

Silverton Land Use Code

Public Draft – November 2023



Annotated Outline



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Project Background and Introduction

The Town of Silverton is updating its dated Land Use Code (LUC). The LUC is the set of regulations that guide how development should occur in the community. It is also one of the primary tools used to implement strategies and action items from the Compass Master Plan. The project is being managed by a team comprised of the Town Administrator, Town staff from the Planning Department and Community Planning Strategies (CPS), and support from the consultant team from Clarion Associates and Urban Rural Continuum (URC).

The key goals of the project are to:

- Update the Town's regulations to better reflect and align with the vision for the future of the Silverton community established in the Compass Master Plan;
- Create more predictable development outcomes by simplifying and clarifying development standards and procedures;
- Consolidate multiple chapters of the Silverton Municipal Code (Chapter 15, Annexation; Chapter 16, Zoning; and Chapter 17, Subdivision) to establish a more clear and consistent structure; and
- Make the LUC more user-friendly and easier to understand.

In addition to the Compass Master Plan, the LUC rewrite will be informed by the Development Readiness Assessment (2023), and the San Juan and Silverton Housing Needs Assessment (2021). The Development Readiness Assessment includes recommendations to improve the following elements of the LUC:

- Structure and Format
- Development Process
- Use Regulations
- Overlay Zoning Districts
- Signs
- References and Definitions
- Graphics

The Housing Needs Assessment includes background socioeconomic and housing data and the following recommendations to improve the supply of both housing and affordable housing:

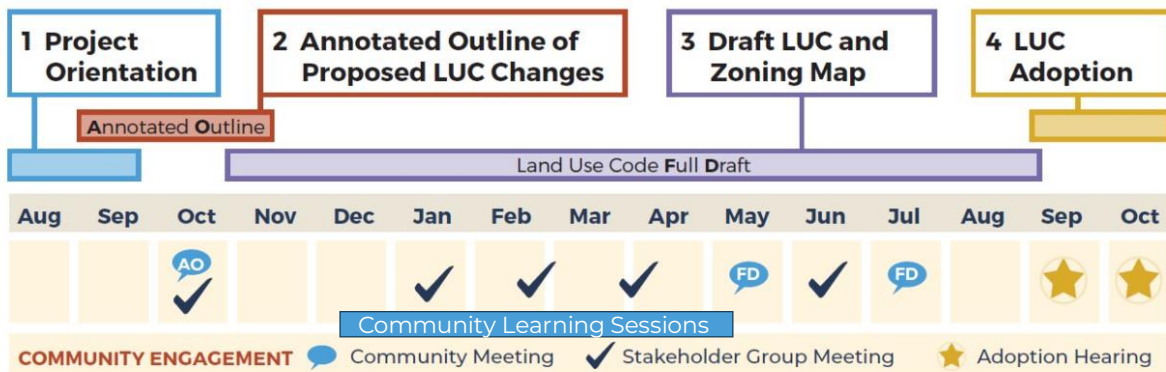
- Improve LUC flexibility
- Create a temporary housing village/summer housing option
- Incentivize property owners to rent long-term
- Make use of Town-owned land
- Create long-term workforce housing

The purpose of this Annotated Outline is to build on the Compass Master Plan, [Development Readiness Assessment](#), [Housing Needs Assessment](#), and other Town [long-range planning efforts](#). The Annotated Outline provides an overview of the proposed structure and general content of the new LUC. Additionally, key issues or topics along with potentially regulatory approaches to addressing those issues will be identified throughout the document. The Annotated Outline will not be revised following community input on the issues and options presented. Detailed drafting approaches and responses to community-based suggestions will be incorporated into the LUC drafting process and reflected in the follow-up discussion with each draft of the LUC. Community input will be welcome throughout the project as described in the Project Schedule below.

