Zone shall be stamped "Construction in Avalanche Hazard Area," together with the applicable sub-zone designation.

(c) Expedited Review for Affordable Housing³⁹³

(1) Purpose

This procedure allows for expedited review of certain procedures for qualified affordable housing projects to help facilitate the creation of affordable housing within the Town of Silverton and to comply with Colorado Proposition 123.

(2) Applicability

- a. This procedure may be requested by an applicant for the following procedures except when related to a procedure in Subsection b below:
 - (i) Administrative Adjustment;
 - (ii) Avalanche, Flood, and Slope Hazard Permits;
 - (iii) Historic District Overlay Review, Major and Minor;
 - (iv) Special Use Permit;
 - (v) Site Plan;
 - (vi) Variance; and

³⁹³ New. To comply with Proposition 123.

- (vii) Building permits.
- b. This process may not be requested or applied to the following procedures:
 - (i) Annexations/Disconnections;
 - (ii) Appeals;
 - (iii) Historic District Overlay Designation;
 - (iv) LUC Text Amendments;
 - (v) Master Plan Amendments;
 - (vi) Plat Amendments and Final Plats for Condos or Townhomes;
 - (vii) Subdivisions, Simple and Major;
 - (viii) Subdivision Design Modifications;
 - (ix) Planned Unit Development;
 - (x) Temporary Use Permits;
 - (xi) Vacation of Right-of-way ; and
 - (xii) Zoning Map Amendments.
- c. In order to qualify for Expedited Review, at least 50 percent of the residential units in the development must qualify as affordable housing, as defined by this LUC, and those units will remain affordable for a period of at least 99 years.

(3) Common Review Procedures³⁹⁴

The Common Review Procedures in Section 15-8-20 apply, as shown in the flow chart, with the modifications listed below.

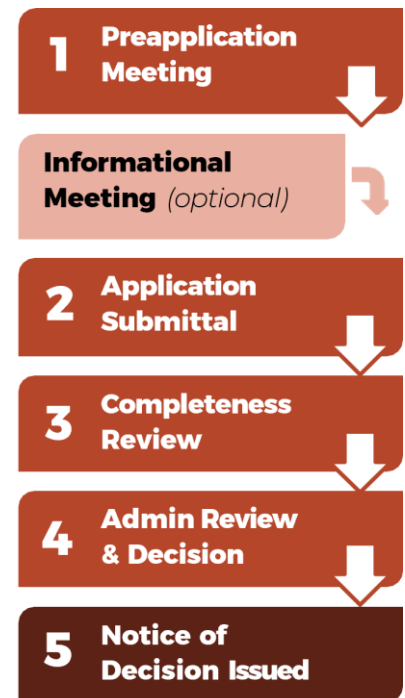
(4) Application Submittal

- a. The application must specifically request Expedited Review.
- b. Development for the purpose of affordable housing may formally request the Board of Trustees allow a reduction in application fees.

(5) Review and Decision-Making

a. Review and Decision

- (i) The Expedited Review shall be reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).



³⁹⁴ The timelines in this Section are exactly as required by Proposition 123.

- (ii) The Town Administrator may refer any Expedited Review application to the decision-making body identified for the specific procedure that, in their opinion, presents issues that require additional attention.
- (iii) Upon determination of a complete application by the Town, a final decision on the application shall occur not more than 90 days after the determination. This shall include all required public hearings, as appropriate.
- (iv) Qualified affordable housing expedited review projects will be given first priority for scheduling of all meetings, as applicable, including but not limited to preapplication meetings and public hearings.
- (v) The 90 day review timeframe may be extended in the following circumstances:
 - 1. At the request of the applicant, a one-time 90 day extension may be provided for the applicant to address comments on the application from an agency that has approval authority like a state agency.
 - 2. At the discretion of the Town, a 30 day extension may be provided. The Town shall notify the applicant of the intent to extend the process. These extensions should be utilized to provide additional time for the developer and local government to review address submittal materials and comments.
- (vi) The requirements of this Section do not preclude the Town from processing an application in less than 90 days.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(f)(5), the review criteria within each specific procedure shall be considered.

(6) Post Decision Actions and Obligations

See specific procedures.

(d) Final Plat for Condominium or Townhome³⁹⁵

(1) Purpose

A Final Plat for Condominium or Townhome is a mechanism to ensure that condominium and townhome subdivisions and conversions comply with this Code.

(2) Applicability

- a. This process is applicable to existing buildings converting into condominiums or townhomes and as the final step for new

³⁹⁵ New.

condominiums or townhomes. A new condominium or townhouse subdivision shall first be processed as a Simple Subdivision per Section 15-8-30(k) or as a Major Subdivision per Section 15-8-40(k).

- b. Approval is required before any sale of individual units in a multiunit dwelling, or of individual commercial or other space within a larger building, whether or not there is tenancy in common.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

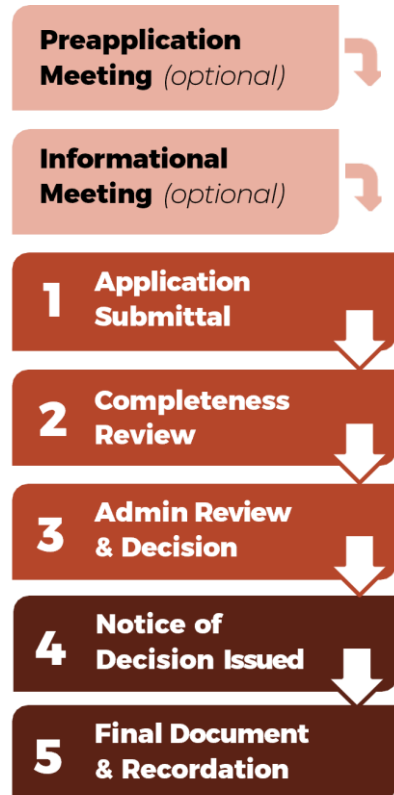
In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain a plat map as required for a Final Plat in Section 15-8-40(k)(4).

(5) Review and Decision-Making

- a. Final Plats for Condominium or Townhome applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- b. No requirement for public improvements, dedication of land to public use or cash-in-lieu, or other subdivision requirement shall be imposed as a condition of approval for a condominium subdivision or common interest community which would not be imposed upon a physically identical development under a different form of ownership. This provision shall not be construed to prevent the Town from imposing the review requirements of this Code upon any change of use, expansion of use, increase in intensity of use, or other change in a condominium or common interest community unrelated to its form of ownership.
- c. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Final Plat for a Condominium or Townhome:
 - (i) The proper dedications have been made; and
 - (ii) The plat accurately depicts the completion of the improvements in a manner that is substantially consistent with the approved Final Plat.

(6) Post-Decision Actions

An approved plat map shall be recorded per Section 15-8-20(i)(4).



(e) Flood Hazard Development Permit³⁹⁶

(1) Purpose

Flood Hazard Development Permits ensure development does not affect flooding or flood damage and minimize public and private losses due to flooding.

(2) Applicability

A Flood Hazard Development Permit is required before construction, substantial improvement or development begins within any area of special flood hazard. Any structure or nonstructural activity or development that may affect flooding or flood damage must have a permit.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

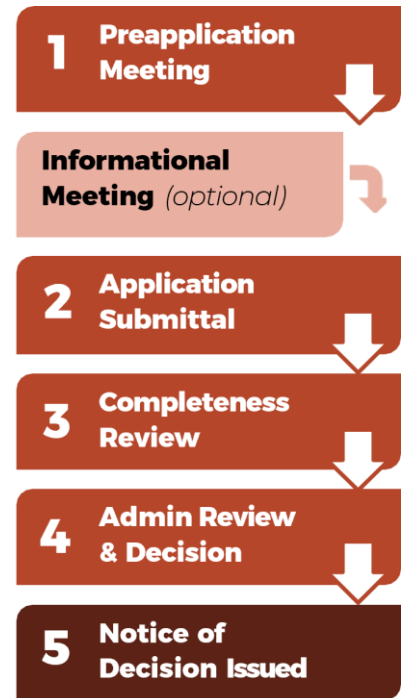
(4) Application Submittal

In addition to the general application submittal requirements, the application shall include plans drawn to a scale legible for reasonable review and interpretation by the Town Administrator showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a Colorado registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the relevant floodproofing criteria set forth in Section 15-5-20; and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(5) Review and Decision-Making

- a. Flood Hazard Development Permit applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).



³⁹⁶ Includes current Sec. 16-4-40(a).

- b. In addition to the generally applicable review criteria³⁹⁷ in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Flood Hazard Development Permit:
 - (i) The application shall comply with all standards set forth in this Section 15-5-20;
 - (ii) The uses, activities, and structures included in the application:
 - (iii) Are likely to have little or no effect on lands upstream, downstream and in the immediate vicinity of the development covered under the Flood Hazard Development Permit including, without limitation, utility and transportation facilities;
 - (iv) Will not result in an unreasonable risk of harm to people or property – both on site and in the surrounding area – from natural hazards;
 - (v) Are likely to have little or no effect on any tributaries to the main stream, drainage ditches, water supply and irrigation ditches, storm drainage facilities, reservoirs, or any other drainage or irrigation facilities or systems; and
 - (vi) Are likely to have little or no effect on the safety of access to property in times of flood for ordinary and emergency vehicles.
 - (vii) The heights and velocities of the floodwaters expected at the site shall not adversely affect the development of surrounding property.

(f) Historic District Overlay Review, Minor³⁹⁸

(1) Purpose

Minor Historic District Overlay Review allows for the regulation of minor exterior building and construction activities within the Historic District Overlay.

(2) Applicability

Historic District Overlay Review is required for all new construction, exterior alterations, relocations, and demolitions on any property within the Historic District Overlay. Minor Alterations include all alterations of building exteriors that do not have a significant or detrimental impact on the historic building or the district, excluding signs. This includes, but is not limited to:

- a. Building repairs and maintenance, including painting;
- b. In kind replacement of exterior building elements;
- c. Alterations that are not viewable by the public from a public right-of-way, except from alleys;

³⁹⁷ Expanded criteria for review.

³⁹⁸ New. Based on CLG model ordinance. We may move Minor into the administratively approved section above but have kept it together for this draft to make it easier to review and edit.

- d. Reroofing with the same materials and colors;
- e. Utility modifications that do not impact the exterior of the building or increase mass of the building; and
- f. Artwork painted on or attached to the exterior of the building.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-20 apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain:

- a. An explanation of the how the project will affect or impact the Historic District Overlay within the written narrative;
- b. A site plan including existing and proposed easements, buildings, and utilities; and
- c. Building design plans including detailed elevations showing exterior materials, finishes, design detail, and the proposed structure alongside the adjacent structures.



(5) Review and Decision-Making

- a. Minor Alteration applications are reviewed and decided on by the Town Administrator. The Town Administrator may refer any application to the Historic Preservation Committee that, in their opinion, presents issues that require Historic Preservation Committee attention.
- b. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Historic District Overlay Review:
 - (i) The following criteria apply to all applications:
 - 1. Compliance with Section 15-2-80(a)(7), Design Standards for All Development in the Historic District Overlay.
 - (ii) The following criteria apply to Non-Contributing Property:
 - 1. Compatibility with the property’s current design, materials, features, size, scale and proportion, and massing; or
 - 2. Compatibility with the Historic District Overlay’s design, materials, features, size, scale and proportion, and massing.

- (iii) The following criteria apply to total demolition of Contributing Property:
 - 1. The property proposed for demolition is not structurally sound, despite evidence of the owner’s efforts to properly maintain it;
 - 2. The property cannot be preserved, restored, rehabbed, or reused on site to provide for any reasonable, beneficial use of the property regardless of any proposed development plan for the property’s site or adjacent properties; and
 - 3. The property cannot be practically moved to another site in Town.

- (iv) The following criteria apply to partial demolition of Contributing Property:
 - 1. The partial demolition is required for the preservation, restoration, or rehabilitation of the property.

(6) Post-Decision Actions

If the application is denied, the applicant may request a Variance as outlined in Section 15-8-40(n).

(g) LUC Interpretation

(1) Purpose

An LUC Interpretation request allows a code user to ask the Town to clarify how a specific provision(s) of this LUC is interpreted.

(2) Applicability

- a. An applicant, any person affected by an action proposed pursuant to this Code, or any Town department or other governmental agencies that may be subject to the provisions of this Code may request an LUC Interpretation.
- b. Interpretations may be requested for a provision of this LUC subject to a proposed or current application, hearing, or appeal.
- c. The Town Administrator may also provide a property-specific LUC Interpretation in the form of a LUC clarification that identifies whether specific regulations in this LUC are applicable to the subject property.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the following exceptions and the modifications listed below:

- a. Section 15-8-20(e)(3)a, Town Cost Reimbursement, is not required.
- b. Section 15-8-20(f)(1) Referral Agency Review, is not required.

(4) Review and Decision-Making

- a. LUC Interpretation applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- b. Interpretations shall be made in accordance with the following review criteria:
 - (i) The intent or purpose statement of the specific regulation;
 - (ii) Context of related regulations;
 - (iii) Implementation of the Master Plan and other applicable Town plans; and
 - (iv) Individual and community life, safety, and public health.

(5) Post-Decision Actions

- a. The Town Administrator shall maintain an official record of all interpretations, which shall be available for public inspection during normal business hours.
- b. LUC Interpretations do not expire. The Town Administrator, in their discretion, may reconsider and revise a previous interpretation.

(h) Minor Plat Amendment³⁹⁹

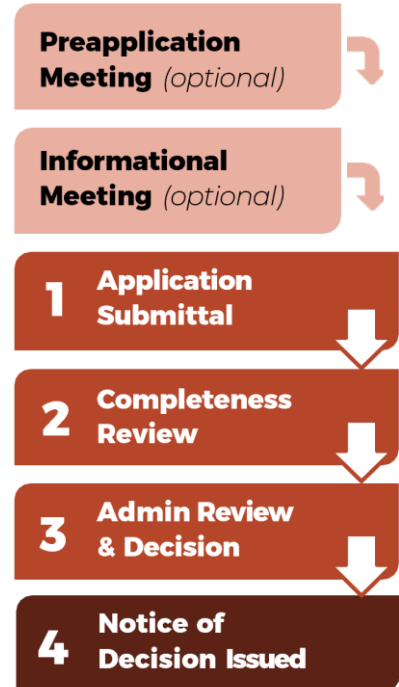
(1) Purpose

A Minor Plat Amendment allows specific adjustments to approved plats, vacation of easements, or the vacation of a plat of record.

(2) Applicability

This procedure may be used for the following changes to an approved plat:

- a. Correct an error or omission;



³⁹⁹ New. Added to allow for the administrative review of small edits to approved plats and simple lot line adjustments and consolidations.

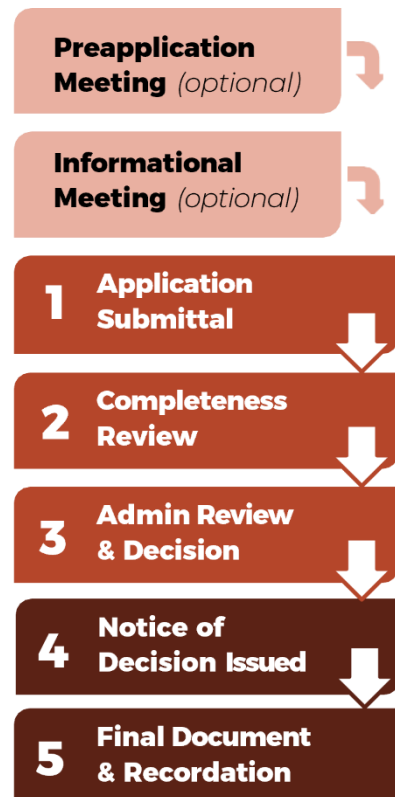
- b. Indicate monument changes or corrections;
- c. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - (i) Both lot owners join in the application for amending the plat;
 - (ii) Neither lot is abolished;
 - (iii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iv) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
- d. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- e. Relocate or remove one or more lot lines between one or more adjacent lots if all of the following have been met:
 - (i) The owners of all those lots join in the application;
 - (ii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iii) The amendment does not increase the number of lots;
- f. Consolidate no more than three previously platted lots into fewer lots;
- g. Vacate an easement; or
- h. Vacate a previously recorded plat of record.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

- a. In addition to the application requirements in Section 15-8-20(e)(1), the application shall be prepared in the form of an affidavit or, where deemed necessary by the Town Administrator, a revised plat certified by a land surveyor licensed with the State of Colorado and shall be recorded per Section 15-8-20(i)(4).



- b. Vacation of a utility easement shall be accomplished by letters of acquiescence from all interested utility companies.⁴⁰⁰

(5) Review and Decision-Making

- a. Minor Plat Amendment applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- b. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Minor Plat Amendment:
 - (i) There is no increase the number of lots and the amendment does not create new lots;
 - (ii) The amendment does not affect a recorded easement without approval of the easement holder;
 - (iii) Street locations will not be changed; and
 - (iv) The amendment will not create any nonconformities or increase the degree of nonconformity of any existing structure, use, or development standards.

(6) Post-Decision Actions

The approved minor plat amendment, a plat map or text description, shall be recorded per Section 15-8-20(i)(4).

(i) Sign Permit

(1) Purpose

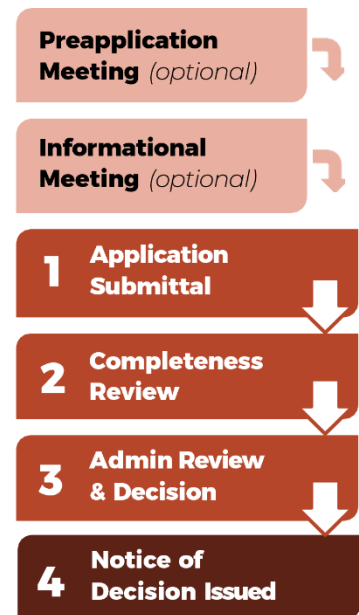
All signs, temporary or permanent, shall require the issuance of a Sign Permit.

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(3) Application Submittal

- a. An application may be submitted by the owner, occupant, or lease holder.
- b. An application may include all signs to be installed at a single building location, including multiple tenants, but may not include more than one business location at a different building.



⁴⁰⁰ Current 17-1-50(1)

(4) Review and Decision-Making

Sign Permit applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).

(5) Post-Decision Actions

Sign Permits do not expire.

(j) Sign Plan, Coordinated

(1) Purpose

A Coordinated Sign Plan may be developed for buildings or properties with multiple lots, buildings, or multiple tenants to determine how sign area will be allocated among the lots, buildings, or tenants and to develop a cohesive plan for lot or building signage.

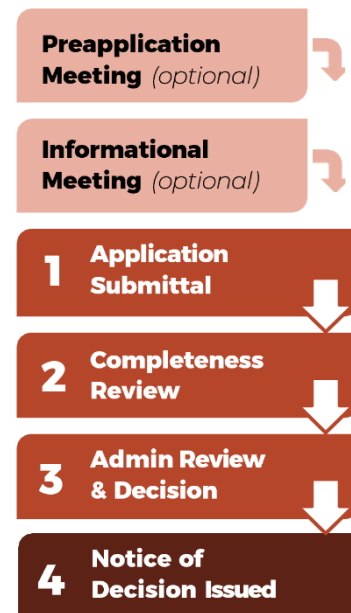
(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(3) Application Submittal

In addition to the application requirements in Section 15-8-20(e)(1), the application shall identify all proposed signage for an entire lot or development site and shall include the following information:

- a. Sign dimensions and approximate locations;
- b. Materials and colors;
- c. Proposed illumination, including illumination levels;
- d. Maximum numbers of tenant signs per sign face;
- e. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
- f. A demonstration that the Coordinated Sign Plan will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of adjacent properties; and
- g. Other maps, drawings or materials as required by the Town Administrator.