Project Schedule

The Silverton Land Use Code Rewrite will take place over the next 12 to 15 months. The schedule is organized into four major phases:

- **Project Orientation (Completed October 2023)**
- **Annotated Outline of Proposed LUC Changes (Current)**
- **Drafting LUC and Zoning Map (November 2023 – August 2024)**
 - Learning Sessions: During the winter months (January –March), there will be a series of Community Learning Sessions on topics and issues that will educate the community and facilitate discussions about land use and development in Silverton. Such topics include the development process, zoning, natural environment, housing and affordability, and design standards.
 - LUC Interim Drafts: The project team will be drafting the updated LUC and posting intermittent drafts for the public to view during the next approximately six months. The iterative drafting process will include the incorporation of key takeaways from both Learning Sessions and meetings with the Stakeholder Group.
 - LUC Full Draft: The full draft of the LUC will be released to public in early Spring 2024. The community will have multiple opportunities to provide input on the full draft which will be revised based on each round of outreach
- **LUC Adoption (September – October 2023)**

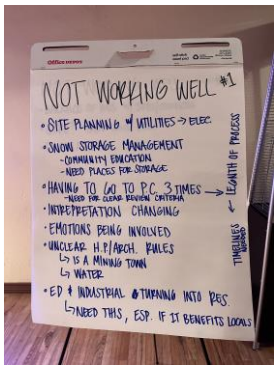


Project Stakeholder Group

Throughout the process, the project team will be working with a dedicated project Stakeholder Group. This group consists of full-time Silverton residents that represent a variety of interests including engineers, environmental interest groups, business owners, housing advocates, and other general land use and development practice interests. The role of the Stakeholder group is to review and provide input on interim draft documents, share knowledge and insights about the community, provide advice about LUC concepts and issues, and help guide outreach messaging.

Initial Community Outreach

The Silverton Land Use Code Rewrite project kicked off in mid-October 2023 with a series of public events asking stakeholders and residents to share their thoughts about the current Land Use Code. The goal of these first outreach efforts was to learn about any current regulatory provisions that are not working well and any standards consistently identified as problematic. The project team also aimed to identify regulations that need a more detailed examination during the drafting process.



Throughout this document, these purple-shaded boxes highlight feedback received across the various meetings.

Key Content Issues

Implement the Compass Master Plan

The updated LUC can help to implement four goals of the Compass Master Plan:

1. Create a resilient, year-round economy that supports a strong, livable community.
2. Plan for responsible growth and development that contributes to our community and sense of place.
3. Expand housing choices, opportunities, and affordability for our community.
4. Steward and protect the environment and natural assets we love and rely on.

Additionally, the process of the LUC update will be focused on implementing the Town's goals to strengthen the sense of community and civic health. All of these goals will be discussed through the LUC rewrite process and the adopted Code will be both representative of and a product of the Silverton community.

Incorporate Objective Requirements to Improve Predictability

Silverton's current regulations, with some more recent exceptions, provide more guidance than regulation. For example, Section 16-4-560 states:

The Board of Trustees may require off-street parking and loading areas as a condition of granting the "limited" overlay zone designation. All off-street parking and loading areas and driveways thereto shall be constructed and maintained in a suitable condition and in accordance with approved plans.

Interpretation of this provision requires an applicant to wait until final approval of the project to learn whether the proposed parking and driveway design will be approved and puts the Board in the position of determining how much parking is sufficient. The LUC update will provide a more predictable approach for applicant, the Board, and neighbors by incorporating required parking ratios linked to specific uses, parking location and design standards, and requirements for loading areas. Similar changes will be made throughout the Code in all regulatory topics to help development meet local expectations and create more predictable outcomes.

Modernize Standards and Requirements to Mitigate the Impacts of Growth

The standards in the current LUC are both dated and incomplete. A modern LUC should include detailed standards for parking, landscaping, site design, and a list of other issues. Silverton is undertaking the hard work of community building and the LUC update should play a key role in supporting the community's vision.

Summary Table of Full Land Use Code

The following table provides an outline of the organization of the updated Silverton Land Use Code including references to current LUC sections that will be incorporated into each article.