(4) Review and Decision-Making

- a. Coordinated Sign Plans applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).

- b. In addition to the generally applicable review criteria in Section 15-8-20(f)(5), the standards in Section 15-7-110(b) shall be met when deciding on a Coordinated Sign Plan.

(5) Post-Decision Actions

Coordinated Sign Plans do not expire.

(k) Simple Subdivision⁴⁰¹

(1) Purpose

This procedure can be used to:

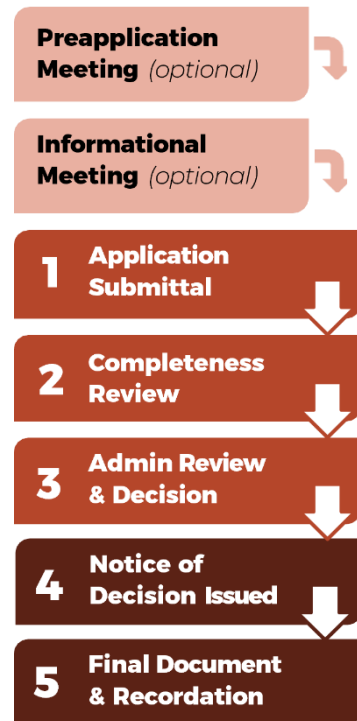
- a. Create up to four additional lots or condominium/townhouse units where no new infrastructure or public improvements are required;
- b. Relocate or remove one or more lot lines, that does not qualify as a Minor Plat Amendment; or
- c. Change a plat beyond the amendments allowed under a Minor Plat Amendment.

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(3) Application Submittal

- a. A Simple Subdivision application may be filed by any property owner with title to the entire property subject to the application.
- b. In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain the following information:
 - (i) A plat map as required for a Final Plat in Section 15-8-40(k)(4);
 - (ii) A site plan of the property at a scale legible for reasonable review and interpretation by the Town Administrator showing:
 - 1. Existing and proposed lot or unit and parcel boundaries;
 - 2. Existing zoning; and



⁴⁰¹ New. This process is similar to the previous Resubdivision process (current 17-2-20(d) and 17-2-50) but is expanded to include more processes like more complicated plat amendments/lot consolidations, vacation of plats (current 17-1-50), lot splits, and boundary adjustments.

3. The location and dimensions of existing conditions including, but not limited to, improvements such as buildings, easements, parking areas, sidewalks, streets, drives, alleys and roads on or adjoining the property. Other significant conditions existing on the property, including but not limited to watercourses, marshes, rock outcrops, major rock formations, groves of trees, major vegetation categories, and potential geologic hazard; and

(iii) Other materials necessary to show compliance with Article 4, Subdivision Design and Improvement and this Code.

(4) Review and Decision-Making

- a. Simple Subdivision applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- b. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Simple Subdivision:
 - (i) The resulting lots or units comply with all applicable requirements of this Code;
 - (ii) Any changes to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);
 - (iii) The existing right-of-way is not changed;
 - (iv) If a new lot(s) is being created, the total number of new lots on the property created through Simple Subdivision within the preceding 10 years does not exceed four; and
 - (v) If vacating a plat, the result of the vacation will not interfere with development or deny access via public right-of-way to adjoining properties, utility service, or other improvements.

(5) Post-Decision Actions

Once approved, the plat map shall be recorded per Section 15-8-20(i)(4).

(l) Site Plan⁴⁰²

(1) Purpose

Site Plan review provides a visual representation of a proposed development to ensure compliance with the standards of this Code and to encourage quality development reflective of the goals, policies, and objectives of the Master Plan.

(2) Applicability

This procedure is required for:

⁴⁰² New.

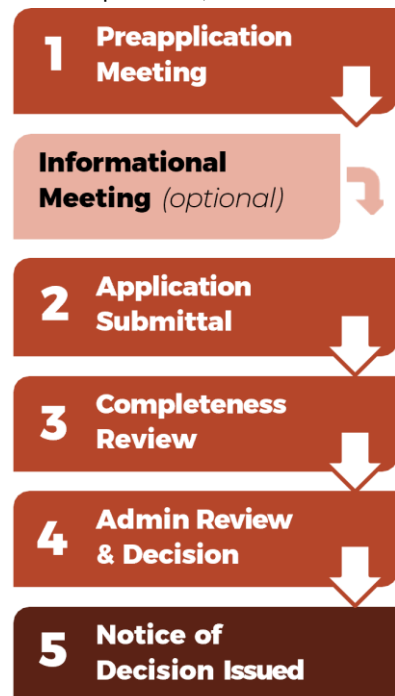
- a. All new construction, except those that are part of an application for Subdivision or PUD.
- b. Placing a built or partially built building on a property including accessory structures greater than 150 square feet in area.
- c. The following applications or requests:
 - (i) Temporary uses and structures;
 - (ii) Change of use into a new category as set forth in Table 15-3-1: Use Table; and
 - (iii) Special Use Permit;
- d. Any proposed redevelopment that meets the definition in this Code; and
- e. Requests for amendments or modifications to approvals that do not qualify for an Administrative Adjustment including:
 - (i) Relocation of development pads, buildings, or dwelling units for some practical reasons such as topography, road alignment or easements provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans;
 - (ii) A modification to a recreation area or open space design, but not elimination or more than a 10 percent reduction;
 - (iii) A change in the parking layout or vehicular circulation;
 - (iv) Any change that may affect an adjoining development;
 - (v) Any request that would significantly alter the design of the site or building(s); and
 - (vi) A request to change or delete a condition of approval established by the decision-making body.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

- a. In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain a site plan of the property at a scale legible for reasonable review and



interpretation by the Town Administrator including, but not limited to, the following:

- (i) Lot and parcel boundaries and dimensions;
- (ii) Existing easements and natural features;
- (iii) Abutting roads;
- (iv) Location and dimensions of vehicular and pedestrian access and circulation on the property;
- (v) Location and dimensions of all existing and proposed uses and structures, including any proposed temporary uses;
- (vi) Distance of all structures from property lines;
- (vii) Parking layout with dimensions;
- (viii) Landscaping;
- (ix) Outdoor lighting;
- (x) Layout of recreational vehicle or manufactured home spaces and utilities, if applicable;
- (xi) Proposed Administrative Adjustment, if applicable;
- (xii) A phasing plan, if applicable; and
- (xiii) Any other information necessary to show the requirements of this Code and the review criteria have been met

(5) Review and Decision-Making

- a. Site Plan applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- b. The Town Administrator may refer any Site Plan application to the Planning Commission that, in the Town Administrator’s opinion, presents issues that require Planning Commission attention.
- c. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Site Plan:
 - (i) Any significant adverse impacts reasonably anticipated to result from the Site Plan application will be mitigated or offset to the maximum extent practicable;
 - (ii) The development proposed and its general location is, or will be, compatible with the character of surrounding land uses and structures; and
 - (iii) The development can be adequately served by Town services including, but not limited to roads, water, and wastewater.

(6) Post-Decision Actions

- a. Approved Site Plan documents shall be binding upon the applicants and their successors and assigns.
- b. When Site Plan review is required, structures and uses may be established and building permits may be issued only after a Site Plan showing the proposed development or redevelopment has been approved in accordance with the procedures and requirements of this Section.
- c. The construction, location, use or operation of all land and structures within the site shall conform to all conditions and limitations set forth in the documents.
- d. No structure, use, or other element of approved Site Plan documents shall be eliminated, altered, or provided in another manner unless an amended Site Plan is approved. Requests for amendments of approved Site Plans shall be processed in accordance with the procedures for an initial Site Plan submittal.

(m) Slope Hazard Development Permit

(1) Purpose

Slope Hazard Development Permits regulate the approval of certain building and construction activities within the slope hazard areas.

(2) Applicability

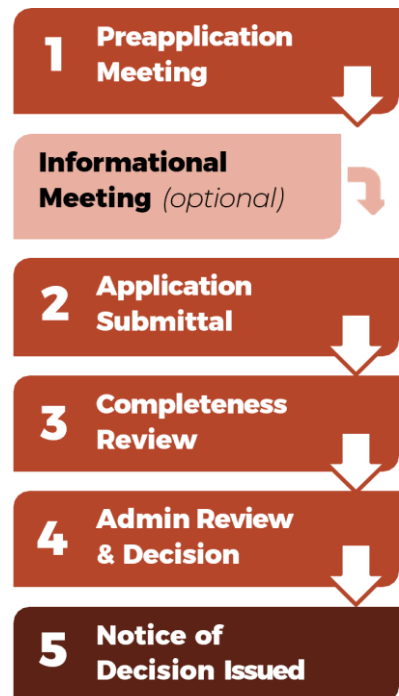
Slope Hazard Development Permits are required for any development that meets the standards in this Section.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modification listed below.

(4) Application Submittal

- a. In addition to the general application submittal requirements, the application shall contain:
 - (i) A topographic map or maps showing the location, nature and dimensions of the proposed development at a scale legible for reasonable review and interpretation by the Town Administrator;
 - (ii) A detailed site plan showing:
 - 1. The location of all existing and proposed structures and paved



- surfaces on the applicant's property and any existing septic systems and wells on the property;
2. The location of the proposed area of disturbance on the applicant's property and its relation to neighboring properties' structures, roads, and watercourses;
 3. The location on the applicant's property of all existing watercourses, marshes, wooded areas, rock outcrops, single trees with a diameter of eight inches or more measured three feet above the base of the trunk, and all other significant existing land features; and
 4. The existing grades on the applicant's property with contour lines at two-foot intervals and proposed grades within the area of the proposed construction or alteration.
- (iii) A drainage plan submitted by a licensed professional engineer showing:
1. All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water.
 2. The calculated volume of water runoff from the slope(s) and from the lot in question, as unimproved.
 3. The calculated volume of water runoff from the slope(s) and from the lot in question, as improved.
 4. The existence, location and capacity of all natural and artificial drainage courses and facilities within 500 feet of the lot which are or will be used to carry or contain the water runoff from the slope(s) and the lot; and
 5. A geologist's or registered geotechnical engineer's report explaining the maps and cross sections required in this Section with particular emphasis on evaluating and predicting the impact of the slope hazard areas on the proposed developments. It shall also include recommended mitigating procedures to be employed in meeting the standards of this Section.
- (iv) A vegetation protection plan that demonstrates compliance with Section 15-5-30(e)(3), Removing Vegetation.⁴⁰³

(5) Review and Decision-Making

- a. Slope Hazard Development Permit applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).

⁴⁰³ New.

- b. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), application shall comply with all standards set forth in this Section.

(n) Temporary Use Permit⁴⁰⁴

(1) Purpose

Temporary Use Permits ensure that a proposed temporary use or structure complies with the applicable regulations in this LUC.

(2) Applicability

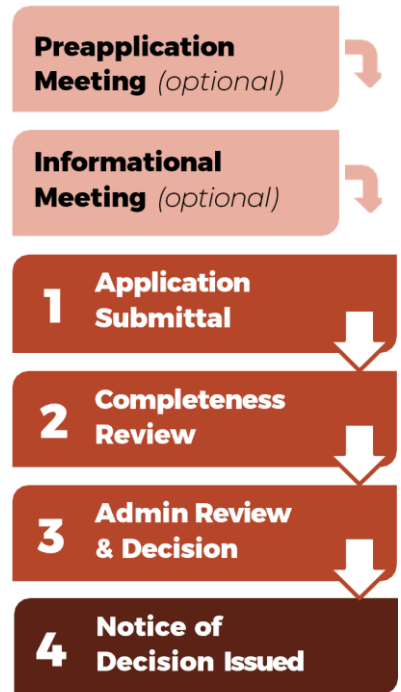
This procedure is required for any use listed as a temporary use in Table 15-3-1: Use Table.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Review and Decision-Making

- a. Temporary Use Permit applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).
- b. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Temporary Use Permit:
 - (i) Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation;
 - (ii) Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat); and
 - (iii) Regulation of maintenance and site restoration during, and after termination of the temporary use or expiration of the Temporary Use Permit.



(5) Post-Decision Actions

Expiration is as stated in an approved permit.

⁴⁰⁴ New.

(o) Vacation Rental Permit

(1) Purpose

Vacation Rental Permits ensure that a proposed vacation rental complies with the applicable regulations in this LUC.

(2) Applicability

This procedure is required for any vacation rental as defined in Section 15-11-30, General Terms.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain:

a. Required Maps and Plans

(i) Graphic Bar Scale Required

All maps and plans listed in this Section shall include a graphic bar scale legible for reasonable review and interpretation by the Town Administrator.

(ii) Vicinity Map

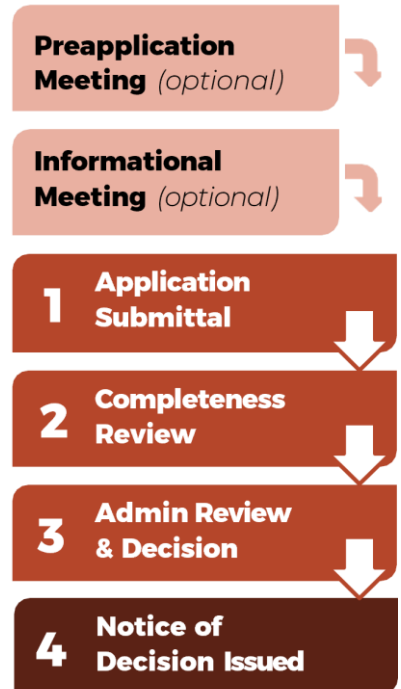
Provide a vicinity map or aerial photo that clearly identifies, with text labels, the property, local blocks, lots, streets, and alleys.

(iii) Adjacent Land Owner Map

Provide a map with a 300 foot radius circle from the center-point of the vacation rental property that indicates the adjacent land owner notification area. Indicate neighboring properties by name or other indicator tied to notification mailing list.

(iv) Site Plan

Provide a drawn-to-scale site plan of the property, indicating with text labels all existing buildings, decks, walkways, trash bin, propane tanks, snow storage areas, on-site parking space(s), and other relevant site features, and any proposed improvements within the property boundaries.



(v) Parking Plan

Indicate the availability of guest parking, both on street and onsite parking, provided for evaluation of tenant capacity. Indicate a proposed parking area for one passenger pickup with attached trailer.

(vi) Floor Plans

Sketch the residential unit's existing floor plans that includes all habitable areas, including but not limited to: the number of bedrooms, baths, and other rooms, and their use names, and fire extinguisher location(s).

(vii) Proposed Improvements Plan

Sketch any changes which are proposed in the use of all habitable areas of the structure, including but not limited to: the number of bedrooms, baths, kitchen and other rooms and their use names, and any modification or additions that are proposed to the interior or exterior of the structure. Any structural changes or additions to the residential unit require a building permit per the provisions of the building code.

b. Adjacent Land Owner List⁴⁰⁵

Provide a list of adjacent land owners (according to the current records of the San Juan County Assessor) within a 300 foot radius of the center point of the proposed vacation rental property.

c. Manager Contact Information for Adjacent Land Owners

Inside each of the envelopes, the applicant shall place business card(s), or a one page flyer, providing each of the adjacent land owners with the names and phone numbers of the proposed primary and secondary managers of the proposed vacation rental.

d. Proof of Ownership

Deed proof of the applicant's current ownership of the vacation rental per a legally recorded document.

e. Proof of Insurance

Insurance proof of the Town-required property and liability insurance for operation of the vacation rental.

⁴⁰⁵ Removed requirement for applicant to provide pre-addressed envelopes to the Town. The Town may consider adjusting the vacation rental application fee to address cost of USPS and newspaper notification.

f. Signage and Lighting Drawing

Drawing showing existing and proposed signage and lighting at the site based on the standards set forth in Article 7, Signs, and Section 15-6-40, Outdoor Lighting.

g. Management Information

Listing of individual(s), owner, manager, management firm, local contact, back-up contact; and all description of all other management requirements per the provisions of this Section.

h. Additional Information⁴⁰⁶

Additional reasonable submittal items may be required by the Town Staff, to allow for the proper evaluation of the vacation rental application.

(5) Review and Decision-Making

Vacation Rental Permit applications are reviewed and decided on by the Town Administrator per Section 15-8-20(f)(5).

(6) Post-Decision Actions

Vacation Rental Permits are valid for the calendar year in which the permit is approved. Application for a vacation rental permit shall be submitted each calendar year in accordance with application requirements. Annual permits expire on December 31. Annual renewal applications are due by January 31. The Town Administrator may administratively approve, modify, amend or deny renewal permits based on the renewal application and review of documented violations and complaints. Applicants may appeal administrative decisions to the Board of trustees.

15-8-40 Specific Procedures – Public Hearing Required

(a) Annexation and Disconnection⁴⁰⁷

(1) Purpose

Annexation and Disconnection establishes a procedure to bring land under the jurisdiction of the Town or to remove land from the jurisdiction of the Town.

(2) Applicability

This procedure is required to add or remove land from the Town of Silverton's jurisdiction.

(3) Review Procedures

Procedures for review and decision of Annexations are established in the Colorado Municipal Annexation Act of 1965, as amended. See Title 31, Article 12 C.R.S.

⁴⁰⁶ Deleted reference to avalanche hazard overlay district.

⁴⁰⁷ Current Chapter 15. Modified to include disconnections, removed all detail and replace with reference to state statute.

(b) Appeal of an Administrative Decision⁴⁰⁸

(1) Purpose

This process allows the review of administrative decisions made by Town staff.

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(3) Application Submittal

- a. Appeals may be requested by an affected party aggrieved by an administrative decision made under this Code. For purposes of this Section, an affected party is:
 - (i) The applicant for the decision being appealed;
 - (ii) The owner or tenant of a lot or parcel of land located within 1,000 feet of the subject property; or
 - (iii) Any resident of the Town who has submitted written comments prior to the public hearing on the application.
- b. Recommendations to another decision-making body cannot be appealed.⁴⁰⁹
- c. All requests shall be submitted within 30 days following issuance of the Notice of Decision being appealed.⁴¹⁰
- d. In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain a written narrative that includes an explanation of the appeal and how it meets the approval criteria in Section 15-8-40(b)(5).
- e. The Town Administrator shall notify, in writing, the applicant, any administrative official involved, and the Board of Trustees of all appeal public hearings scheduled.⁴¹¹



⁴⁰⁸ Current 16-2-240. Adjusted to remove variance info. Added general timeline and submittal process for all appeals.

⁴⁰⁹ New

⁴¹⁰ Current code allows for 15 to 30 days to file an appeal. All appeals now allow for 30 days to be submitted.

⁴¹¹ Current 16-2-240(e), partial. Simplified.

- f. The published notice of the public hearing shall be in accordance with Section 15-8-20(g)(1).

(4) Stay of Proceedings

- a. An appeal stays all proceedings in furtherance of the action appealed from except as provided in Section 4.b below. No further action will be taken by the Town on the initial application or request while the administrative decision is being appealed.
- b. The Town may decide not to stay activities related to the application while the administrative decision is being appealed where a stay would cause imminent peril to life or property, determined as follows:
 - (i) The staff member from whom the appeal is taken certifies to the Planning Commission that by reason of facts stated in the appeal, a stay would, in that officer's opinion, cause imminent peril to life or property.
 - (ii) In these cases, proceedings shall not be stayed other than by a court of record upon application to same and notice to the officer from whom the appeal is taken and on due cause shown.

(5) Review and Decision-Making

- a. Appeals of Administrative Decisions, except for vacation rental permit renewals, shall be made to the Board of Adjustment.⁴¹² Decisions on Appeals of vacation rental permit renewals shall be made to the Board of Trustees.⁴¹³ Both types of appeal shall require a public hearing.
- b. The Board of Adjustment or Board of Trustees may reverse or modify the action.
- c. The decision being appealed may only be reversed upon finding all of the following criteria have been met:⁴¹⁴
 - (i) The administrative officer acted in a manner inconsistent with the provisions of this LUC; or
 - (ii) Made erroneous findings of fact based on the evidence and testimony on the record.

(c) Appeal of a Planning Commission or Historic Preservation Committee Decision

(1) Purpose

This process allows the review of Planning Commission and Historic Preservation Committee decisions.

⁴¹² Current 16-1-30(d). Added 16-8-70.

⁴¹³ Current 16-1-60(5)j.

⁴¹⁴ New

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(3) Application Submittal

- a. Appeals may be requested by an affected party aggrieved by a Planning Commission or Historic Preservation Committee decision made under this Code. For purposes of this Section, an affected party is:
 - (i) The applicant for the decision being appealed;
 - (ii) The owner or tenant of a lot or parcel of land located within 1,000 feet of the subject property; or
 - (iii) Any resident of the Town who has submitted written comments prior to the review hearing on the application.
- b. Recommendations to another decision-making body cannot be appealed.
- c. All requests shall be submitted within 30 days following issuance of the Notice of Decision being appealed.
- d. In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain a written narrative that includes an explanation of the appeal and how it meets the approval criteria in Section 15-8-40(b)(5).
- e. The Town Administrator shall notify, in writing, the applicant, any administrative official involved, and the Board of Trustees of all appeal public hearings scheduled.
- f. The published notice of the public hearing shall be in accordance with Section 15-8-20(g)(1).



(4) Stay of Proceedings

- a. An appeal stays all proceedings in furtherance of the action appealed from except as provided in Section 4.b below. No further action will be taken by the Town on the initial application or request while the decision is being appealed.

- b. The Town may decide not to stay activities related to the application while the decision is being appealed where a stay would cause imminent peril to life or property, determined as follows:
 - (i) A staff member certifies to the Board of Trustees that by reason of facts stated in the appeal, a stay would, in that officer's opinion, cause imminent peril to life or property.
 - (ii) In these cases, proceedings shall not be stayed other than by a court of record upon application to same and notice to the officer from whom the appeal is taken and on due cause shown.

(5) Review and Decision-Making

- a. Appeals of Planning Commission and Historic Preservation Committee Decisions shall be made to the Board of Trustees in a public hearing.
- b. The Board of Trustees may reverse or modify the action.
- c. The decision being appealed may only be overturned upon finding all of the following criteria have been met:
 - (i) The Planning Commission or Historic Preservation Committee acted in a manner inconsistent with the provisions of this LUC; or
 - (ii) Made erroneous findings of fact based on the evidence and testimony on the record.

(d) Avalanche Hazard Permit, Major

(1) Purpose

Major Avalanche Hazard Development Permits regulate the approval of certain substantive building and construction activities within the Moderate Hazard Blue Zone or High Hazard Red Zone.

(2) Applicability

Major Avalanche Development Permits are required for the following development:

- a. All development activity or land use not expressly allowed through a Minor Avalanche Development Permit including development in the High Hazard Red Zone; and
- b. Avalanche control structures, including deflecting berms and structures, mounds and structures, direct-protection structures, catching structures, snow drift fences, snow support structures and similar facilities designed to inhibit, block, divert, split, or otherwise control the release, extent or direction of avalanche runs

(3) Common Review Procedures

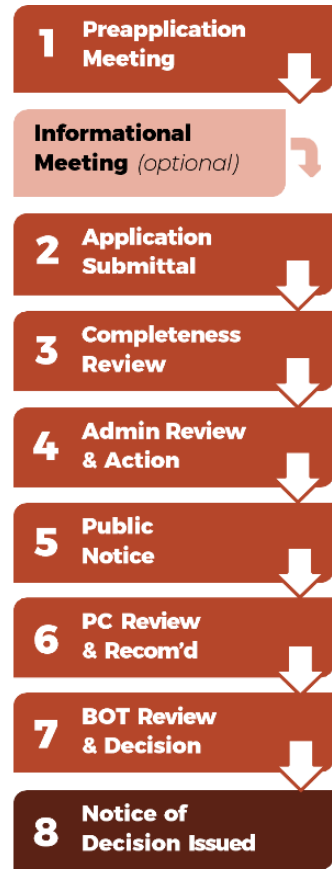
The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

In addition to the general application submittal requirements, the application shall contain the following:

- a. A two-part, site specific engineering study report that contains:
 - (i) The complete study and report (as prepared by a qualified professional civil or geotechnical engineer licensed in Colorado or qualified professional geologist in the field of avalanche occurrence, force and behavior) documenting avalanche impact pressures present at any and all proposed building and construction sites on the applicant's property; and
 - (ii) Complete construction plans and specifications for all proposed buildings and structures (as prepared by a qualified structural engineer licensed to practice in the State of Colorado), including the structural engineer's certification that the buildings and structures, if constructed in accordance with the submitted plans and specifications, will withstand the avalanche impact pressures as documented in the study and report.

- b. All investigations, studies, and reports shall be prepared at the applicant's expense. The investigations, studies, and reports must specifically answer the following:
 - (i) Whether the site specific conditions are such that the property can or cannot be developed for the specific structures or proposed uses with or without on-site protective measures and, if protective measures are necessary, what those specific measures are, including site and construction plans for the protective measures; and
 - (ii) Whether the on-site protective measures will increase the hazard to other properties, structures, roads, rights-of-way, easements, utilities, or construction located adjacent to or downslope from the applicant's property.



- c. Certification by the design engineer that the on-site protective measures, if constructed as designed, will withstand the documented avalanche impact pressures and protect the subject properties without adversely impacting adjoining and/or downslope properties.
- d. A vegetation protection and removal plan that demonstrates compliance with Section 15-5-10(d)(5), Vegetation Removal Prohibited.⁴¹⁵

(5) Review and Decision-Making

a. Review and Decision

Major Avalanche Hazard Development Permits are reviewed and recommended by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Major Avalanche Hazard Development Permit:

- (i) The application shall comply with all standards set forth in Section 15-5-10.
- (ii) The applicant has submitted sufficient proof that the site can be developed for the proposed use because the danger posed by an avalanche can be reduced or mitigated to a reasonable level.
- (iii) The public health, safety, and welfare hazards associated with developing and occupying property are maximally reduced to a reasonable and acceptable level, including specific findings that establishment of the proposed improvements and/or land uses will not increase the potential avalanche hazard or public health, safety and welfare hazards associated with avalanches on adjoining properties, both within and outside of the High Hazard Red Zone and Moderate Hazard Blue Zone, especially downslope of the subject property.
- (iv) The applicant does not have the opportunity to build outside the hazard and chooses, with substantial hardship reason, to develop within the avalanche hazard area boundaries.

(6) Post Decision Actions and Obligations

- a. Prior to issuance of any building permit for construction within the High Hazard Red Zone or Moderate Hazard Blue Zone, the applicant shall sign a release and indemnification agreement and the agreement shall be properly recorded in the office of the County Clerk and Recorder, at the expense of the applicant, by the Town.

⁴¹⁵ New.

- b. All plans submitted with a building permit application for property within a High Hazard Red or Moderate Hazard Blue Zone shall be stamped "Construction in Avalanche Hazard Area," together with the applicable sub-zone designation.

(e) Flood Hazard Variance⁴¹⁶

(1) Purpose

Flood Hazard Variances allow for deviations from requirements of this Section 15-5-20, relative to flood damage prevention.

(2) Applicability

- a. Flood Hazard Variances may be issued for new construction and substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the criteria set forth in Subsection d. below have been fully considered.
- b. Variances may be issued for the repair or rehabilitation of structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

In addition to the general application submittal requirements, the application shall contain the following:

- a. A contour map of existing and proposed contours prepared by a Colorado registered land surveyor showing the subject property and at least 300 feet of the area outside the perimeter of the subject property;
- b. A drainage study prepared by a Colorado registered professional engineer which utilizes the criteria presented in this Section,



⁴¹⁶ Current Sec. 16-4-130, reorganized.

which is supplemented by other reliable source material (e.g., Corps of Engineers, Housing and Urban Development), and contains the engineer's recommendations; and

- c. An appendix to the drainage study that addresses each of the subjects cited by Subsection (4) below.

(5) Review and Decision-Making

a. Review and Decision

Flood Hazard Variances shall be reviewed and decided on by the Board of Adjustment in a public hearing.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following considerations shall be made when deciding on a Flood Hazard Variance:

- (i) All technical evaluations and all relevant factors and standards specified in Section 15-5-20 have been met;
- (ii) The danger that materials may be swept onto other lands to the injury of others;
- (iii) The danger to life and property due to flooding or erosion damage;
- (iv) The susceptibility of the proposed facility and the contents to flood damage and the effect of flood damage on the individual owner;
- (v) The importance of the services provided by the proposed facility to the community;
- (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) The compatibility of the proposed use with existing and anticipated development;
- (viii) The relationship of the proposed use to the comprehensive and flooding management program for the area;
- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
- (xi) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
- (xii) Variances shall only be issued upon:

1. A showing of sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that failure to grant the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(6) Post Decision Actions and Obligations

Any applicant to whom a variance is granted shall be given written notice that the requested structure will be permitted and that the cost of flood insurance will be commensurate with increased risk from the reduced lowest floor elevation.

(f) Historic District Overlay Designation⁴¹⁷

(1) Purpose

This procedure is required to make any changes to the Historic District Overlay, the Town’s Historic Register, including adding or removing property.

(2) Applicability

Once an application for Historic District Overlay Designation has been submitted, the Town will not issue a building or demolition permit until a final decision on the application is issued.

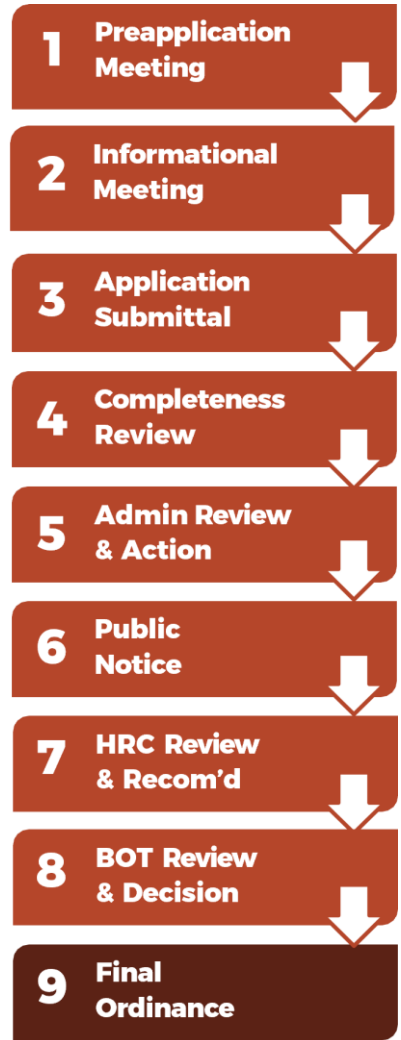
⁴¹⁷ New. Based on CLG model ordinance.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-20 apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

- a. Historic District Overlay Designation may be initiated by:
 - (i) The owner(s) of the property to be designated;
 - (ii) A member(s) of the Historic Preservation Committee, Planning Commission, and/or Board of Trustees, and/or
 - (iii) Any person residing, owning, or leasing property in the Town.
- b. Where nominated by someone other than the property owner, the Town Administrator shall contact the owner(s) in writing outlining the reasons and effect of Historic District Overlay Designation.
- c. Applications for designation shall not be considered complete if more than 25 percent of the property owners oppose in writing or through ballot prepared and administered by the Town.
- d. In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain the following:
 - (i) A description of the land area, including lot and block numbers to be added, removed, or otherwise modified;
 - (ii) A drawing drawn to a scale legible for reasonable review and interpretation by the Town Administrator showing boundaries of the area requested to be added, removed, or otherwise modified; and
 - (iii) Identification of Contributing and Non-Contributing Property within the land area to be added, removed, or otherwise modified.



(5) Review and Decision-Making

a. Review and Decision

Historic District Overlay Designations are reviewed and recommended on by the Historic Preservation Committee and decided on by the Board of Trustees, both in a public hearing.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on Historic District Overlay Designation:

(i) Eligibility Criteria

1. Properties shall be at least 50 years old and meet one or more of the following criteria:
 - a. Association with an event or events that have made a significant contribution to history;
 - b. Connection with persons significant in history;
 - c. Distinctive characteristics of a type, period, method of construction, or artisan;
 - d. Geographic importance; and/or
 - e. Possibility to yield important information related to prehistory or history.
2. A property may be exempted from the age standard if the Board of Trustees finds it to be exceptionally important in other criteria.

(ii) Integrity Criteria

All properties shall be evaluated for their physical integrity. At least two of the following criteria shall be met:

1. Location: The place where the property was constructed or the place where the historic event occurred.
2. Design: The combination of elements that create the form, plan, space, structure, and style of a property.
3. Setting: The physical environment of a property.
4. Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a property.
5. Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. Feeling: A property's expression of the aesthetic or historic sense of a particular period of time.
7. Association: The direct link between an important historic event or person and a property.

(iii) Removal Criteria

The property has been altered to a degree that it no longer retains its historic integrity.

(6) Post-Decision Actions

- a. Historic District Overlay Designations must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.
- b. Historic District Overlay Designations do not expire.

(g) Historic District Overlay Review, Major⁴¹⁸

(1) Purpose

Major Historic District Overlay Review allows for the regulation of major exterior building and construction activities within the Historic District Overlay.

(2) Applicability

Historic District Overlay Review is required for all new construction, exterior alterations, relocations, and demolitions on any property within the Historic District Overlay. Major alterations include all alterations of building exteriors that do not qualify as a Minor Alteration as well as new construction, additions, relocation, and partial and full demolition. This includes, but is not limited to:

- a. Creating new openings and changing exiting openings, unless the openings are located along an alley;
- b. Modifying exterior materials;
- c. Any alteration that changes size or mass of building; and
- d. Removal of building elements.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-20 apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain:

- a. An explanation of the how the project will affect or impact the Historic District Overlay within the written narrative;
- b. A site plan including existing and proposed easements, buildings, and utilities; and



⁴¹⁸ New. Based on CLG model ordinance.

- c. Building design plans including detailed elevations showing exterior materials, finishes, design detail, and the proposed structure alongside the adjacent structures.

(5) Review and Decision-Making

- a. Major Alterations are reviewed and decided on by the Historic Preservation Committee at a public meeting that is not required to be a public hearing.
- b. In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Historic District Overlay Review:
 - (i) The following criteria apply to all applications:
 - 1. Compliance with Section 15-2-80(a)(7), Design Standards for All Development in the Historic District Overlay.
 - (ii) The following criteria apply to Non-Contributing Property:
 - 1. Compatibility with the property’s current design, materials, features, size, scale and proportion, and massing; or
 - 2. Compatibility with the Historic District Overlay’s design, materials, features, size, scale and proportion, and massing.
 - (iii) The following criteria apply to total demolition of Contributing Property:
 - 1. The property proposed for demolition is not structurally sound, despite evidence of the owner’s efforts to properly maintain it;
 - 2. The property cannot be preserved, restored, rehabbed, or reused on site to provide for any reasonable, beneficial use of the property regardless of any proposed development plan for the property’s site or adjacent properties; and
 - 3. The property cannot be practically moved to another site in Town.
 - (iv) The following criteria apply to partial demolition of Contributing Property:
 - 1. The partial demolition is required for the preservation, restoration, or rehabilitation of the property.

(6) Post-Decision Actions

If the application is denied, the applicant may request a Variance as outlined in Section 15-8-40(n).

(h) Land Use Code Text Amendment⁴¹⁹

(1) Purpose⁴²⁰

This procedure is required to amend, supplement, change, modify, or repeal any portion of this Code, excluding the zoning map.

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

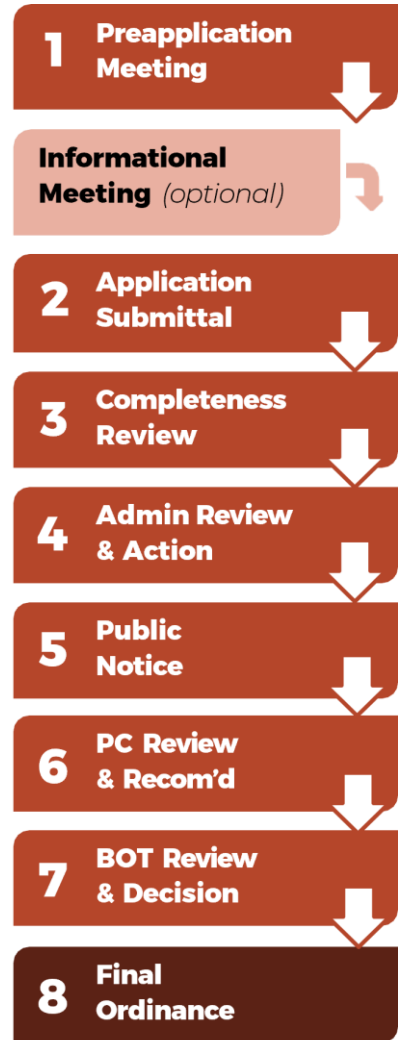
(3) Application Submittal

- a. Text Amendments may be initiated by the Board of Trustees, the Planning Commission, the Town Administrator, or by the application of any person residing, owning, or leasing property in the Town.
- b. Text Amendments initiated by the Town Administrator, Planning Commission, or Board of Trustees are exempt from preapplication meetings and application submittal and acceptance steps of the Common Review Procedures.

(4) Review and Decision-Making

a. Review and Decision

- (i) The Text Amendment shall be reviewed and recommended by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.
- (ii) Approval of a Text Amendment requires a favorable vote of a majority of the Board of Trustees unless a protest is filed.
- (iii) A favorable vote of two-thirds of all the members of the Board of Trustees shall also be required when an amendment or change has not been recommended by the Planning Commission or in the event of the repeal of all or part of this Code.



⁴¹⁹ Current 16-1-40. Removed standard process language. Split LUC text and map amendments into separate sections.

⁴²⁰ New

b. Review Criteria⁴²¹

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the proposed LUC Text Amendment shall meet at least one of the following specific reasons:

- (i) To address trends in development or regulatory practices;
- (ii) To expand, modify, or add requirements for development in general or to address specific development issues;
- (iii) To add, modify, or expand zoning districts; or
- (iv) To clarify or modify procedures for processing development applications.

(5) Post-Decision Actions

- a. Text Amendments must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.
- b. Text Amendments do not expire.

(i) Master Plan Amendment⁴²²

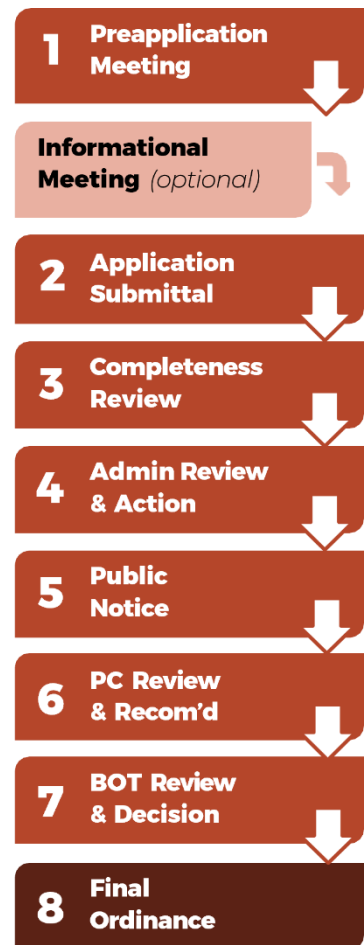
(1) Purpose

Master Plan Amendments provide standards and requirements for amending the Master Plan and other adopted Town plans. The amendment process is established in order to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of the Town.