Summary of Proposed Land Use Code		
Section Number	Section Title	Current LUC Sections to be Incorporated
Art. 1		
General Provisions		
15-1-10	Title	<ul style="list-style-type: none"> • 16-1-10: Authority and Purpose • 16-1-40: Amendments or Changes
15-1-20	Authority	
15-1-30	Purpose	
15-1-40	Minimum Standards and Private Restrictions	
15-1-50	Relationship to Other Plans and Conflicting Provisions	
15-1-60	Transitional Provisions	
15-1-70	Severability	
Art. 2		
Zoning Districts		
15-2-10	Zoning Districts Established	<ul style="list-style-type: none"> • Chapter 16, Article 3: Zoning Districts • Chapter 16, Article 4: Overlay Districts • 16-8-70: Building and Property Appearance and Maintenance (B-P District) • Chapter 17, Article 8: Planned Unit Development
15-2-20	Official Zoning Map	
15-2-30	Interpretation of District Boundaries	
15-2-40	Base Zoning Districts and Dimensions	
15-2-50	Exceptions and Encroachments	
15-2-60	Planned Unit Development (PUD)	
15-2-70	Overlay Zoning Districts	
Art. 3		
Use Standards		
15-3-10	Purpose and Organization	<ul style="list-style-type: none"> • 16-1-60: Vacation Rental Permit Applications • 16-3-20: R-1-A Single Family Residential District • 16-3-30: R-1 Single Family Residential District • 16-3-40: R-2 Multiple Family Residential District • 16-3-50: B-P Business Pedestrian District • 16-3-60: B-A Business Automotive District • 16-3-70: E-D Economic Development District • 16-3-80: P Public Use District • Article 5: Mobile Homes and Campers • Chapter 16, Article 7: Medical Marijuana Businesses and Retail Marijuana Establishments • 16-8-10(3): General Additional Regulations (Public Utilities)
15-3-20	Use Table	
15-3-30	Use-Specific Standards	
15-3-70	Accessory Uses	
15-3-80	Temporary Uses	

**Summary Table of Full Land Use Code
Modernize Standards and Requirements to Mitigate the Impacts of Growth**

Summary of Proposed Land Use Code		
Section Number	Section Title	Current LUC Sections to be Incorporated
		<ul style="list-style-type: none"> • 16-8-20: Home Occupations • 16-8-80: Placement and Construction of Accessory Dwelling Units for Residential Housing Needs
Art. 4	Subdivision Design and Improvement Standards	
15-4-10	General Provisions	<ul style="list-style-type: none"> • Chapter 17, Article 1: General Provisions • Chapter 17, Article 4: Design Standards • Chapter 17, Article 5: Required Improvements • Chapter, Article 6: Dedication and Reservation of Land
15-4-20	Design Standards	
15-4-30	Required Improvements	
15-4-40	Easements, Dedications, and Reservations	
Art. 5	Environmentally Sensitive Lands	
15-5-10	Geologic Hazards	<ul style="list-style-type: none"> • Article 4, Division 1: Flood Hazard District • Article 4, Division 2: Avalanche Hazard District • Article 4, Division 3: Slope Hazard Overlay District
15-5-20	Steep Slopes and Ridgeline Development	
15-5-30	Avalanche Hazard Area	
15-5-40	Floodplain Management	
15-5-50	Wildfire Hazard Study	
15-5-60	Wetlands Protection	
Art. 6	Site Development Standards	
15-6-10	Mobility, Connectivity, and Parking	<ul style="list-style-type: none"> • 16-8-10(4): General Additional Regulations (Access from Federal, State, or County Highways and Roads) • 17-5-40(i): Paths and Trails • 17-5-40(j): Off-Street Parking • 16-4-540: Landscaping (Limited Overlay District) • 16-8-10(1): General Additional Regulations (Service Yards) • 17-5-40(K): Landscaping • 16-1-60(3)(f): Appearance • 16-6-30(12): Christmas and Decorative Lights • 16-8-10(2): Lighting • Article 4, Division 6: Architectural Review Overlay District
15-6-20	Landscaping and Screening	
15-6-30	Site and Building Design Standards	
15-6-40	Outdoor Lighting	
Art. 7	Signs	
15-7-10	General Provisions	

**Summary Table of Full Land Use Code
Modernize Standards and Requirements to Mitigate the Impacts of Growth**

Summary of Proposed Land Use Code		
Section Number	Section Title	Current LUC Sections to be Incorporated
15-7-20	Applicability	<ul style="list-style-type: none"> • Article 6: Signs and Outdoor Advertising Devices • 17-5-40(L): Signing (Subdivisions)
15-7-30	Measurement and Calculation	
15-7-40	General Regulations for Permanent, On-Premise Signs	
15-7-50	Allowable Signage by Zoning District	
15-7-60	Temporary Signs	
15-7-70	Installation	
15-7-80	Nonconforming Signs	
15-7-90	Maintenance	
Art. 8	Administration and Procedures	
15-8-10	Summary Table of Development Review Procedures	<ul style="list-style-type: none"> • Chapter 15: Annexation • 16-1-30: Administration and Enforcement (Appeals) • 16-1-40: Amendments or Changes • 16-1-50: Uses Subject to Review • 16-1-70: Street Vacations • Chapter 16, Article 2: Boards and Commissions • 16-4-730: Procedure for Development (Historic Overlay District) • 16-4-740: Applicability and Permitting (Historic Overlay District) • 16-4-750: Grant of Special Exemptions (Historic Overlay District) • 16-4-800(1): Development in the Architectural Review Overlay District • 16-8-20: Home Occupations (Procedures) • 16-8-70(7): Building and Property Appearance and Maintenance (B-P District) • 17-1-50: Vacation of Plat Record • 17-1-70: Amendments • Chapter 17, Article 2: Procedures • Chapter 17, Article 3: Plats and Supporting Data • Chapter 17, Article 6: Dedication and Reservation of Land • Chapter 17, Article 7: Variances and Modifications
15-8-20	Review and Decision-Making Bodies	
15-8-30	Common Procedures	
15-8-40	Specific Procedures	
Art. 9	Nonconformities	
15-9-10	Nonconforming Status	<ul style="list-style-type: none"> • 16-8-30: Mandatory Demolition • 16-8-40: Nonconforming Uses
15-9-20	Nonconforming Uses and Structures	

**Summary Table of Full Land Use Code
Modernize Standards and Requirements to Mitigate the Impacts of Growth**

Summary of Proposed Land Use Code		
Section Number	Section Title	Current LUC Sections to be Incorporated
15-9-30	Abandonment	<ul style="list-style-type: none"> • 16-8-50: Nonconforming Buildings or Structures • 16-8-60: Nonconforming Tracts
15-9-40	Destruction	
15-9-50	Nonconforming Lots	
Art. 10	Enforcement and Penalties	
15-10-10	Compliance Required	<ul style="list-style-type: none"> • 16-1-30: Administration and Enforcement • 16-8-70(5) and (6): Building and Property Appearance and Maintenance (B-P District) • 17-1-80: Penalties
15-10-20	Definition of Violations	
15-10-30	Enforcement	
15-10-40	Penalties and Remedies	
Art. 11	Definitions and Measurements	
15-11-10	Rules of Construction	<ul style="list-style-type: none"> • 16-1-20: Definitions (General Provisions) • 16-4-30: Definitions (Flood Hazard Districts) • 16-4-220: Definitions (Avalanche Hazard District) • 16-7-20: Definitions (Medical Marijuana Businesses and Retail Marijuana Establishments) • Appendix 16-A: Design Vocabulary • 17-1-30: Definitions (Subdivisions)
15-11-20	Measurements	
15-11-30	General Terms	

User-Friendly Code

The recommendations below propose to make the LUC more user-friendly, which should help improve the efficiency of the review process and overall effectiveness of the LUC.

Establish a Clear Organization

The entire LUC should be reorganized in a user-friendly manner. Similar information should be grouped to improve the way related information is provided to readers to reduce repetition and eliminate regulatory conflicts. The proposed new organization of the LUC is summarized in the next section of this document.

Improve the Document and Page Layout

The current LUC is available via an online an online platform (Municode). In addition to an online version of the Code, many planning offices also retain an editable and formatted digital version, usually as a Microsoft Word or PDF file. The formatted digital version allows for enhanced formatting and presents information in a more user-friendly format, enhancing the reader’s ability to understand the context for specific provisions. The Word/PDF version also allows staff to keep an internal record of any proposed edits and revisions to the document.