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the following and below modifications:

- a. Before processing an application, the Town Administrator shall determine whether it is in the best interests of the Town to devote staff and Planning Commission resources to a full review of the Master Plan Amendment application.
- b. Master Plan Amendments requested by the Town Administrator, Planning Commission, or Board of Trustees are exempt from preapplication meetings and application



⁴²² New
⁴²² New

submittal and acceptance steps of the Common Review Procedures in Section 15-8-20.

(3) Application Submittal

- a. Master Plan Amendment may be initiated by the Town Administrator, Planning Commission, Board of Trustees, or any Silverton property owner, resident, or tenant.
- b. The Town Administrator may limit the timing and frequency of when Master Plan Amendments are considered to better ensure a holistic review process and avoid small or piecemeal amendments.

(4) Review and Decision-Making

a. Review and Decision

The Master Plan Amendment shall be reviewed and recommended by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Master Plan Amendment:

- (i) The amendment is consistent with the overall intent of the Master Plan;
- (ii) The existing Master Plan and any related element thereof is in need of the proposed amendment;
- (iii) It is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions and strict adherence to the Master Plan will result in a situation neither intended nor in keeping with other key elements and policies of the plan;
- (iv) The proposed amendment will not have a negative effect on the immediate areas or on transportation, services, and facilities;
- (v) The proposed amendment will have minimal effect on service provision, including adequacy or availability of public facilities and services, and is compatible with existing and planned service provision and future development of the area;
- (vi) The proposed amendment, if for an area that is outside of the Town's current municipal boundaries, is consistent with the Town's ability to annex the property; and
- (vii) The proposed amendment will promote the public health, safety, and general welfare of the people of Silverton.

(5) Post-Decision Actions

- a. Master Plan Amendments must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.
- b. Master Plan Amendments do not expire.

(j) Special Use Permit⁴²³

(1) Purpose

- a. Special uses are land uses that are generally not allowed in a zoning district because they have the potential for causing adverse impacts on other uses due to factors such as location, method of operation, scale or intensity of activity, or traffic generated. Because of their unusual or special characteristics, special uses require individual review and evaluation so that they may be located properly with respect to their effects on surrounding properties and the town at large.
- b. Special Use Permits are required for:
 - (i) All uses listed as special uses in Table 15-3-1: Use Table;
 - (ii) Any change or expansion of a special use shall require a new Special Use Permit; and
 - (iii) Development on slopes greater than 30 percent pursuant to Section 15-5-30(d).

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(3) Application Submittal

- a. Special Use Permit applications may be filed by any property owner.
- b. In addition to the application requirements in Section 15-8-20(e)(1), the application shall include a Site Plan that also identifies the time schedule for any contemplated new construction or uses.



⁴²³ Current 16-1-50: Uses subject to review. Revised to allow for the Planning Commission to make the final decision, but the board can call up the decision if desired.

(4) Review and Decision-Making

a. Review and Decision

The Special Use Permit shall be reviewed and decided on by the Planning Commission in a public hearing.

b. Review Criteria⁴²⁴

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Special Use Permit:

- (i) The use will not be contrary to public health, safety, or welfare.
- (ii) The use will not have an adverse effect upon surrounding property values.
- (iii) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area.
- (iv) The use is compatible with existing uses in the area and other allowed uses in the zoning district.
- (v) Streets, access points, and pedestrian facilities are adequate or will be adequate to handle traffic generated by the use with safety and convenience.
- (vi) The use and site layout will be compatible with the mass and scale of adjacent properties, or compatible with the mass and scale of properties in the area generally.
- (vii) If needed, the visual impact of the use will be mitigated by means of design, landscaping, berming, or other methods of site treatment.

(5) Post-Decision Actions

Special Use Permits run with the land. The approved permit may be revoked upon failure to comply with conditions associated with the original approval.

(k) Subdivision, Major

(1) Purpose and Description

- a. The Major Subdivision process is to ensure that proposed subdivisions are compliant with the standards and requirements of this Code and to:
 - (i) Assist orderly, efficient, and integrated development;
 - (ii) Ensure conformance of land subdivision plans with the plans of the town, county, and state;

⁴²⁴ New

- (iii) Improve land survey monuments and records by establishing minimal standards for survey and plats;
 - (iv) Safeguard the interests of the public, the homeowner, and the applicant;
 - (v) Secure equitable handling of all subdivision plans by providing uniform procedures; and
 - (vi) Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.
- b. This procedure shall apply to all subdivisions that do not meet the criteria for a Simple Subdivision. Applications for a Major Subdivision shall include the following steps:
- (i) Sketch Plan.
 - (ii) Preliminary Plan.
 - (iii) Final Plat.
- c. There shall be no sales, agreements to sell, leases or rentals of any lots in a subdivision, and the Town shall not issue building permits for structures within the subdivision until the Final Plat has been recorded in the office of the San Juan County Clerk and Recorder.⁴²⁵

(2) Sketch Plan⁴²⁶

a. Purpose

Sketch Plan review provides the Town the opportunity to describe the community's vision to the applicant. It also gives the applicant an opportunity to discuss the proposed subdivision, explain how it will further the community's vision, and obtain input and direction from the Planning Commission early in the process. The ultimate goal of this process is to help the applicant develop a subdivision plan that fosters the community's vision and is in line with this Code.

⁴²⁵ Current 17-2-40, partial.

⁴²⁶ Current 17-2-20(a)-(d). Renamed from Outline Development Plan. This is now the first formal step to a major subdivision and requires a decision from the PC to move forward to Preliminary Plan. This step allows for big picture review at the start of the major subdivision process. Relocated resubdivision into Subdivision, Simple. Reconciled conflicting provisions. Removed language addressed in general procedures.

b. Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

c. Application Submittal

In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain the following information:⁴²⁷

- (i) Location map: The location map shall indicate clearly the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The map shall show existing development, including all streets, utilities, and zoning on and adjacent to the proposed subdivision. The location map shall include a title, scale, total acreage of the tract, north arrow and date. The map shall be drawn at a scale legible for reasonable review and interpretation by the Town Administrator.
- (ii) Sketch subdivision plan: The plan shall be at a scale legible for reasonable review and interpretation by the Town Administrator, in a legible medium, and shall clearly show the following: the proposed name of the subdivision; date of preparation; north arrow; the proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site; the proposed location and extent of major open surfaces and public sites; general location of utilities, easements and installations; proposed land uses; and indication of building types, with approximate location of major buildings, exclusive of single-unit residential dwellings.
- (iii) General development information: This information shall describe or outline the existing conditions of the site and proposed development as necessary to supplement the drawings required in Subsections (i) and (ii) above, and shall include information on existing covenants and land characteristics and information describing the development proposal, such as the number of residential lots or dwelling units, typical lot width and depth, price range for lots and dwelling units, proposed utilities and street improvements.



⁴²⁷ Current 17-3-20

d. Review and Decision-Making

(i) Planning Commission Comments

1. The Planning Commission shall review the Sketch Plan and provide non-binding comments for applicant consideration in preparation of the Preliminary Plan.
2. The public meeting to review the application is not required to be a public hearing.

(ii) Review Considerations

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the Planning Commission may comment on any of the following criteria:

1. How the proposed subdivision complies conceptually with the Master Plan, and the applicable requirements of this Code;
2. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas;
3. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts); and
4. How the proposal promotes the efficient use of land and public streets, utilities, and governmental services.

e. Post-Decision Actions

Sketch Plan comments are valid for a period of one year.

(3) Preliminary Plan⁴²⁸

a. Purpose

The Preliminary Plan procedure provides a mechanism for the Town to review an overall plan for a proposed subdivision to ensure compliance with this Code, the Master Plan, and the adequate provision of facilities and services in the town.

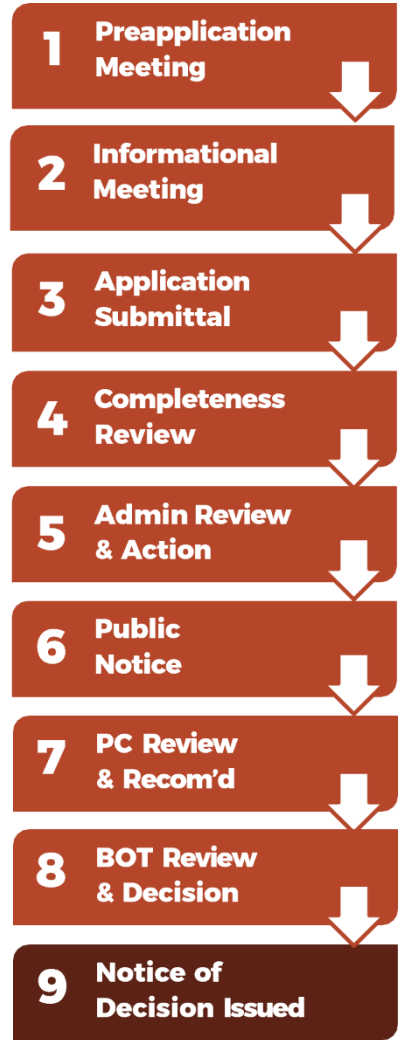
⁴²⁸ Current regulations call this Preliminary Plat, it is now called Preliminary Plan to avoid confusion with Final Plats.

b. Common Review Procedures⁴²⁹

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

c. Application Submittal

- (i) A Preliminary Plan application may be filed by an applicant after a completed Sketch Plan review.
- (ii) In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain the following information:⁴³⁰
 - 1. A preliminary plat map at a scale legible for reasonable review and interpretation by the Town Administrator containing at least the following information:
 - a. Outer boundary lines of the tract(s) to be subdivided by reference to a permanent survey monument;
 - b. Location and dimensions of all existing streets, alleys, easements, drainage areas, irrigation ditches and laterals, 100 year floodplain, and all other significant features;
 - c. Location and dimension of all proposed streets, alleys, easement, drainage areas, irrigation ditches and laterals and all other significant features. For all rights-of-way, include the name, width, type, and elevation of surfacing;
 - d. Location and dimension of proposed lot lines, lot numbers, and block numbers;
 - e. Location, dimensions, and purpose of all other proposed easements and areas to be reserved or dedicated for public use, such as schools, parks, playgrounds or open space, or of all facilities or open space to be commonly held or maintained;



⁴²⁹ Current 17-2-30(a). Substantially rewritten for clarity.

⁴³⁰ Curren 17-3-30

- f. Location and full description of all monuments as required by Title 38, Article 51, C.R.S.;
 - g. Site data, including gross acreage of the subdivision, number of lots, and size of each lot;
 - h. Name of the proposed subdivision; names and addresses of owners, subdividers, designers and engineers; date; scale; north arrow; and legal description of tract;
 - i. Vicinity map; and
 - j. Standard certificate blocks and plat notes as provided by the Town Administrator;
2. A site plan of the subdivision at a scale legible for reasonable review and interpretation by the Town Administrator showing at least the following:
- a. Existing and proposed lot and parcel boundaries;
 - b. Existing zoning;
 - c. The location and dimensions of existing conditions including but not limited to improvements such as buildings, easements, parking areas, sidewalks, streets, drives, alleys and roads on or adjoining the property. Other significant conditions existing on the property, including but not limited to watercourses, marshes, rock outcrops, major rock formations, groves of trees, major vegetation categories, and potential geologic hazard; and
 - d. Other data or conditions on immediately adjacent land, including but not limited to names and addresses of all adjoining property owners; character and location of buildings, power lines, railroad or common carrier facilities, towers and other nearby land uses or possible adverse influences; and analysis of wildfire hazard potential, influences on wildlife and relationship to known historic or archaeological sites of value;
3. A grading and drainage plan showing at least the following information:
- a. A topographic map of ground elevations on the tract based on the United States Geological Survey datum plane or an approved datum plane by the Town Administrator, showing contours at two-foot intervals and showing the outer boundary lines of the tract;
 - b. Cut and fill requirements;

- c. A map showing the method of moving runoff water through the subdivision. The map should show runoff concentrations in acres of drainage area on each street entering each intersection (this may be combined with the topographic map). Flow arrows should clearly show the complete runoff flow pattern at each intersection. For storm drainage facilities not on or adjacent to the tract, indicate the direction and distance to, size and invert elevation or nearest extension of the utilities; and
 - d. Snow removal patterns and any major snow storage areas, and the relationship to the drainage patterns;
 4. Draft infrastructure and utilities plan in compliance with the Development Standards and Specifications showing the following:
 - a. Location and size of existing utilities within and adjacent to the subdivision, including water, sewer, electricity, and communication;
 - b. Location, plan, and profile of all proposed utilities, including water mains, fire hydrants, sewers, other utility mains or routes (electricity, communication) and any other services that shall supply the subdivision. All utilities must be within approved easements;
 - c. Letter of commitment from all utility providers and data as may be required to show the capability and commitment of utility provision;
 - d. Location and dimensions of all existing roads, sidewalks, curb, gutter or other pedestrian facilities; and
 - e. Location, plan, and profile of all proposed roads, driveways, off-street parking spaces, sidewalk, curb, and gutter; and
 5. Supplemental data, as follows:
 - a. Subsurface conditions on the tract: location and results of tests to ascertain subsurface soil, rock and groundwater conditions;
 - b. Draft of proposed covenants whereby the applicant proposes to regulate land use in the subdivision and otherwise protect the proposed development, if applicable;
 - c. Application for rezoning, if applicable;
 - d. Application for annexation, if applicable; and

- e. Other materials necessary to show compliance with Article 4, Subdivision Design and Improvement and this Code.

d. Review and Decision-Making

(i) Review and Decision

The Preliminary Plan shall be reviewed and recommended by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

(ii) Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be considered when deciding on a Preliminary Plan:

1. The Preliminary Plan is substantially consistent with the Sketch Plan comments;
2. The Preliminary Plan will not have an adverse effect on the surrounding area or create an unsafe or hazardous condition;
3. The Preliminary Plan will not cast an undue burden on public utilities and community facilities; and
4. The Preliminary Plan proposes reasonable project phasing in terms of infrastructure capacity, transportation connections, provision of parks and recreation areas and public facilities, and any other aspect of the development that will be developed across multiple phases.

e. Post-Decision Actions

- (i) Any conditions assigned with an approval of a Preliminary Plan must be met before submittal of the Final Plat.
- (ii) Preliminary Plan approval is valid for two years. Filing of a Final Plat for all or some of the area within the Preliminary Plan extends the approval by two more years with each Final Plat. The Town Administrator may grant an extension of time for up to two additional years if requested by the applicant.⁴³¹

(4) Final Plat

a. Purpose

Final Plats ensure compliance with the approved Preliminary Plan and applicable standards of this Code.

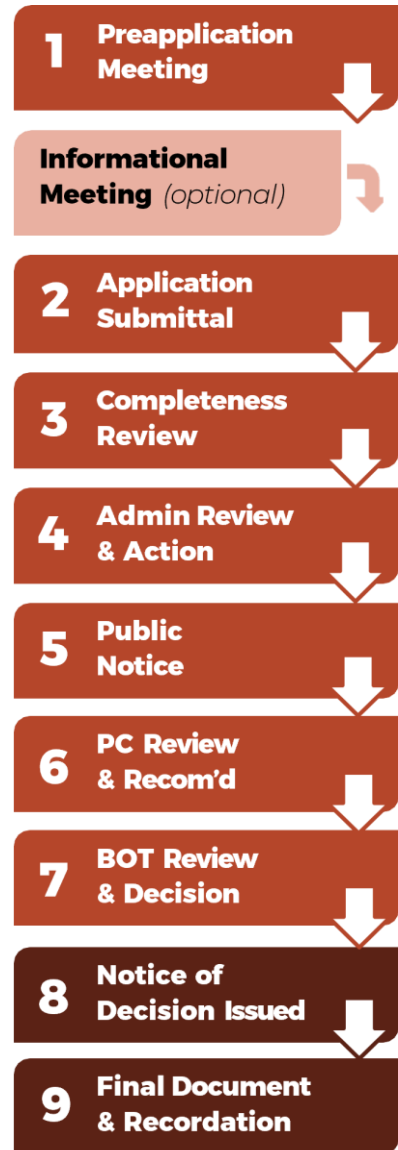
⁴³¹ Current 17-2-40(a). Modified from 12 months to 2 years.

b. Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

c. Application Submittal

- (i) The Final Plat shall conform substantially with the Preliminary Plan as approved and address all conditions of approval.
- (ii) The approved Preliminary Plan may be completed through application for one or more Final Plats. Each area subject to Final Plat shall conform to all requirements of this Code.⁴³²
- (iii) In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain the following information:⁴³³
 - 1. A Final Plat map at a scale legible for reasonable review and interpretation by the Town Administrator containing at least the following:
 - a. All information required for a preliminary plan map;
 - b. Primary control points, or descriptions, and "ties" to the control points to which all dimensions, angles, bearings and similar data on the plat shall be referred, to include at least one permanent survey monument;
 - c. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which must balance and close within a limit of one in 10,000. No



⁴³² Current 17-2-40(b) and partial 17-3-40. Added that any phase submitted must conform to the LUC.

⁴³³ Current 17-3-40

- Final Plat showing plus or minus dimensions will be approved;
- d. Surveyed legal description of the subdivision, and area of each lot;
 - e. Location and description of all monuments, both found and set;
 - f. Names of record owners of all adjoining land;
 - g. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number;
 - h. Signature and seal of land surveyor registered in the State, certifying to the accuracy of the survey and plat, including a statement explaining how bearings, if used, were determined;
 - i. Statement by the land owner dedicating streets, rights-of-way, easements and public sites. A warranty deed to the Town shall be required for conveyance of any public lands other than streets;
 - j. Title under which the subdivision is to be recorded; and
 - k. If the subdivision is within avalanche hazard areas, applicable sub-zone (High Hazard Red or Moderate Hazard Blue) designation for each lot, or portion of a lot by a stamp or other written note;
2. Final grading and drainage plans;
 3. Final infrastructure and engineering plans and specifications in compliance with the Development Standards and Specifications for all required improvements per Section 15-4-30. The Town Administrator shall submit to the Planning Commission a staff report for the Final Plat public hearing;
 4. Agreements with ditch companies, if applicable;
 5. A Development Improvement Agreement and performance bond drawn and posted in favor of the Town, which bond shall be of sufficient amount to assure completion of all required improvements, as further defined in Section 15-4-30, Required Improvements;
 6. Final covenants in a form suitable for recording, if applicable;
 7. A title commitment no older than 30 days; and
 8. Other materials necessary to show compliance with Article 4, Subdivision Design and Improvement and this Code.

- (iv) In no case shall additions, corrections, or modifications of any kind be made to the Final Plat other than signatures required after the Board of Trustees have approved the Final Plat, unless necessary to comply with any conditions of approval.

d. Review and Decision-Making

(i) Review and Decision

The Final Plat shall be reviewed and recommended by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

(ii) Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Final Plat:

1. The Final Plat is substantially consistent with the Preliminary Plan approval and any conditions assigned;
2. Status of all fees paid to the Town;
3. Proof of any required land dedication including rights-of-way, parks and recreation areas, and public facilities; and
4. Provision of adequate guarantee of completion and financial security through a Development Improvement Agreement.

e. Post-Decision Action

(i) Recordation

Once approved, the Final Plat map shall be recorded per Section 15-8-40(k)(4).

(ii) Expiration

1. If the public improvements for a subdivision have not been constructed and accepted by the Town or provision for public improvements has not been accounted for in a Development Improvement Agreement, and the corresponding Final Plat for the subdivision not recorded within three years from the date of Final Plat approval by the Town, the Final Plat shall be lapsed and deemed to be withdrawn, without further action by the Town; provided however, that this provision shall not apply to Final Plats approved by the Town prior to the adoption of this Code.
2. The Board of Trustees may grant an extension of time up to an additional one year at a time at the request of the applicant.

(l) Subdivision Design Modification⁴³⁴

(1) Purpose

A Subdivision Design Modification is intended to allow specific changes to the provisions Article 4, Subdivision Design and Improvement where there are conditions on the site that require design modification to protect a natural feature or environmentally sensitive area or improve the subdivision design.

(2) Applicability

An applicant may request a Subdivision Design Modification to specific regulations for projects that meet the requirements of the review criteria below.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-20 apply, as shown in the flow chart, with the following and below modifications:

- a. A Subdivision Design Modification request shall be made and reviewed concurrently with the Preliminary Plan.
- b. The provisions of Article 4, Subdivision Design and Improvement, but not the Development Standards and Specifications, may be modified by the Planning Commission for a Planned Unit Development without a separate application for a Subdivision Design Modification.

(4) Review and Decision-Making

a. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Subdivision Design Modification:

- (i) There exists on the site exceptional topographical, soil, or other subsurface condition, or other extraordinary conditions peculiar to the site or existing buildings or lot configuration such that strict application of the requirement of the regulation from which the design modification is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant or owner of the property in question.
- (ii) A Subdivision Design Modification shall not be granted if granting it would impair the intent and purposes of this LUC.

⁴³⁴ New

(m) Vacation of Right-of-Way⁴³⁵ (ROW Vacation)

(1) Purpose

Vacation of Right-of-Way provides a mechanism for the Town to evaluate requests to vacate public rights-of-way.

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(3) Application Submittal

A ROW Vacation may be requested by the owner of the property on both sides of the right-of-way to be vacated or at the joint request of both or all owners of property on both sides of the right-of-way.

(4) Review and Decision-Making

a. Review and Decision

The Vacation of Right-of-Way application shall be reviewed and decided on by the Board of Trustees in a public hearing.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be considered when deciding on a Vacation of Right-of-Way:

- (i) The public use, convenience, and necessity no longer require the use of the portions of rights-of-way, as shown by decreased or non-use over time.⁴³⁶
- (ii) No lot or parcel shall be landlocked as a result of the vacation.
- (iii) Access to any lot or parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation.
- (iv) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any lot or parcel of land shall not be reduced, including, but not limited to, police and fire protection and utility services.



⁴³⁵ Current 16-1-70. Changed title from Street Vacations. Added missing information.

⁴³⁶ Current

(v) The proposal shall not hinder public and Town functions.

(5) Post-Decision Actions

Vacation of a public right-of-way must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.

(n) Variance

(1) Purpose⁴³⁷

A variance is a deviation from the standards of this Code, including deviations that exceed what may be allowed as an Administrative Adjustment.

(2) Applicability⁴³⁸

- a. Variances may be applied for when an applicant seeks to deviate from the standards of this Code or an application for Historic District Overlay Review is denied.
- b. This process also includes requests for reviews of Variances by the holder of the Variance and requests for reviews of Variances based upon a signed written complaint submitted to the Town.
- c. The use tables and use standards in 15-2-80(a), Use Standards, are not subject to Variance. This prohibition includes Variances for the purpose of allowing a proposed vacation rental where prohibited by this Code.⁴³⁹

(3) Common Review Procedures⁴⁴⁰

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the modifications listed below.

(4) Application Submittal

In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain⁴⁴¹ supporting evidence such as maps,



⁴³⁷ New

⁴³⁸ New

⁴³⁹ Current 16-1-60(3)I, reworded for clarity.

⁴⁴⁰ Current 16-2-240. Adjusted to remove appeal procedures and reworded for clarity. Other current variance sections added in where noted. Removed information that was added to the general procedures or Board of Adjustment section and the requirement to make a decision within 31 days from the date of submission.

⁴⁴¹ This Section includes information from current 17-7-10.

diagrams, and notations to help show compliance with the review criteria.

(5) Review and Decision-Making

a. Review and Decision

- (i) A request for Variance is reviewed and decided on by the Board of Adjustment except Variances to subdivision standards which are reviewed and decided on by the Planning Commission, both in a public hearing.
- (ii) In granting variances, the Planning Commission and Board of Adjustment may require conditions, submissions, reports, affidavits, maps, plats or documents as will, in their judgment, secure substantially the objectives of the requirements and standards so varied and modified.⁴⁴²

b. Review Criteria⁴⁴³

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when deciding on a Variance:

- (i) Strict compliance with the regulations would result in an extraordinary hardship defined as a condition of the property related to the land that makes it exceptionally challenging or impossible to meet the requirements of this LUC;⁴⁴⁴
- (ii) Exceptional conditions exist, such as unusual topography;
- (iii) Granting the variance will not have the effect of nullifying the intent and purpose of these regulations; and
- (iv) That the spirit of this Code is observed, public safety, and welfare secured, and substantial justice done.⁴⁴⁵
- (v) For a Variance to Historic District Overlay Review, the following criteria shall be considered:⁴⁴⁶
 - 1. Economic hardship, including:
 - a. The structural soundness of any buildings or structures on the property and their potential for rehabilitation.
 - b. The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition.
 - c. For investment or income producing properties, the ability to obtain a reasonable rate of return on the property in its

⁴⁴² Current 17-7-30

⁴⁴³ Current 17-7-20. Edited to clearly list the criteria for approval.

⁴⁴⁴ Reference new definition of hardship in Article 11.

⁴⁴⁵ This item from current 16-2-230

⁴⁴⁶ New. Based on CLG model ordinance.

- present condition, or in a rehabbed condition pursuant to the requirements for the Historic District Overlay.
- d. For non-income producing properties consisting of owner-occupied single-unit dwellings and/or non-income producing institutional properties not solely operating for profit, the ability to maintain or to convert the property to a reasonable residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of the Historic District Overlay or the ability to transfer the property for a reasonable rate of return.
 - e. The consideration for economic hardship shall not include any of the following:
 - i. Willful or negligent acts by the owner;
 - ii. Purchase of the property for substantially more than its market value;
 - iii. Failure to perform normal maintenance and repairs;
 - iv. Failure to diligently solicit and retain tenants;
 - v. Failure to prescribe a rental amount which is reasonable; or
 - vi. Failure to provide normal tenant improvements; or
2. Undue hardship in which the application of the criteria creates a situation that is substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

(o) Zoning Map Amendment (Rezoning)⁴⁴⁷

(1) Purpose⁴⁴⁸

This procedure is required to make any change to the zoning map including the boundary of a zoning district, the assignment of a lot a different zoning district, or to assign a zoning district to land annexed to the Town of Silverton.

⁴⁴⁷ Current 16-1-40. Removed standard process language. Split LUC text and map amendments into separate sections.

⁴⁴⁸ New

(2) Common Review Procedures

The Common Review Procedures in Section 15-8-10(d)(1) apply, as shown in the flow chart, with the following and below modifications:

- a. Zoning Map Amendments initiated by the Town Administrator, Planning Commission, or Board of Trustees are exempt from preapplication meetings and application submittal and acceptance steps in the Common Review Procedures in Section 15-8-10(d)(1).

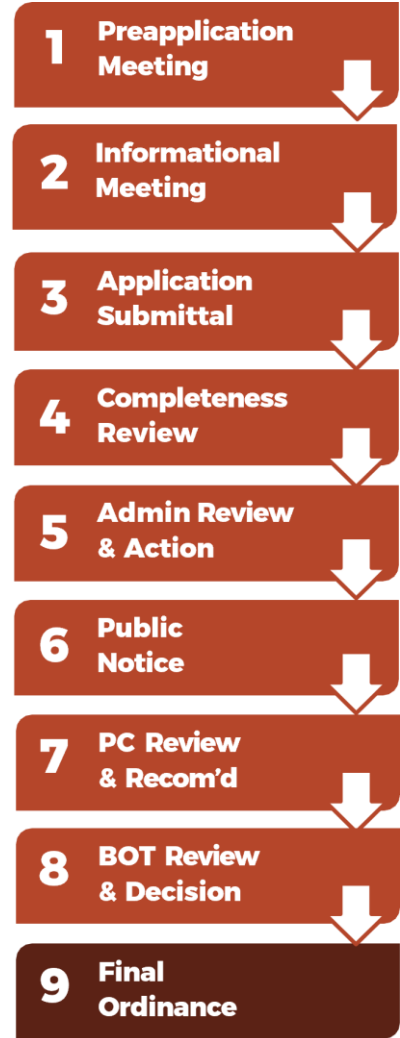
(3) Application Submittal

a. Rezoning to Base Zoning District

- (i) A Zoning Map Amendment (Base District) may be initiated by:
 - 1. The Board of Trustees, Planning Commission, or Town Administrator; or
 - 2. Any person residing, owning, or leasing property in the Town.
- (ii) In addition to the application requirements in Section 15-8-20(e)(1), the application shall contain a description of land area, including lot and block numbers to be rezoned, and requested new classification, along with a drawing to scale legible for reasonable review and interpretation by the Town Administrator showing boundaries of the area requested to be rezoned.

b. Rezoning to PUD

- (i) A Zoning Map Amendment (PUD) may be initiated on lots under single unified ownership or control.
- (ii) In addition to the general application submittal requirements in Section 15-8-20(e)(1), the application shall contain an Overall Development Plan that includes the following information:
 - 1. Description of land area, including lot and block numbers to be rezoned, and requested new classification, along with a drawing to scale legible for reasonable review and interpretation by the Town Administrator showing boundaries of the area requested to be rezoned;



2. General land uses proposed for each portion of the property;
3. Time schedule for any contemplated new construction or uses;
4. Hazard areas including slope, flood, and avalanche hazard areas;
5. Conceptual points of connection for any streets, and for on-street bicycle and pedestrian connections through the property and to adjacent properties;
6. Conceptual open space, trail, and wildlife habitat areas and corridor connections through the property and to adjacent properties; and
7. Other details as required by the Town Administrator.

(4) Review and Decision-Making

a. Review and Decision

- (i) All Zoning Map Amendment applications shall be reviewed and recommended by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.
- (ii) The adoption of any Zoning Map Amendment shall require favorable vote of a majority of the Board of Trustees; however, a favorable vote of two-thirds of all members of the Board of Trustees shall be required when a protest is filed with the Town Administrator at least 24 hours prior to the vote of the Board of Trustees on the change and is signed by the owners of 20 percent or more of the area of land which is subject to the proposed change, or 20 percent or more of the land extending a radius of 100 feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys. A favorable vote of two-thirds of all the members of the Board of Trustees shall also be required when an amendment or change has not been recommended by the Planning Commission.

b. Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be considered when deciding on a Zoning Map Amendment; however, comprehensive review and reenactment of all or a significant portion of the Zoning Map shall be a legislative action and shall not be required to meet the following criteria:

- (i) The rezoning is not adverse to the public health, safety, and welfare.
- (ii) The rezoning presents the Town with an opportunity for an appropriate site, at an appropriate location, for the particular type of land use or development proposed and will help the Town achieve a balance of land use, tax base, or housing types consistent with the Town's goals.

- (iii) The following additional criteria shall be met when deciding on a Zoning Map Amendment (PUD):
- (iv) The PUD meets the eligibility criteria of Section 15-2-70(c); and
- (v) The proposed development cannot be accomplished by the use of any combination of base and overlay zoning districts of this Code.

(5) Post-Decision Actions

a. General

- (i) All Zoning Map Amendments must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.
- (ii) Rezoning do not expire.

b. Modification of Previous PUD Approval

- (i) PUD amendments are classified as major or minor. Minor amendments do not exceed the criteria of Subsection (ii) below. All other changes are considered major amendments and require the review and approval of a new PUD pursuant to Section 15-8-40(o), Zoning Map Amendment (Rezoning).
- (ii) Minor amendments to an approved PUD Overall Development Plan may be approved by the Town Administrator if the proposed amendment complies with the following criteria:
 - 1. The number of residential units shall not be increased by more than 20 percent. The Board of Trustees may approve an increase of up to 40 percent if at least 10 percent of the units provided are affordable housing.
 - 2. The gross square footage of nonresidential building area shall not be increased by more than 20 percent.
 - 3. The number or location of vehicular access points shall not be changed in a way that negatively impacts public safety or the flow of traffic onto public streets.
 - 4. The numeric standards in the PUD shall not be revised by more than would be allowed through the administrative adjustment procedure in Section 15-8-30(a).
- (iii) The Town Administrator may determine an amendment meeting the criteria in Subsections 1. – 4. Above should be processed as a major amendment because of the size or complexity of the proposed amendment or to allow for community input.

Article 9 Nonconformities

15-9-10 Purpose⁴⁴⁹

The purpose of this Article is to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the Effective Date, but that no longer conform to the requirements of this Code.

15-9-20 Applicability⁴⁵⁰

- (a) This Article applies to buildings, structures, lands, and uses that become nonconforming as a result of adoption, revision, or amendment to this Code.
 - (b) Any legal nonconformity existing as of the Effective Date of this Code will also be a legal nonconformity under this Code, as long as the situation that resulted in the nonconforming status under the previous Code continues to exist.
 - (c) If a nonconformity under the previous Code becomes conforming because of the adoption of this Code, then the situation will no longer be a nonconformity.
-

15-9-30 Regulations Applicable to All Nonconformities⁴⁵¹

(a) Nonconforming Status

- (1) It is the owner's burden to establish that a nonconforming use, lot, sign, or structure exists lawfully under this Code.
- (2) The use of land, use of a structure, lot, sign, outdoor lighting fixture, or structure may be determined to have a nonconforming status when each of the following conditions is satisfied:
 - a. The use, lot, sign, outdoor lighting fixture, or structure was in existence and lawfully constructed, located and operating prior to, and at the time of, the event that made it nonconforming.
 - b. The nonconforming status was caused by one of the following:
 - (i) Annexation into the Town;
 - (ii) Adoption of this Code or a previous zoning ordinance; or
 - (iii) Amendment of this Code or a previous zoning ordinance.
 - c. The nonconforming use, lot, sign, outdoor lighting fixture, or structure has been operating since the time that it first became nonconforming without abandonment, as defined in Section 15-9-30(e).
- (3) Nonconforming outdoor lighting fixtures are regulated in Section 15-6-40(f).

⁴⁴⁹ New.

⁴⁵⁰ New.

⁴⁵¹ New.

- (4) Nothing in this Section shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of the regulations in effect at the time of the effective date of this LUC.

(b) Authority to Continue

Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this Section, or unless the nonconformity is terminated as provided in this Section.

(c) Ordinary Repair and Maintenance

Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the minor repairs and maintenance do not increase the extent of nonconformity. For purposes of this Section, “maintenance or minor repair” shall mean:

- (1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or exterior or interior appearance of a building or structure without expanding the building or structure;
- (2) Maintenance of land areas to protect against health and environmental hazards; and
- (3) Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

(d) Change of Ownership or Tenancy

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but the nonconformities shall continue to be subject to the provisions of this Article.

(e) Discontinuance and Abandonment

- (1) When a nonconforming use is replaced with a conforming use, the nonconforming use is considered terminated and may not be resumed.
- (2) Any nonconforming use that is discontinued for, or a structure that remains vacant for a period of one year⁴⁵², shall be considered to have been abandoned.
- (3) Maintaining connection to or payment of public services or utilities is not evidence of continuing operations.
- (4) All nonconforming rights shall cease and the use of the premises shall be brought into conformance with this Code.
- (5) Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation.
- (6) Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

⁴⁵² Increased from 180 days to consider seasonal businesses.

(f) Destruction⁴⁵³

- (1) If a nonconforming structure or structure specifically designed to be occupied by a nonconforming use is substantially damaged or destroyed, the owner of the damaged or destroyed structure shall have one year from the date of damage or destruction to reconstruct the building. Reconstruction of the nonconforming structure may take place and the nonconforming status retained if all the following conditions are met:
 - a. No less than the total gross floor area of the original nonconforming structure or the minimum requirements of the applicable zoning district shall be included in the new building.
 - b. Setback distances of the new building are no less than those of the original structure or the minimum requirements of the applicable zoning district.
 - c. Substantial completion of the new structure takes place within one year of the removal, damage, or destruction of the original building.
 - d. Compliance with all applicable building and fire codes adopted by the Town.
- (2) Failure to meet the above conditions for reconstruction shall require that the nonconforming structure be brought into full compliance with all the provisions of this Article and the zoning district within which the structure is located.

15-9-40 Nonconforming Uses⁴⁵⁴

(a) Expansion

- (1) A nonconforming use that is not in a category of uses permitted in the zoning district may be expanded or increased to occupy the structure in which it is located, but not any land outside of the structure.
- (2) No existing structure or portion of a building that contains a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in any manner that increases existing nonconformities, unless otherwise allowed in Subsections (3) and (4), below.
- (3) Any existing occupied single-unit detached dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint. Roof-mounted small scale solar energy systems may increase the height of a nonconforming structure by eight feet, but shall not extend above the roof peak or ridge or impact solar access to an adjacent property.

⁴⁵³ Current Sec. 16-8-50.

⁴⁵⁴ Replaces and expands current Sec. 16-8-40.

- (4) A nonconforming single-unit detached dwelling that has been damaged or destroyed by natural causes may be restored to its original condition, provided that the work is commenced within two years of the event and completed within three years of the event. Following written request from the property owner, the Town Administrator may grant one, one year extension of either the work commencement and/or completion of work time period.

(b) Change of Use

- (1) Any nonconforming use may be changed to a conforming use and once the change is made, the use shall not be changed back to a nonconforming use in the future.
- (2) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use.

(c) Manufactured Home

Within a period of one year or less from its removal from a lot of record, a nonconforming manufactured home used for residential purposes may be replaced by another manufactured home for residential purposes, so long as the new home is not more than 50 percent larger in gross floor area than the manufactured home that it replaced and can be placed on the lot in compliance with the applicable zoning district standards.

(d) Obsolete Structure

The right to operate and maintain any nonconforming use in a nonresidential structure shall terminate if the structure becomes obsolete or substandard under any applicable state or Town code and the cost of bringing the structure into lawful compliance with the applicable regulation exceeds 50 percent of the replacement cost of the structure on the date it is determined to be obsolete or substandard; provided, however, that determining the replacement cost of any structure shall not include the cost of land or any factors other than the structure itself.

15-9-50 Nonconforming Structures⁴⁵⁵

(a) Nonconforming Structures in Avalanche Hazard Areas⁴⁵⁶

- (1) Any building or structure that has been constructed within the High Hazard Red or Moderate Hazard Blue Zone prior to the Effective Date and does not meet the standards in Section 15-5-10, Avalanche Hazard Areas shall be a nonconforming building or structure relative to this Section and may remain until it is moved, substantially damaged, or destroyed.
- (2) No nonconforming building in the High Hazard Red or Moderate Hazard Blue Zone may be altered to increase the building dimensions in any way,

⁴⁵⁵ New.

⁴⁵⁶ Current Sec. 16-4-280.

construct additional bedrooms, increase human occupancy, or increase the building's market value by 50 percent or more. A nonconforming building or structure under this Section may be maintained and altered to construct approved avalanche protective measures regardless of how much the building's value increases.

- (3) If a nonconforming building or structure under this Section is destroyed or damaged such that the cost of repairs will equal or exceed 50 percent of the structure's assessed value, the structure shall not be repaired or rebuilt without full compliance with the provisions of this Section and the provisions of any underlying zoning district classification. The assessed value shall be determined by a qualified assessor or appraiser, designated by the Board of Trustees, at the property owner's expense, and the assessed value shall be determined either before the improvement or repair is started or before the damage occurred.