The updated LUC will feature a new document layout with content-specific headers (showing section references for that page), footers, page numbers, and illustrations with captions. The LUC content will also be organized with user comprehension and navigation in mind. The sample below shows how layout and graphics can be incorporated to help code users identify key zoning district information and cross-references to related development standards, such as uses and off-street parking.

A typical page from the Silverton LUC is shown on the left. Compare this to the sample page layout at the right, which illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

Sec. 16-9-80, P Public Use District.

(a) Purpose. This District is established for the purpose of creating an area where publicly owned uses are accommodated.

(b) Uses permitted by right:

- (1) Public offices.
- (2) Jails.
- (3) Public parks.
- (4) Open spaces.
- (5) Public recreation facilities.
- (6) Public safety facilities for police, fire or emergency service.
- (7) Courts.
- (8) Libraries.
- (9) Museums.
- (10) Educational institutions.
- (11) Hospitals and clinics.
- (12) Areas subject to natural hazards.

(c) Uses subject to review:

- (1) Equipment storage yards.
- (2) Public works garages.

(d) Requirements:

- (1) Minimum lot area: 7,500 square feet.
- (2) Minimum lot width: 75 feet.
- (3) Maximum height of structure: 30 feet.
- (4) Minimum floor area: zero square feet.
- (5) Minimum setbacks. Principal and accessory structures (walls and fences six feet high or less excluded):
 - a. Front setback: seven feet.
 - b. Side setback: seven feet.
 - c. Rear setback: five feet.

Ordinance 2002-11-148 07-23-04 (2017)
[Supp. No. 5]

Article 070.06 Zoning Districts
070.06-020 Mixed Use Corridor (M1) District
07/20/20

070.06-020 Mixed Use Corridor (M1) District

(a) Purpose

The M1 district is intended to accommodate mixed-use development with walkable and active alternatives to General's primary roadways. The mix of uses in the M1 district is intended to accommodate lighter-oriented commercial districts with limited auto-oriented uses compatible with surrounding residential neighborhoods. The M1 district is also intended to offer a diverse mix of housing opportunities at varying densities.

Figure 200-7 M1 District Dimensional Standards

(b) Standards

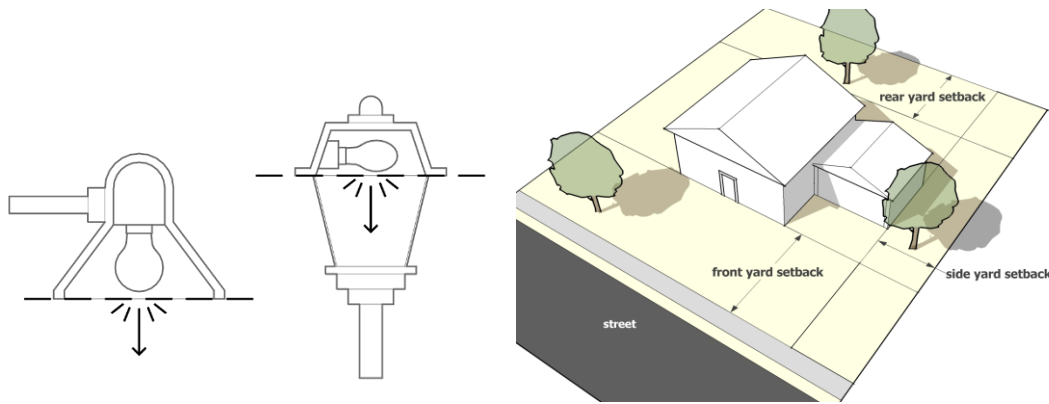
Table 200-11: M1 District Dimensional Standards		Other Key Standards	
Lot Standards, Minimum	Measurements and Exceptions	Measurements and Exceptions	070-01-02
Use of Private Use	070-01-03	Use of Private Use	070-01-03
Off-Street Parking	070-01-04	Off-Street Parking	070-01-04
Development Standards	070-01-05	Development Standards	070-01-05
Signage	070-01-06	Signage, Lighting, and Security	070-01-06
Off-Street Parking and Loading	070-01-07	Off-Street Parking and Loading	070-01-07
Screening and Tree-Use and Building Design	070-01-08	Screening and Tree-Use and Building Design	070-01-08