(b) All Other Nonconforming Structures

- (1) A nonconforming structure may not be enlarged or altered in a way which increases its nonconformity except in the following circumstances:
 - a. An enlargement or structural alteration is required by law.
 - b. The structure is nonconforming to a required setback, in which case alterations are only permitted to that part of the structure located within the required setback. If the entire structure is located between the property line and the required setback (i.e., "outside" of the setback), the structure may not be altered.
- (2) Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses that occupy the building.
- (3) Any enlargement greater than 10 percent of the gross floor area that is necessary to adapt to new technologies shall be authorized only by a Variance.

15-9-60 Nonconforming Lots⁴⁵⁷

A residential dwelling unit(s) and customary accessory buildings may be erected on any nonconforming lot in a residential zoning district as follows:

- (a) The lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership.
- (b) This provision shall apply even though a lot fails to meet the applicable requirements for lot width or area, as applicable, provided the setback dimensions, lot coverage, and other requirements not involving lot width or area of the lot shall conform to the regulations of the district in which the lot is located.

⁴⁵⁷ Replaces current Sec. 16-8-60.

- (c) Either Section 15-8-30(a), Administrative Adjustment, or Section 15-8-40(n), Variance may be used to make requests for adjustments to area and setback requirements.

15-9-70 Nonconforming Signs

In addition to the general standards set forth in in Section 15-9-30, nonconforming signs shall comply with the following:

- (a) Any sign that is permitted to remain in place as a nonconforming use may be continued in use until the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.⁴⁵⁸
- (b) If a nonconforming sign is damaged, destroyed or removed from its current property location for any reason, it may be reconstructed in compliance with its nonconforming status, provided that the reconstruction occurs within six months of its destruction or removal from the subject property. If the sign copy is modified or changed, a Sign Permit must be obtained prior to reconstructing the nonconforming sign.⁴⁵⁹

⁴⁵⁸ New.

⁴⁵⁹ Current Sec. 16-6-40(2).

Article 10 Enforcement and Penalties

15-10-10 Purpose⁴⁶⁰

The purpose of this Section is to establish the procedures through which the Town seeks to ensure compliance with the provisions of this Code and obtain corrections for violations of this Code. This Section also sets forth the remedies and penalties that apply to violations of this Code.

15-10-20 Compliance Required⁴⁶¹

It is unlawful for any person to erect, construct, reconstruct, use, or alter any building or structure or to use any land in violation of this Code or the terms and conditions of permits or other approvals or entitlements issued under this Code.

15-10-30 Authority⁴⁶²

The provisions of this Article shall be administered and enforced by the officers or departments designated by the Board of Trustees.

15-10-40 Violations⁴⁶³

- (a) A violation shall be defined as violation or failure to comply with:
 - (1) Any provision or requirement of this Code; or
 - (2) Any condition, requirement or commitment established with the approval of a Variance, Special Use Permit, Site Plan, Planned Unit Development, subdivision, or other development approval under this Code.
- (b) Each day that a violation is permitted to exist shall constitute a separate offense.

15-10-50 Enforcement⁴⁶⁴

- (a) All alleged violations of any of the provisions of this Code shall be investigated by the enforcing official either on their own initiative, upon receipt of a written complaint from a person who believes that a violation exists, or by order of the Board of Trustees.
- (b) To enforce the terms and provisions of this Code, the enforcing official shall conduct inspections of buildings, structures, and use of land to determine compliance with this Code.⁴⁶⁵
- (c) If a violation is found to exist, it shall be corrected in one or more of the following ways:

⁴⁶⁰ New.

⁴⁶¹ New.

⁴⁶² Current Sec. 16-1-30(a).

⁴⁶³ New.

⁴⁶⁴ Current Sec. 16-1-30(b), unless otherwise noted.

⁴⁶⁵ New.

- (1) The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction.
 - (2) The Building Official may issue a stop-work order by notice in writing posted on the building or property in or upon which a violation is occurring, as provided by the building code adopted by the Town.
 - (3) Any local law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of this Code, as provided in Section 15-10-60 below.
 - (4) Unless otherwise provided by this Code or otherwise required by state or federal law, a period of 15 days after the date of notice shall be allowed for response to a notice of violation. In order to avoid further enforcement proceedings by the Town or the imposition of financial penalties under this Code, within the 15-day period.⁴⁶⁶
 - (5) The alleged violator shall respond by providing evidence satisfactory to the Town to show that the determination is in error and that a violation of this Code has not occurred;
 - (6) The alleged violator shall restore the site, structure, or use of the property to compliance with this Code, and shall allow the Town to inspect the property to confirm compliance; or
 - (7) The alleged violator shall obtain approval from the Town for an extension of time to attain compliance, showing good cause for extension, with the extension limited to 60 days unless a longer period is approved due to extenuating circumstances, and shall allow the Town to inspect the property at the end of the extension period to confirm compliance.
- (d) Upon the failure of any official to act in the case of a violation of this Chapter, the necessary notification of violation or stop-work order may be issued by the Board of Trustees, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or a group of individuals.

15-10-60 Penalties

(a) General

Failure to comply with any of the provisions of this Code, unless a Variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor, and, upon conviction, is punishable as set forth in Section 1-4-20 of the Municipal Code.⁴⁶⁷

⁴⁶⁶ New.

⁴⁶⁷ Current Sec. 16-130(c). Section 1-4-20 of the Municipal Code covers the fine/imprisonment details listed in current Sec. 17-1-80(1).

(b) Forfeiture for Sales in Unapproved Subdivisions⁴⁶⁸

Any party selling, agreeing, contracting, or negotiating to sell any parcel of land in a subdivision for which a Final Plat has not been properly filed or recorded shall be liable for forfeiture of the penalty established in Section 31-23-216, C.R.S.

15-10-70 Mandatory Demolition⁴⁶⁹

In the event a structure, building, unit or improvement, either permanent or mobile, is substantially damaged, destroyed or deteriorated by any means, the owner of the property where structure or facility is located shall obtain a building permit for either the repair or the demolition of said facility no later than 15 days after said damage occurs. If the permit is for demolition, said demolition shall be completed and the land cleared and leveled to the satisfaction of the Building Official no later than 180 days⁴⁷⁰ after said damage occurs.

15-10-80 Building and Property Appearance and Maintenance⁴⁷¹

(a) Applicability⁴⁷²

This Section shall apply to all buildings in the town.

(b) Boarding Up

Buildings shall be prohibited from boarding up, except for the purpose of temporarily protecting the existing windows from snow shed between October and April. If boarding up is necessary for snow protection, durable materials suited for winter climates, such as plexiglass, shall be used and wood should be avoided. Any materials used to board up an egress window shall be easily removed from the window in case of emergency.

(c) Damaged Buildings

A building that has been damaged by fire, storm, vandalism, or accident may be boarded up, pending repair or demolition, with written permission from the Town Administrator for a period not to exceed 30 days.

(d) Drainage and Snow Storage Impacted Buildings

A building that is impacted by surface drainage, snow storage, and/or snow drifts within the public right-of-way, such as Lots 12 and 24 at the northerly end of blocks adjoining numbered streets, may be boarded up with written permission from the Town Administrator when the situation is repaired or abated.

⁴⁶⁸ Current Sec. 17-1-80(3).

⁴⁶⁹ Current Sec. 16-8-30.

⁴⁷⁰ Increased from 90.

⁴⁷¹ Current Sec. 16-8-70, broadened to apply to all.

⁴⁷² New.

(e) Maintenance and Appearance

Minimum standards for the maintenance and appearance of structures and property are:

- (1) Exterior siding and roofing shall be properly maintained and provide the building with a weather-resistant walled envelope.
- (2) Window frames and glass shall be reasonably weather-tight and shall have panes without cracks or holes, and the sash shall fit properly. Missing or broken panes shall be promptly repaired. Windows and any other structural openings in the building shall not be boarded up for a period exceeding 30 days in any given calendar year.
- (3) Doors providing entrance and exits for any structure shall fit properly and have locking devices capable of being operated from the inside and outside of the building. Barrel bolts and hasps with padlocks are not adequate for primary doors.
- (4) Fences, walls, and accessory buildings shall be maintained in a reasonably good condition, free of excess amounts of missing, broken, dilapidated or nonfunctional elements or safety hazards.
- (5) Platforms, landings, decks, and steps shall be provided, where appropriate, to serve as exits and shall be maintained in a safe condition.
- (6) Exterior awnings, shutters, and other architectural features shall be maintained in reasonably good condition, free of excess amounts of missing, broken, dilapidated or nonfunctional elements or safety hazards.
- (7) Vacant lots shall be maintained in a clean and orderly manner, free of noxious weeds, litter, rubbish, graffiti, storage of any type of vehicle, trailer and/or materials, or any objectionable, unsanitary or unsightly matter of whatever nature.⁴⁷³
- (8) Sidewalks, curbs and gutters are the duty and responsibility of any owner with property fronting any street within the Town. Sidewalks, curbs and/or gutters shall be constructed, maintained, repaired or replaced so that they are in good repair, in conformity with the established grade of the adjacent street, in accordance with Chapter 11, Article 2 of the Silverton Municipal Code, consistent with the Development Standards and Specifications, in compliance with any other applicable Town policies, and free from snow, ice, mud, dirt, debris, rubbish, refuse, obstacles, encroachments or obstructions.

(f) Enforcement

- (1) Responsibility for the administration of this Section shall be with the Building Official and the Code Enforcement Officer.
- (2) The Building Official and Code Enforcement Officer shall provide the property owner, via hand-delivery or certified mail, a detailed account of the nature and extent of the deficiencies of any structure in violation of this

⁴⁷³ Removed "grass or weeds over one foot in height."

Subsection. The property owner shall have not more than 60 days from the receipt of the written notice to correct all deficiencies. In the event that the certified letter is not accepted, the 60-day period shall commence on the date of the U.S. Postal Service's last failed attempt at delivery. Failure to remedy the deficient conditions shall be deemed a violation of this Subsection.

- (3) Upon the failure, neglect or refusal of any owner to correct the deficiencies identified by the Building Official and Code Enforcement Officer, the Town Administrator may, by order in writing, direct the condition to be abated. The order may be served upon the property owner in person or by certified mail.
- (4) Failure to comply with any of the provisions of this Section shall constitute a misdemeanor in accordance with Section 15-10-40, Violations.

Article 11 Definitions and Measurements

15-11-10 Rules of Construction⁴⁷⁴

The following rules shall apply for construing or interpreting the terms and provisions of this Code.

(a) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purposes set forth in this Section and the specific purpose statements set forth throughout this Code.

(b) Headings, Illustrations, And Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

(c) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(d) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town. References to days are calendar days unless otherwise stated.

(e) References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of the regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

(f) Delegation of Authority

Any act authorized by this Code to be carried out by a specific official of the Town may be carried out by a designee of the official.

(g) Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to the common meaning.

⁴⁷⁴ New.

(h) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Silverton unless otherwise indicated.

(i) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(j) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: "And" indicates that all connected items, conditions, provisions, or events apply; and "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(k) Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the usage clearly indicates otherwise.

15-11-20 Measurements and Associated Terms

(a) Building Footprint Measurement⁴⁷⁵

The total gross area of the ground level footprint of a building measured to the exterior faces of the building, including any enclosed projection as well as porches, decks, and balconies.

(b) Clear Vision Triangle Measurement⁴⁷⁶

The clear vision triangle is the area that is included between the lines of an intersecting public street or private driveway, extended to the point where the lines intersect, and, at points on each line 20 feet distant from that point for a public street or 10 feet distant for a private driveway, a straight line connecting them.

(c) Gross Floor Area Measurement⁴⁷⁷

The total gross area on all floors of a structure, including finished basement, as measured to the outside surfaces of existing walls, excluding crawl spaces, carports, ventilation shafts, courts, breezeways, open porches, balconies and terraces.

⁴⁷⁵ New.

⁴⁷⁶ New.

⁴⁷⁷ Removed exclusion of garages in gross floor area calculation.

(d) Fence Height

- (1) The height of all fences will be measured from finished grade at the base of the fence to the highest point of the fence, excluding strands of wire strung above a wood, metal, or other synthetic material fence.
- (2) The height of all fences built on berms or retaining walls shall include the height of the berm or wall.

(e) Floor Area Ratio⁴⁷⁸

The total gross floor area divided by the total gross lot area. For the purpose of calculating floor area ratio, gross floor area shall include accessory structures such as sheds, accessory dwelling units, attached and detached garages, or other structures that are roofed and enclosed on more than two sides whether or not they include habitable space.

(f) Height Measurement

- (1) Height shall be measured as the vertical distance from the highest point on a structure or building, excluding any chimney, antenna, cupola or steeple, to the average ground level of the grade.

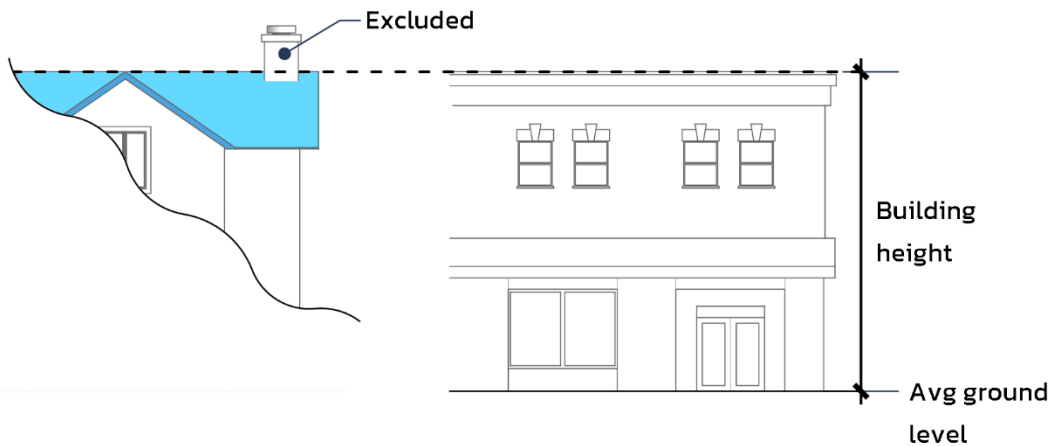


Figure 15-11-1: Height Measurement

Average ground level shall be calculated as the mean (average) ground level at the four principal corners of the subject structure where the walls or other structural elements intersect the ground.⁴⁷⁹

⁴⁷⁸ New.

⁴⁷⁹ Clarified measurements to be taken at corners of the subject structure.

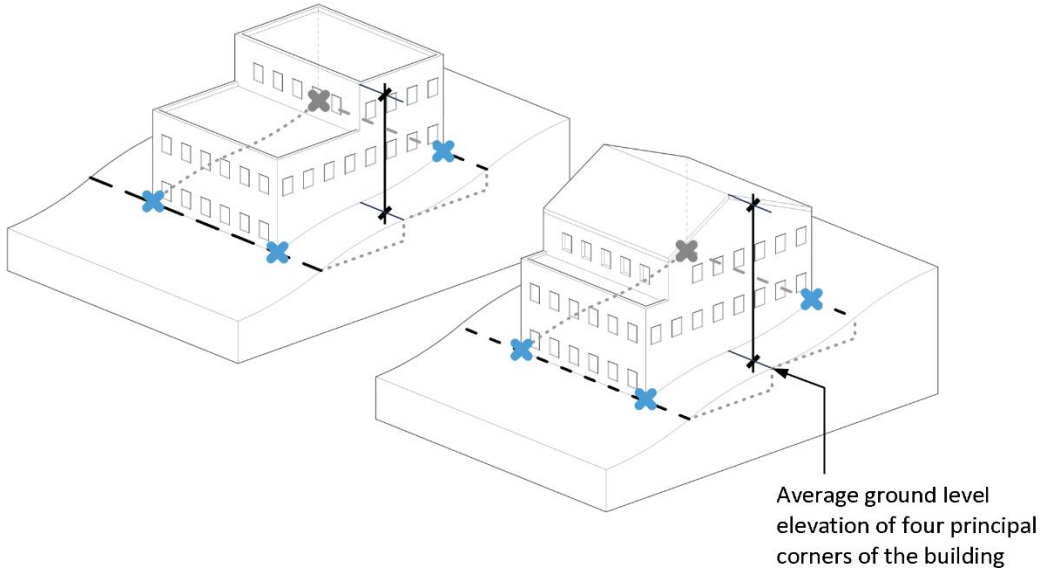


Figure 15-11-2: Average Ground Level Calculation

(g) Lot Terms and Measurements

(1) Lot

A parcel of real property as shown with a separate and distinct number or letter on a plat recorded with the San Juan County Clerk and Recorder or when not platted in a recorded subdivision, a parcel of real property abutting upon at least one public street.

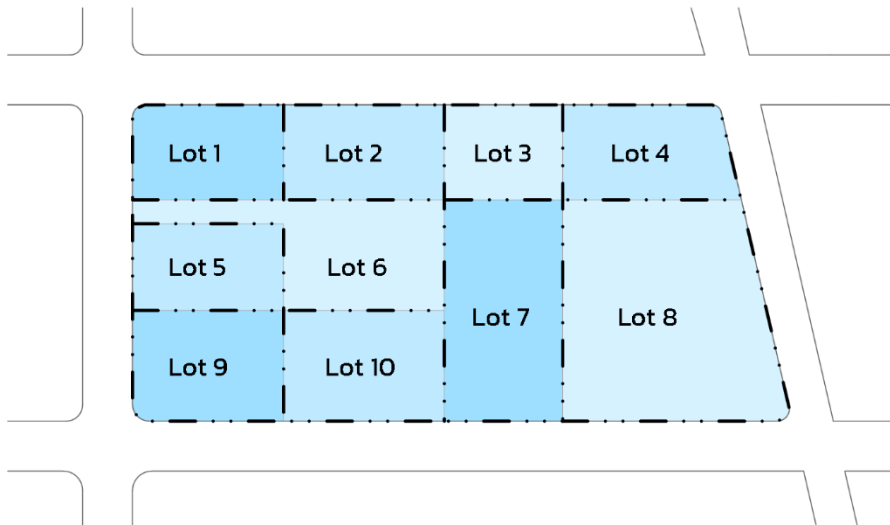


Figure 15-11-3: Lot Examples

(2) Lot Line

- a. A line marking the boundary of a lot or parcel.
- b. Front lot line means a boundary line separating a lot or parcel of land from any front street.

c. Rear lot line means a boundary line opposite the front lot line.

Side lot line means any lot line that is not a front, street-side, or a rear lot line abutting an interior lot.⁴⁸⁰

Street side lot line means the lot line abutting any non-front street.⁴⁸¹



Figure 15-11-4: Lot Line Types

(3) Lot Area⁴⁸²

The net area of the lot, excluding portions of streets and alleys.

(4) Lot Width⁴⁸³

The horizontal distance between the side lot lines, measured at the front lot line adjacent to the street or public right-of-way.

(5) Zoning Lot⁴⁸⁴

A portion or parcel of land, including a portion of a platted subdivision, occupied or intended to be occupied by a building or use and its accessories, that is an integral unit of land held under unified ownership in fee or co-tenancy, or under legal control tantamount to the ownership.

(h) Setback Measurement

Setback means the required distance between the farthest protrusion of a building or structure and any lot line of the lot or parcel on which it is located.

(i) Sign Measurements

See Section 15-7-40, Measurement and Calculation.

⁴⁸⁰ Replaces and simplifies current definition.

⁴⁸¹ New.

⁴⁸² New.

⁴⁸³ New.

⁴⁸⁴ New.

15-11-30 General Terms

A

Accessory Dwelling Unit (ADU)

A residential dwelling unit, but not a mobile home or recreation vehicle, located on the same lot as a principal dwelling unit or commercial unit, either within the same building or in a detached building. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the principal dwelling unit or commercial unit.

Adaptive Controls⁴⁸⁵

Devices such as timers, motion-sensors, and light-sensitive switches used to actively regulate the emission of light from light fixtures.

Administrative Adjustment

See Section 15-8-30(a).

Affordable Housing

1. Rental housing that is affordable to a household with an annual income at or below 80 percent of the area median income, and for which the rent payment costs the household less than 30 percent of its monthly income.
2. For-sale housing that could be purchased by a household with an annual income at or below 140 percent of the area median income, for which the mortgage payment costs the household less than 30 percent of its monthly income.

Animal Services⁴⁸⁶

Any place or premise used in whole or in part to provide care and service for animals, including grooming, training, day care, and veterinary facilities where animals or pets are given medical or surgical treatment and are cared for during the time of their treatment.

Annexation and Disconnection

See Section 15-8-40(a).

Appeal of an Administrative Decision

See Section 15-8-40(b).

Appeal of a Planning Commission or Historic Review Committee Decision

See Section 15-8-40(c) .

Arcade⁴⁸⁷

A covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

⁴⁸⁵ New. From International Dark Sky Community Program Guidelines June 2018.

⁴⁸⁶ New.

⁴⁸⁷ New.

Area Median Income (AMI)

The median family income of a household of a given size within a given geographic area that is calculated on an annual basis by the Department of Housing and Urban Development (HUD).

Artisan Industrial⁴⁸⁸

Application, teaching, making, or fabrication of crafts or products by an artist, artisan, or craftsman either by hand or with minimal automation and may include direct sales to consumers, in a facility not exceeding 10,000 square feet in gross floor area. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting.

Artwork⁴⁸⁹

Works of art that in no way identify, advertise, or display, directly or indirectly, a product or business. This shall include wall murals, yard art, or other public mosaics or sculptures.

Assembly⁴⁹⁰

A facility for social, educational, worship, or recreational purposes that is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. Accessory uses may include but are not limited to offices, meeting areas, food preparation areas, concessions, parking, nonpublic schools, and maintenance facilities.

Avalanche Hazard-Related Definitions

When used in the context of avalanche hazard regulations in Section 15-5-10, Avalanche Hazard Areas, the following terms shall have the following meanings:

Afforestation

The act or process of planting and establishing a dense timber forest stand on a tract of land.

Avalanche

A mass of snow, ice and debris flowing and sliding across mountainous terrain and also includes the design avalanche, which is an avalanche of potential size and destructive force so as to have one percent mathematical probability of occurring in any one year.

Avalanche Hazard Permit, Major

See Section 15-8-40(d).

Avalanche Hazard Permit, Minor

See Section 15-8-30(b).

⁴⁸⁸ New.

⁴⁸⁹ Current Sec. 16-6-30(10).

⁴⁹⁰ New.

Avalanche Path

The terrain boundaries of known or potential avalanches, to include the starting zone, the avalanche track and the runout zone.

Catching Structure

An earthen berm or other physical structure built perpendicular to the direction of avalanche flow for the purpose of stopping the avalanche and thereby reducing the avalanche runout distance.

Deflecting Structure

An earthen berm or other physical structure built at an angle to the direction of avalanche flow for the purpose of directing the avalanche away from areas to be protected.

Deforestation

The act or process of cutting and removing a dense timber forest stand from a tract of land.

Direct-Protection Structure

Detached or internal splitting wedges and walls; direct reinforcement of structures; and avalanche sheds for the purpose of protecting individual structures or areas by diverting avalanches around or over the objects or areas to be protected.

High Hazard Red Zone

A geographical land area impacted by snow avalanche activity producing a total avalanche impact pressure in excess of 600 pounds per square foot on a flat surface normal to the direction of avalanche flow and/or having a return interval of less than 30 years.

Moderate Hazard Blue Zone

A geographical land area impacted by snow avalanche activity, producing a total avalanche impact pressure of less than 600 pounds per square foot on a flat surface normal to the direction of avalanche flow and having a return interval in excess of 30 years.

Retarding Structure

Earthen mounds or other physical structures built in an avalanche path to create additional friction between the avalanche and the ground, spread the avalanche laterally and reduce the effective flow height and runout distance of the avalanche.

Snow Drift Fence

Wind fences installed in and adjacent to avalanche starting zones to reduce the amount of snow blowing into the starting zone or to distribute snow lower on the slope, thus reducing the frequency and size of avalanches.

Snow Support Structure

Continuous or closely spaced fences, vertical rakes, wire-rope nets or other structures built in rows across avalanche slopes to anchor the snow in the starting zone, thereby preventing release.

B

Bar or Tavern⁴⁹¹

An establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products is secondary.

Bed and Breakfast

A single-unit detached dwelling used as a lodging establishment for transient guests staying 30 days or less, and that has a common guest area, contains no more than five guest rooms and is operated by the on-site owner or resident manager.

Block

A parcel of land bounded on all sides by a street or alley.

Block Face⁴⁹²

The properties abutting on one side of a block.

C

Car Wash⁴⁹³

A facility for the cleaning of automobiles, providing either self-serve facilities, automated machines, or employees to perform washing operations.

Cemetery⁴⁹⁴

A facility or area used or intended to be used for the burial of the dead, including crematories, mausoleums, and mortuaries when operated in conjunction with, and within the boundaries of the cemetery.

Common Open Space⁴⁹⁵

A type of open space reserved for the use of the residents of a development and their guests for passive and/or active recreation.

Condominium

A building, or buildings, consisting of separate fee simple estates to individual units of a multiunit property, together with an undivided fee simple interest in common elements.

Consumer

Any person contacted as a potential purchaser, lessee or renter, as well as one who actually purchases, leases or rents property in a subdivision.

Convention or Conference Center

A private or publicly operated venue for the gathering of professionals, associations or other groups in a single location. The facility may or may not be attached to another use,

⁴⁹¹ New.

⁴⁹² New.

⁴⁹³ Replaces current definition.

⁴⁹⁴ New.

⁴⁹⁵ New.

such as a hotel or restaurant, and may include any offices directly related to the primary activity of the facility.

Continuing Care Facility⁴⁹⁶

A facility or integrated group of facilities that provides retirement-age persons a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care. This use typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. It also provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

Cottage Industry⁴⁹⁷

An individual or firm that manufactures, fabricates, creates, or assembles goods for on-site sales to the general public for personal or household consumption. The goods may also be sold at wholesale to other outlets or firms, but on-site, retail sales is a significant component of the operation. The use operates on a small scale, in keeping with the surrounding neighborhood, with no impact in terms of noise, and no discernible impact in terms of vibration, dust, or odor. This use includes but is not limited to artisanal fabrication of craft or custom home goods, furniture, or other products; artist studios; and small-scale food or beverage production such as a bakery. As used in this Code, cottage industry is a use definition and is not identical to the Colorado Cottage Food Act.

Cottage Food Operations⁴⁹⁸

The preparation and packaging of food products that are eligible to be prepared and sold following the requirements of the Colorado Cottage Foods Act codified at C.R.S. 25-4-1614 in a private home kitchen, or a commercial, private, or public kitchen, when the kitchen is not licensed, inspected, or regulated.

Craft Alcohol⁴⁹⁹

The production of small batches of wine, hard cider, beer, or distilled alcoholic beverage as licensed by Colorado law.

D

Day Care Center, Adult⁵⁰⁰

A nonresidential, protective facility specializing in providing activities and socialization for the elderly and/or disabled adults. Care is generally provided during daytime hours, but less than a 24-hour consecutive period, with a variety of planned program activities.

Day Care Center, Child⁵⁰¹

A facility that meets the definition of child care center as set forth in C.R.S. 26-6-102(1.5).

⁴⁹⁶ New.

⁴⁹⁷ New.

⁴⁹⁸ New.

⁴⁹⁹ New.

⁵⁰⁰ New.

⁵⁰¹ Replaces child care center.

Dedication

A grant by the owner to the public in general of a right to use land involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Detention Facility⁵⁰²

A facility established by a law enforcement agency for the detention of adult or juvenile persons while being processed for arrest or detention, awaiting trial, or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Distribution Services and Facility⁵⁰³

The intake of goods and merchandise, individually or in bulk, the short-term holding or storage of those goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of those goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor.

Drive-Through Facility⁵⁰⁴

A site design or site feature that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their vehicles. This use includes but is not limited to drive-by and drive-up pickup facilities for parcels, goods, food, or beverages.

Dwelling, Cottage Court⁵⁰⁵

A residential development, including co-housing developments, that combines a group of small individually owned or rented single-unit dwelling units, including tiny homes, on a single parcel of land that are oriented around a shared open space for communal use by the residents of the development and may include a shared parking area and/or a shared community building.

Dwelling, Duplex⁵⁰⁶

A single building containing two dwelling units where each dwelling includes a separate bathroom and kitchen. The two units shall be able to function as dwelling units independently of each other, but may be located side-by-side, in front and behind, or above and below each other.

Dwelling, Live/Work⁵⁰⁷

A dwelling unit combining both a residential living space and also an integrated work space principally used by one or more of the residents. The unit typically has a storefront, workspace or studio, and public display area on the ground floor, with residential located either on the upper floor or in the back of the workspace.

⁵⁰² Replaces 'jail.'

⁵⁰³ New.

⁵⁰⁴ New.

⁵⁰⁵ New.

⁵⁰⁶ New.

⁵⁰⁷ New.

Dwelling, Mixed-Use⁵⁰⁸

One or more dwelling units that are located in the a building with space for a principal nonresidential use. The residents of the dwelling units are not required to use or operate the nonresidential space.

Dwelling, Multiunit

One or more buildings or portion of buildings on a single lot that contains five or more individual dwelling units, where each unit is occupied by one household regardless of whether the dwelling units are owned or rented or condominium units.

Dwelling, Single-Unit Attached⁵⁰⁹

Two or more dwelling units attached side by side under one roof, or in a townhouse or row house layout in which each unit:

1. Shares one or two interior common vertical side or rear walls reaching from the building foundation to the roof structure;
2. Has an entrance facing and giving direct entrance from the dwelling unit to at least one street fronting the lot on which the unit is located; and
3. Is designed for use and occupancy for one household.

Dwelling, Single-Unit Detached⁵¹⁰

A residential building designed for use and occupancy by no more than one household. This use shall include manufactured homes and tiny homes.

Dwelling, Triplex or Fourplex⁵¹¹

A single building on a single lot containing three or four dwelling units under one roof, each of which is designed for use and occupancy by one household.

Dwelling Unit⁵¹²

An IBC standard constructed structure or portion of a structure that is designed, occupied, or intended to be occupied exclusively by one household and includes facilities for cooking, sleeping, and sanitation.

E

Educational Facilities

A public or private facility, including any offices directly related to the primary purpose of the facility, of which that purpose is to provide education, conduct research or otherwise serve to increase or disseminate academic knowledge.

Easement

A dedication of land for a specified use, such as providing access for maintenance of utilities.

⁵⁰⁸ New.

⁵⁰⁹ New.

⁵¹⁰ New.

⁵¹¹ New.

⁵¹² New, replaces current definition.

Electric Vehicle Charging Station⁵¹³

A facility in which electric vehicle charging services are made available to the public or to members or to a group of occupants or users of the property or development, including structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Equestrian Operation⁵¹⁴

A facility where horses, donkeys, or mules are sheltered, fed, trained, or kept for sale or hire to the public.

Expedited Review for Affordable Housing

See Section 15-8-30(c).

F

Family Child Care Home⁵¹⁵

A type of family care home that provides less than 24 hour care at any time for two or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence.

Farm Stand⁵¹⁶

A temporary structure used for the sale and display of agricultural or horticultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool.

Farmer's Market⁵¹⁷

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site.

Final Plat for Condominium or Townhome

See Section 15-8-30(d).

Financial Institution⁵¹⁸

A facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, check cashing, and fiduciary activities.

⁵¹³ New.

⁵¹⁴ Replaces "horse stables or businesses."

⁵¹⁵ Replaces definition for 'Family Care Home.'

⁵¹⁶ New.

⁵¹⁷ New.

⁵¹⁸ New.

Finished Grade⁵¹⁹

The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

Flood Hazard-Related Definitions

When used in the context of flood hazard regulations in Section 15-5-20, Flood Hazard Areas, the following terms shall have the following meanings:

Area of Special Flood Hazard

The land in the floodplain within a community subject to a one-percent or greater change of flooding in any given year; i.e., the 100-year floodplain.

Base Flood

A flood having a one-percent change of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement

Any area of a building having its floor sub-grade (below ground level) on all sides.

Conditional Letter of Map Revision (CLOMR)

FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility

A structure or related infrastructure, but not the land on which it is situated, as specified in Section 15-5-20(f), Standards for Critical Facilities, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development

Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

⁵¹⁹ New.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Fringe

The portion of the land lying outside of the floodway adjoining a stream or river which would be covered by floodwaters upon the occurrence of a 100-year flood.

Flood Hazard Development Permit

See Section 15-8-30(e).

Flood Hazard Variance

See Section 15-8-40(e).

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the insurance risk premium zones applicable to the community.

Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency that includes flood profiles, as well as the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Historic Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as Contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Contributing Property within the Historic District Overlay.

Letter of Map Revision (LOMR)

FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F)

FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee

A man-made embankment, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant structure, usable solely for the parking of vehicles, building access or storage of non-floatable materials in an area other than a basement area, is not considered a building's lowest floor.

Manufactured Home

Any wheeled vehicle, exceeding either eight feet in width or 32 feet in length, excluding towing gear and bumpers, without motive power, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may be drawn over the highways by a motor vehicle.

Manufactured Home Park or Manufactured Home Subdivision

A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction

A structure for which the start of construction commenced on or after the effective date of the initial ordinance codified herein.

No-Rise Certification

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary-Floodway Map (FBFM).

Physical Map Revision (PMR)

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Program Deficiency

A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in 60.3, 60.4, 60.5 or 60.6.

Recreational Vehicle

A vehicle that is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Remedy a Violation

To bring the structure or other development into compliance with the state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Section or otherwise deterring future similar violations or reducing federal financial exposure with regard to the structure or other development.

Start of Construction

Start of construction includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor

does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure

Any constructed or erected material or combination of materials in or upon the ground, including but not limited to buildings, manufactured homes, mobile homes, radio towers, sheds, decks, storage bins and walls and fences over six feet high, but excluding sidewalks and patios.

Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored as before the damage occurred.

For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure required to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance

A grant of relief from the requirements of this Section, which permits construction in a manner that would otherwise be prohibited by this Code.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in NFIP standards 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until documentation is provided to prove otherwise.

Water Surface Elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Fowl or Domestic Animals⁵²⁰

Small animals including dogs, cats, ferrets, rodents, birds, reptiles, fish, rabbits, hares, fowl (e.g., chicken, geese or turkeys), or any other species of animal that is sold or retained as a household pet.

⁵²⁰ New, for clarity.

Fully Shielded⁵²¹

A light source screened, and its light directed in such a way that none is emitted above the horizontal plane passing through its lowest light-emitting part.

G

Government or Public Facility⁵²²

An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, public assistance offices, or motor vehicle licensing and registration services.

Greenhouse⁵²³

A building or structure in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for personal enjoyment.

Greenhouse or Nursery⁵²⁴

An establishment, including a building, part of a building, or open space, for the growth, display, and/or sale of plants, shrubs, trees, flowers and other materials used in indoor or outdoor planting for retail sales.

Group Home⁵²⁵

A structure in which housing is provided for a group of unrelated individuals or related and unrelated individuals pursuant to state statute.

H

Hardship

The property in question cannot be put to reasonable use under existing regulations and the plight of the landowner is due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a hardship.

Highway

Any main road or public passage, existing or proposed.

Historic Review-Related Definitions⁵²⁶

Colorado State Register of Historic Properties

The official listing of state designated cultural resources.

Compatible or Compatibility

Consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual building or site or of surrounding properties.

⁵²¹ New. From International Dark Sky Community Program Guidelines June 2018.

⁵²² Replaces 'Public Offices.'

⁵²³ New.

⁵²⁴ New.

⁵²⁵ New.

⁵²⁶ New. Aligns with the State's requirements to become a Certified Local Government.

Contributing Property

A building or site that reflects the historic or architectural character within the Historic District Overlay as determined by the Town's historic resource survey. Prior to the Town completing the historic resource survey, all property within the Historic District Overlay will be considered Contributing Property unless the property is determined to be Non-Contributing by a historic resource survey completed by a preservation professional.

Design Guidelines

A standard of appropriate activity that will preserve the historic and architectural character of a Contributing Property or the Historic District Overlay.

Historic District

1. A geographically definable area including a concentration, linkage, or continuity of properties within a specified Period of Significance and may include within its geographic boundaries one or more Contributing Properties, which has been designated by the Board of Trustees.
2. A Historic District is related by a pattern of either physical elements or social activities. Historic Significance is determined by applying eligibility and integrity criteria to the pattern(s) and unifying element(s).
3. Historic District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in property type, density, or Integrity.

Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.

Historic District Overlay Designation

See Section 15-8-40(f).

Historic District Overlay Review, Major

See Section 15-8-40(g).

Historic District Overlay Review, Minor

See Section 15-8-30(f).

Historic Significance

The meaning or value ascribed to a building, site, or district based on criteria established for Historic District Overlay Designation.

National Register of Historic Places

The list of significant buildings, structures, sites, objects, or districts in American history, architecture, archaeology, engineering, or culture maintained by the U.S. Secretary of the Interior.

Non-Contributing Property

A building or site that does not reflect the historic or architectural character within the Historic District Overlay because of age or lack of integrity as determined by the Town's historic resource survey. Prior to the Town completing the historic resource

survey, all property within the Historic District Overlay will be considered Contributing Property unless the property is determined to be Non-Contributing by a historic resource survey completed by a preservation professional.

Period of Significance

Span of time during which significant events and activities occurred.

Preservation

The act or process of applying measures to sustain the existing form, integrity, and materials of a building or structure. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building or materials.

Rehabilitation

The act or process of returning property to a state of utility through repair, which makes possible a contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural value.

Relocation or Relocate

Moving a building, structure, or object on its site or to another site to another site, either temporarily or permanently.

Secretary of the Interior’s Standards for the Treatment of Historic Properties

The preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.

Town’s Historic Register

The historic register established pursuant to Section 15-2-80(a), Historic District Overlay.

Home Occupation⁵²⁷

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot.

Hospital⁵²⁸

An establishment that provides diagnosis and treatment, both surgical and nonsurgical, for patients who have any of a variety of medical conditions through an organized medical staff and permanent facilities that include inpatient beds, medical services, and continuous licensed professional nursing services.

Hotel or Motel⁵²⁹

An establishment in which lodging is provided and offered to the public for compensation for periods of time not exceeding 30 days and that customarily provides services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. This use may provide

⁵²⁷ Replaces current definition.

⁵²⁸ New definition.

⁵²⁹ Deleted “A commercial building that is approved or allowed through variance for a designated zoning district” from definition and replaced current definition.

ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities.

Household

Any individual, or two or more persons related by blood or marriage or between whom there is a legally recognized relationship, or a group of unrelated persons, occupying the same dwelling unit, including but not limited to any group of persons whose right to live together or without undue restrictions are protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado.

I

Impervious Surface⁵³⁰

Any surface artificially covered or hardened so as to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, and gravel.

J

Junk⁵³¹

Any manufactured goods, appliance, fixture, furniture, machinery, vehicle, personal property, or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, partially dismantled, dilapidated, or so worn and deteriorated that it would not be normally usable in its current state for its original manufactured use.

K

Horse and Livestock Keeping⁵³²

The keeping of horses, mules, burros, asses, cattle, sheep or goats for the use of the occupants of the lot and their guests.