Dimensional Standards: 1-40
Silverton Land Use Code
last amended April 2017

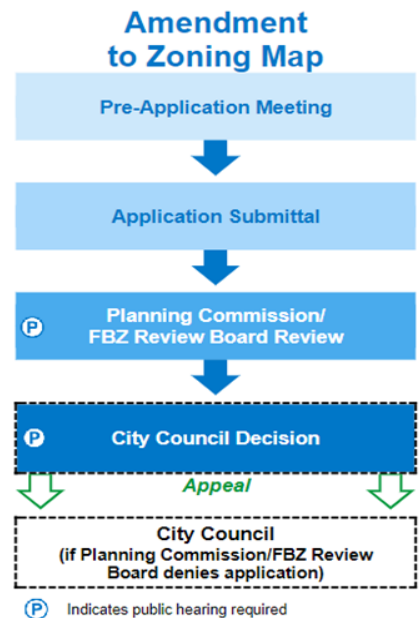
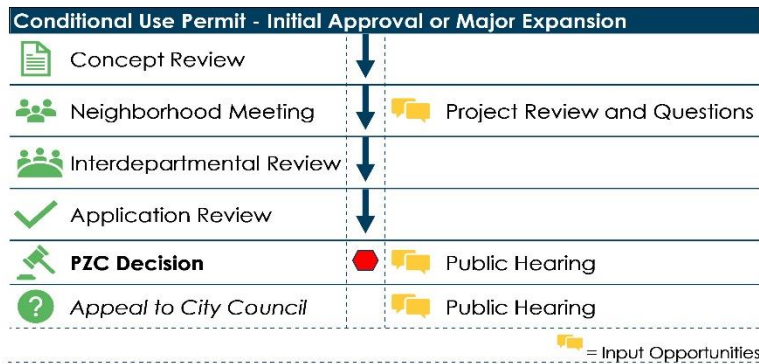
Add Illustrations and Other Graphics

Illustrations, flowcharts, and tables should be used frequently throughout the updated LUC to explain standards and summarize detailed information. Graphics in the updated LUC can support the following standards:

- **Zoning districts.** District diagrams can communicate the intended character of a zoning district while also including key information related to the lot and building standards, such as lot area, lot width requirements, building setbacks, and height.
- **Development standards.** Graphics may include tables for parking requirements, illustrations of outdoor lighting or building design requirements, rules of measurement, and diagrams for site layout standards.



- **Administration and procedures.** Process-related flowcharts can clarify (and visually communicate) the approval process for development applications.



Relocate Supporting Information Outside the Code

During the drafting process, the consultant team will maintain a separate document including content from the current development regulations that should be considered for relocation to the Town's website or an administrative manual. For example, the current LUC includes application submittal requirements (e.g., vicinity map, scaled site plan, floor plans, etc.) that may change overtime. By removing those non-regulatory details from the LUC, this will make the Code more user-friendly while also allowing staff to update the technical and administrative content over time without requiring a formal Code amendment.

The current LUC also includes various development review timelines that should not be codified for similar reasons as application submittal requirements; the Town may require additional review time for certain larger and more complex applications or may determine review periods need to be increased or decreased based on staff capacity. All timelines, excluding those related to required public noticing, will be removed from the Code.

Article 1 General Provisions

Overview

The general provisions article establishes the jurisdiction and overall purpose of the Land Use Code. This article will also describe:

- The Code's relationship to private agreements and covenants;
- How conflicting provisions among other plans, ordinances or other provisions in the Code will be resolved; and
- How prior and pending building permits, violations, nonconformities, and development approvals will be processed by the new Code.

Summary of Key Updates

(a) Add Missing Legal Provisions

There are currently general provisions in both the zoning and subdivision regulations, but both are specific to their topic and neither set is complete. The updated LUC will have a single, complete set of provisions.

(b) Determine Whether Transitional Provisions are Needed

Transitioning to a new code often requires instructions for how applications that are currently in process will be reviewed, as well as how projects will multiple application types (such as PUDs or subdivisions) will be reviewed. We will discuss the development pipeline with Town staff to determine what content will be needed in this section.

Article 2 Zoning Districts

Overview

Zoning districts are groupings of structures, uses, and related regulations that are applicable to lots within specific areas of the Town. The regulations that describe what is allowed and what is restricted in the different zoning districts are provided in the Code and the map of where the districts are applied is available on the Town's website.

Summary of Key Updates

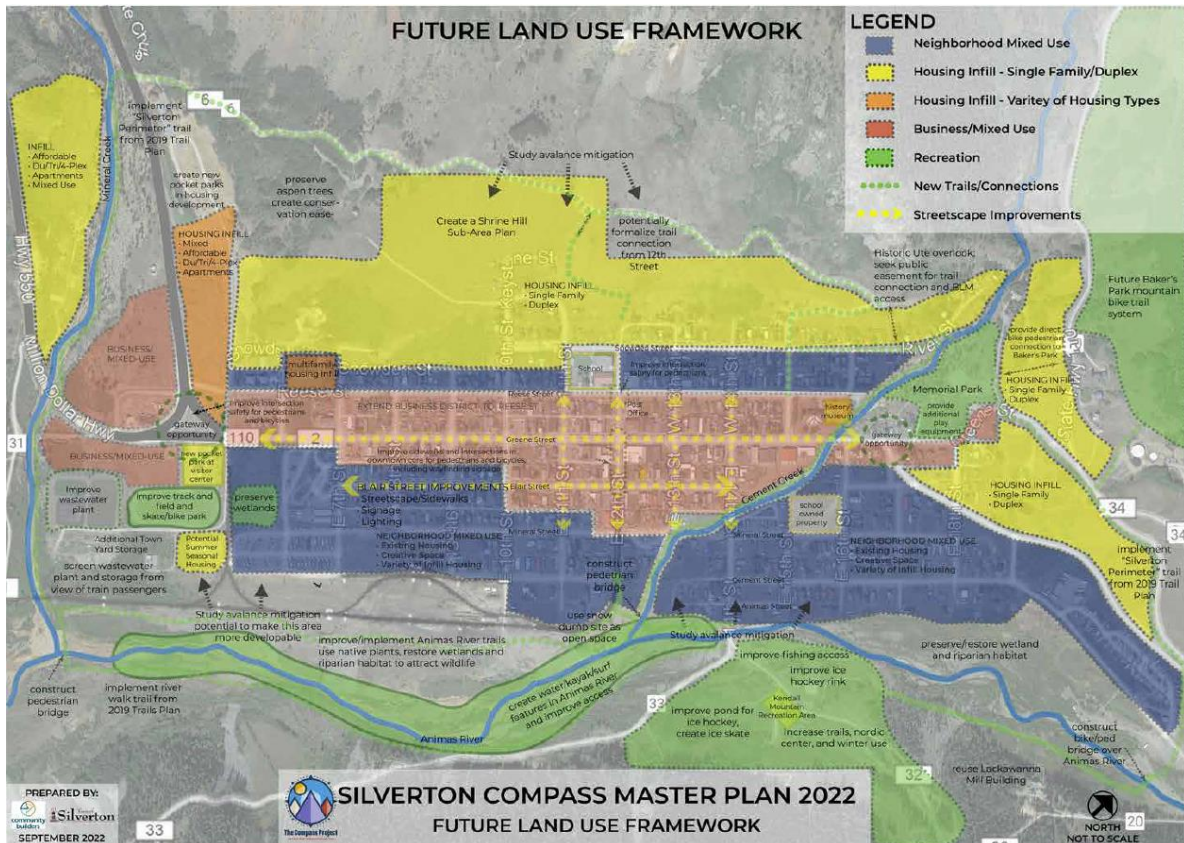
(a) Align Zoning Districts with Compass Master Plan

The Future Land Use Framework in the Compass Master Plan includes a conceptual illustration of opportunities for future land use and zoning, organized into five categories:

- Housing Infill
- Neighborhood Mixed-Use
- Business Mixed-Use
- Historic Core/Business Pedestrian
- Parks and Open Space


Compass Master Plan

Create flexibility to expand building types throughout town.