Kennel⁵³³

A facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding, or training or selling of animals occurs.

L

Landscaping Professional⁵³⁴

An individual employed by a company that engages in landscaping activities as a primary or substantial source of revenue.

Land Use Code Interpretation

See Section 15-8-30(g).

⁵³⁰ New.

⁵³¹ New.

⁵³² Updated to align with Chapter 7 of the Municipal Code.

⁵³³ Replaces current definition.

⁵³⁴ New.

Land Use Code Text Amendment

See Section 15-8-40(h).

Library⁵³⁵

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A library may also include meeting rooms, offices for library personnel, and similar support facilities.

Lot

A parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.

M

Manufactured Home⁵³⁶

A factory-built structure that is manufactured or constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, that became effective July 15, 1976 (HUD Code).

Manufactured or Tiny Home Park⁵³⁷

Any parcel of land designed for the placement of two or more manufactured homes or tiny homes, located and maintained for dwelling purposes on a permanent or semi-permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

Manufacturing and Assembly, Heavy⁵³⁸

An establishment or use of land that includes the assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on the use and enjoyment of surrounding properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or any use where the area occupied by outside storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of buildings on the lot. Examples include but are not limited to: battery, chemicals, machinery, and plastics manufacture; mushroom plant; batching plant; beverage bottling and distribution, packaging plant; slaughterhouse; and rendering plant. This use does not include any use that meets the definition of “light manufacturing” or “hazardous or special manufacturing”, or a solid waste disposal site, or a yard waste compost facility, and does not include any use that constitutes a public nuisance.

Manufacturing and Assembly, Light⁵³⁹

A facility or area used for the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where assembly, fabrication, or processing takes place, where the processes are housed entirely within a building, or where the area

⁵³⁵ New definition for currently undefined term.

⁵³⁶ New. Removed size and other design standards in current definition.

⁵³⁷ New.

⁵³⁸ New.

⁵³⁹ New.

occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of buildings on the lot. Examples include but are not limited to: Food processing, electronic equipment assembly and manufacturing and assembly from finished products.

Market Garden⁵⁴⁰

The commercial (for profit) production of vegetables, fruits, flowers, and other plants on an area of land not more than one acre. This may be accomplished using one or more greenhouses. Any greenhouse on properties zoned residential shall be considered an accessory use.

Master Plan

A plan for guiding and controlling the physical development of land use and circulation facilities in the Town and any amendment or extension of the plan.

Master Plan Amendment

See Section 15-8-40(i).

Maximum Extent Practicable⁵⁴¹

The Town Administrator has determined that no feasible or prudent alternative exists, that all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant, and that the costs of complying with a Code standard or criteria clearly outweigh the benefits to the public of complying with the standard or criteria. Economic considerations may be taken into account, but shall not be the overriding factor determining whether compliance with a standard or criteria in this Code is impracticable.

Medical or Dental Clinic⁵⁴²

A facility for a group of one or more medical professionals for the examination and treatment of human patients, primarily engaged in providing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals. Patients are not kept overnight except under emergency conditions. Ancillary laboratory facilities may be included.

Membership Club⁵⁴³

Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers, fraternal and veteran's organizations.

Minor Plat Amendment

See Section 15-8-30(h).

⁵⁴⁰ New.

⁵⁴¹ New.

⁵⁴² New.

⁵⁴³ New.

Mobile Home⁵⁴⁴

Any vehicle or similar portable structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Mobile home includes any structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured.

Museum⁵⁴⁵

A facility open to the public, with or without charge, for the collection of nature, scientific, or literary objects of interest or works of art, not including the regular sale or distribution of the objects collected. Museums may include incidental retail and food and beverage sales.

N**Nonconforming Lot⁵⁴⁶**

A lot, the area, dimensions, or location of which was lawful when the lot was created but that was rendered noncompliant with this LUC by its adoption or the adoption of an amendment to it.

Nonconforming Structure

A structure or building that was lawful prior to the adoption, revision, or amendment of this Code, but that fails by reason of the adoption, revision, or amendment, to conform to the present requirements for a conforming or compliant structure in the zoning district in which the structure or building is located.

Nonconforming Use

A use or activity that was lawful prior to the adoption, revision, or amendment of this Code, but that by reason of adoption, revision, or amendment, is no longer permitted in the zoning district in which the use or activity is located.

O**Obsolete Structure⁵⁴⁷**

A building or structure which is no longer usable because of its physical condition.

Office⁵⁴⁸

Establishments providing executive, management, administrative, professional services, consulting, record keeping, or a headquarters of an enterprise or organization.

Outdoor Commercial Storage⁵⁴⁹

The storage of items used in connection with a nonresidential principal use outside of an enclosed structure, including but not limited to the storage of goods in trade, bunks of

⁵⁴⁴ Replaces current definition.

⁵⁴⁵ New definition for currently undefined term.

⁵⁴⁶ New.

⁵⁴⁷ New.

⁵⁴⁸ New

⁵⁴⁹ New.

lumber, pallets of material, unassembled products, baled cardboard, defective/old appliances, scrap material, or loose materials such as gravel, mulch or discarded materials, storage pods, trailers, sheds, and similar material.

Outdoor Light Fixture⁵⁵⁰

An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking areas, pathways, sidewalks, streets, alleys, service canopies, recreational areas, signs, or other similar outdoor lighting uses.

Outdoor Residential Storage⁵⁵¹

The storage of items used in connection with a residential principal use outside of an enclosed structure, including but not limited to the storage of gardening tools, bicycles, outdoor furniture, and similar personal belongings

P

Parks and Open Space⁵⁵²

Outdoor areas designed and used for public recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty. This may include paved greenways, natural surface trails, open fields, arboreta, botanical gardens, sports fields, dog parks, skate parks, plazas, splash pads, playgrounds, picnic areas, and similar amenities.

Person

An individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. The word person also means a municipality or state agency.

Personal Services⁵⁵³

A facility that provides individualized services generally related to personal or business needs including but not limited to laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health and fitness facilities, photographic studios, tailor/sewing shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, tattoo parlors and similar uses.

Plat

A map, drawing or chart upon which the subdivider presents proposals for the physical development of a subdivision, and which he or she submits for approval and intends to record in final form.

⁵⁵⁰ New.

⁵⁵¹ New.

⁵⁵² New.

⁵⁵³ Replaces current definition.

Portable Storage Unit⁵⁵⁴

A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items, and other materials, and uniquely designed for ease of loading to and from a transport vehicle.

Portable Waste Trailer⁵⁵⁵

A portable utility trailer that contains a trash or recycling enclosure.

Primary Building or Structure⁵⁵⁶

A structure or building in which the principal use of the lot on which the building is located is conducted.

Principal Outdoor Storage⁵⁵⁷

As a principal use, a property or area used for the long term (more than 24 hours) storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or other items not kept within a structure having at least four walls and a roof.

Principal Use⁵⁵⁸

The primary or predominant use of any lot, building, or structure.

Propane Tank⁵⁵⁹

A cylindrical storage tank that contains liquefied propane under high pressure.

Public Safety Facilities⁵⁶⁰

The conduct of publicly owned safety and emergency services, such as, but not limited to fire stations, police stations, and emergency medical and ambulance service.

Q

R

Reasonable Timeframe

A timeframe in which the review of an application will take place, determined by staff, related to the complexity of the application, staff’s current workload, and the Internal Application Processing Policy.⁵⁶¹

Recreation and Entertainment, Indoor⁵⁶²

A building or part of a building devoted to providing amusement, entertainment, or recreation for a fee, including movie theaters and theatrical space for dramatic, musical, or live performances, bowling, billiards, arcades, skating, swimming, tennis, teen clubs,

⁵⁵⁴ New.

⁵⁵⁵ New.

⁵⁵⁶ New.

⁵⁵⁷ New.

⁵⁵⁸ New.

⁵⁵⁹ New.

⁵⁶⁰ New definition for currently undefined term.

⁵⁶¹ Current 16-1-20 (Ord 2023-03)

⁵⁶² Consolidation of ‘Places/Venues for Public Entertainment/Recreation’ and ‘Centers for the performing, visual or literary arts.’

escape rooms, archery and axe-throwing, trampolines, and similar indoor activities taking place inside an enclosed building.

Recreation and Entertainment, Outdoor⁵⁶³

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Activities include, but are not limited to ball parks (baseball, football, soccer, tennis), water parks, batting cages, miniature golf, go-cart tracks, amusement parks, golf driving ranges, swimming pools, and other similar uses.

Recreational Vehicle⁵⁶⁴

Vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are:

1. Travel Trailer: A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and six inches (8'6"), excluding awnings, and a body length of no more than 35 feet when factory equipped for the road.
2. Tent recreational vehicle: A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.
3. Truck recreational vehicle: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck recreational vehicles are of two basic types:
 - a. Slide-in recreational vehicle - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
 - b. Chassis-mount recreational vehicle - A portable unit designed to be affixed to a truck chassis.
4. Motorhome: A vehicular unit built on a self-propelled motor vehicle chassis.

Recreational Vehicle Park⁵⁶⁵

A parcel of land on which two or more recreational vehicle sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for vacation or recreation purposes.

Redevelopment⁵⁶⁶

1. For the purpose of prohibitions on nonfunctional turf, artificial turf, and invasive plant species, redevelopment requires both of the following:
 - a. A disturbance of more than 50 percent of the aggregate landscape area, and
 - b. Activity that requires a building permit or Site Plan.

⁵⁶³ Consolidation of 'Places/Venues for Public Entertainment and Recreation.'

⁵⁶⁴ Replaces 'recreational vehicle.'

⁵⁶⁵ Replaces 'recreational vehicle Park.'

⁵⁶⁶ New.

2. For all other purposes, redevelopment includes any activity that requires a building permit or Site Plan. This shall not include basic maintenance and repair of existing structures or interior structural improvements.

Repair, High Impact⁵⁶⁷

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, bodywork, upholstery, muffler, transmission work and major engine and engine part overhaul.

Repair, Low Impact⁵⁶⁸

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, and tune ups, provided it is conducted within a completely enclosed building.

Reservation

A legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights.

Restaurant⁵⁶⁹

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops.

Retail Sales⁵⁷⁰

Retail sales uses are private enterprises involved in the sale, lease, or rent of new or used products directly to the general public. This use does not include food service, personal service, or recreation uses. No outdoor display or outdoor storage is permitted unless specifically authorized by this by-law. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale.

Right-of-way

The width between property lines of a street.

S

School, Elementary or Secondary⁵⁷¹

An educational institution that satisfies the compulsory education laws of the State of Colorado for students in the elementary grades, middle school grades, or high school grades. This definition includes public, private, non-profit, and charter non-boarding schools.

⁵⁶⁷ Replaces current definition.

⁵⁶⁸ Replaces current definition.

⁵⁶⁹ New definition.

⁵⁷⁰ New.

⁵⁷¹ New.

School, University or College⁵⁷²

A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Colorado Department of Education or a national collegiate or university accreditation agency. This definition also includes higher learning facilities for religious institutions.

School, Vocational⁵⁷³

A vocational or technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities.

Service Station⁵⁷⁴

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas, or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory use may include restaurants, and convenience food and beverage sales.

Sign-Related Definitions⁵⁷⁵**Flag**

Any fabric or bunting containing distinctive colors, patterns, symbols or graphic depictions or text that is attached to a pole or similar staff.

Sign

Any identification, illustration, means of communication, or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that is intended to direct attention, advertise, announce, communicate, declare, demonstrate, or display a particular use, product, service, idea, interest, or message.

Sign, Awning

A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, Electronic

A sign that is internally lit to display messages and images that are changed electronically. The lit sign area may be of various types, including but not limited to flat screen, active display matrix, or a board with a single or multiple lines of text or graphics. The light source may vary but is typically Light Emitting Diodes (LED).

Sign, Freestanding

A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports; and not attached to or dependent for support from any building.

⁵⁷² New.

⁵⁷³ New.

⁵⁷⁴ Re places current definition.

⁵⁷⁵ New.

Sign, Nonconforming

Any sign lawfully constructed prior to the Effective Date that fails to conform to the provisions of this Code.

Sign, Off-Premise

A sign that carries a message of any kind or directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is located, or to which it is affixed.

Sign Permit

See Section 15-8-30(i).

Sign Plan, Coordinated

See Section 15-8-30(j).

Sign, Projecting

A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Sign, Public

A sign erected by or on the order of a public officer in the performance of a public duty, such as signs to promote safety or traffic signs; signs to indicate transit stops; memorial plaques; or signs of historic interest.

Sign, Roof

A business sign erected upon or above a roof or parapet of a building or structure. Mansard roof signs shall be considered wall signs.

Sign, Sandwich Board

A movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sign, Temporary

A sign that is placed for display during a limited period of time only. A temporary sign is generally constructed of lightweight materials and installed in a manner so as to be easily removed.

Sign, Temporary Banner

A temporary sign composed of lightweight material secured or mounted so as to allow movement caused by wind.

Sign, Vacation Rental

A sign located on the same lot as a legally permitted vacation rental.

Sign, Vehicle

A sign or other advertising device painted on or otherwise permanently affixed to a car, truck, trailer, or other similar vehicle.

Sign, Wall

A sign painted on or attached flat and parallel to the exterior wall or surface of a building or other structure, and that projects not more than 12 inches from that wall or surface.

Sign, Wind

Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

Sign, Window

Any sign or advertising device affixed to the interior or exterior of a window or placed immediately behind a window frame so as to be seen from persons outside the building.

Sign, Yard

A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

Simple Subdivision

See Section 15-8-30(k).

Site Plan

See Section 15-8-30(l).

Slope Hazard Development Permit

See Section 15-8-30(m).

Solar Energy System, Ground- or Roof-Mounted (Accessory)⁵⁷⁶

A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and/or distribution of solar energy for space heating or cooling, electricity generation, or water heating. Ground-mounted systems are mounted on a rack or pole that is ballasted on, or is attached to, the ground. Roof-mounted systems are mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure.

Special Use Permit

See Section 15-8-40(j).

Street

A way for vehicular traffic, further classified and defined as follows:

1. Arterial streets are those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one part of the community to another.
2. Collector streets are those which collect traffic from local streets and carry it to arterial streets or to local traffic generators, such as neighborhood shopping centers and schools. Collector streets include the principal entrance streets to a

⁵⁷⁶ New.

residential development, those linking adjacent developments, and those streets providing circulation within the developments.

3. Local streets are those used primarily for direct access to properties abutting the right-of-way. Local streets carry traffic having an origin or destination within the development and do not carry through traffic.
4. Alley means a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Subdivider or Developer

Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to divide land as to constitute a subdivision as herein defined, including any agent of the subdivider.

Subdivision

1. The division of a parcel of land into two or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development; or
2. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; and/or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewerage, water, storm drainage or other public utilities or facilities.

Subdivision, Major

See Section 15-8-40(k).

Subdivision Design Modification

See Section 15-8-40(l).

Substantial Damage⁵⁷⁷

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred

T

Temporary Event or Sales⁵⁷⁸

A temporary outdoor use on private property including, but not limited to outdoor entertainment, educational and cultural events, art shows, sidewalk sales, or seasonal sales (e.g., fireworks or Christmas trees). This use does not include events held on Town property or Town-owned public right-of-way that require a Special Events Permit from the Town.

⁵⁷⁷ New.

⁵⁷⁸

Temporary Use Permit

See Section 15-8-30(n).

Tiny Home⁵⁷⁹

A structure that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;
3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
4. Is not self-propelled; and
5. Has a square footage of not more than 400 square feet.

In order to meet this definition, a tiny home must be built to the International Residential Code as adopted by the Building Codes and Standards program within the Division of Housing. Colorado tiny homes will receive a metal plate insignia that certifies the tiny home is built to the codes and standards of the program. This use does not include manufactured homes, recreational park trailers, or recreational vehicles.

Transportation Facilities⁵⁸⁰

Any structure or transit facility that is primarily used as part of a local or regional transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This includes bus or rail terminals/stations, transfer points, and depots.

U

Utility, Major⁵⁸¹

A facility providing an important regional utility service, such as water, sewer, or drainage, that normally entails construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include but are not limited to: utility-scale solar, water works, sewage treatment plants, reservoirs, regional storm water detention ponds and other similar facilities.

Utility, Minor⁵⁸²

Utility facilities that are necessary to support legally established uses and involve utility structures such as water and sewage pump stations, electrical substations, telephone exchanges, poles or cables, switch boxes, transformer boxes, cap banks, and underground water and sewer lines.

V

Vacation of Right-of-Way (ROW Vacation)

See Section 15-8-40(m).

⁵⁷⁹ New definition to align with Colorado HB22-1242.

⁵⁸⁰ Definition from Mooresville, NC.

⁵⁸¹ New.

⁵⁸² New.

Vacation Rental

A residential dwelling unit, including either a single-unit or multiunit dwelling, assessed and taxed as a residential dwelling unit, rented for the purpose of transient lodging or transient living accommodations for a maximum period not to exceed 30 consecutive days to the same renter, with tenancies defined per zoning district, per month. Hotels, motels, lodges, inns, bed and breakfasts, recreational vehicle spaces and campsites are not vacation rentals. Individual bedrooms within a single-unit dwelling or multiunit dwelling are prohibited from being used as vacation rentals.

Variance

See Section 15-8-40(n).

Vehicle and Equipment Sales, Leasing, and Rental⁵⁸³

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, motorcycles, all-terrain vehicles, snowmobiles, personal watercraft, and recreational vehicles. This use does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

W**Warehousing and Storage Facility⁵⁸⁴**

An establishment whose primary activity is the storage of residential, commercial, industrial, or other goods, including inventory and/or finished products, and where no goods are sold either at wholesale or at retail.

Wireless Communications Facility (WCF)-Related Definitions⁵⁸⁵**Eligible Facilities Request**

Any request for modification of an existing WCF that involves the collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Eligible Support Structure

Any WCF as defined in this UDC that is existing at the time an application is filed.

Existing

A constructed WCF that was reviewed and approved in accordance with all requirements of applicable law as of the time of an eligible facilities request.

Substantial Change

A modification that substantially changes the physical dimensions of an eligible support structure that meets any of the following criteria:

1. For ground-mounted WCFs, an increase in the height of the facility by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever

⁵⁸³ New.

⁵⁸⁴ Replaces current definition of 'Warehouse.'

⁵⁸⁵ New.

is greater; for roof- and building-mounted WCFs, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the WCF, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

2. For ground-mounted WCFs, it involves adding an appurtenance to the body of the facility that would protrude from the edge of the facility more than 20 feet, or more than the width of the facility at the level of the appurtenance, whichever is greater for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or roof- and building-mounted WCFs, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. For any eligible support structure, it entails any excavation or deployment outside the current site; or would impair the concealment elements of the eligible support structure;
4. It entails any excavation or deployment outside of the current site, except that, for ground-mounted WCFs, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
5. It would defeat the camouflaging elements of the eligible support structure; and
6. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or WCF equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in provisions 1., 2., and 3. of this definition.

Transmission Equipment

Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless Communication Facility (WCF)

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to the classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment and their permitted supporting structure, but does not include the support structure to which the wireless communications facility or its components are attached if the use of the structure for the wireless communications facility is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

Building-Mounted WCF

An antenna that is mounted on a building with a primary purpose to be a use other than as an antenna support structure.

Roof-Mounted WCF

An antenna that is mounted on a structure that is located on the roof of a building

Ground-Mounted WCF

An antenna that is mounted on a freestanding support structure, such as a monopole or tower.

X

[Reserved]

Y

[Reserved]

Z

Zoning Map Amendment (Rezoning)

See Section 15-8-40(o).