In order to properly implement the Future Land Use Framework, the consultant team will continue staff- and community-level discussions to reduce conflicts between the proposed zoning and current “on-the-ground” zoning. For example, the proposed Neighborhood Mixed-Use district is broadly to apply to large swaths of land that currently contain multiple zoning districts, including the E-D (Economic Development) district which is currently the only district that allows several industrial uses by right (e.g., warehousing and manufacturing facilities). In order to avoid creating a large number of nonconforming uses, the Neighborhood Mixed-Use district would need to allow for those same industrial uses, but that is clearly not the intent nor fits the scale of the district. There may be an opportunity to create an additional “level” of mixed-use district to allow for the light industrial and heavy commercial uses while also ensuring the rest of the zoning districts allow for adequate expansion of housing supply. Alternatively, the Town could explore establishing a maximum number of residential lots or dwelling units in the zoning district to avoid losing commercial and industrial land opportunities.

The new and updated districts will be drafted to reflect existing development and lot sizes, both to ensure that redevelopment and infill development works with the character of surrounding development as well as to limit the number of nonconformities. The consultant team will work with Town staff and stakeholders to determine how best to make this happen and anticipate adjusting the final number and contents of the zoning districts accordingly.

- 
 Evaluate the E-D (Economic Development) zoning district – the district should facilitate commercial and allow for light industrial, but now conflicts with housing that has been built in the district

What We
Heard

- Make sure all types of land uses are allowed somewhere in the Town

(b) Refine the Base Zoning Districts

(1) Purpose Statement

Each zoning district will contain an updated district-specific purpose statement that identifies the role and long-term policy purposes of the district. The following example from other communities illustrate the type of information that can be included in a purpose statement.

- **CMU: Corridor Mixed-Use.** The Corridor Mixed-Use District is intended for application to commercial corridors outside of downtown where mixed-use development exists or is indicated on the future development plan map. Commercial mixed-use development should include a combination of commercial and residential uses that are mutually supportive and that provide goods and services to surrounding residential uses.
- **R2: Residential Medium Density.** The Residential Medium Density (R2) zone district is intended to provide for a range of housing types at a medium density range in keeping with applicable land use plan densities. R2 is characterized by a predominance of older residential homes and traditional neighborhood development, which typically will include smaller single-family residential lots, a grid street pattern, and alleys. R2 is also intended to be applied to new and infill areas of the community which are intended to be developed in a similar pattern.

(2) Dimensional Standards

In the process of updating and revising the zoning districts, the consultant team will review the applicable dimensional standards and make recommendations for changes that will help implement the Town's preferred development patterns as well as to encourage the creation of more housing. The current dimensional standards regulate the following lot and building elements: minimum lot area, minimum lot width, maximum building height, minimum floor area of dwelling unit, and building setbacks.

In many modern land use codes, communities are moving away from minimum floor area requirements in order to allow more flexibility and creativity for both the residential and nonresidential real estate markets. For example, many multifamily workforce housing projects include studio and one-bedroom units that would not meet the current 1,250 square feet minimum requirement in Silverton's R-2 (Multiple-Family Residential) zoning district (Development Readiness Assessment). Additionally, establishing a maximum building footprint or total square footage limitation could limit the construction of large, single-unit homes and encourage both single-unit dwellings that are sized similarly to the existing housing stock and multiple-unit dwellings (e.g., two-four unit dwellings).

Compass Master Plan

Update dimensional standards to provide more flexibility for a variety of building types while maintaining the historic character.

(c) Refine Overlay Districts and Clarify Standards

The current LUC includes six overlay zoning districts. Overlay districts are specific geographic areas layered on top of base zoning districts that implement additional regulations on those lots typically to protect sensitive natural areas, preserve historic districts, or promote specific types of development. Specific recommendations for each overlay district include:

- **Flood Hazard, Avalanche Hazard, and Slope Overlay District.** Clarify and confirm the mapped boundaries of flood and avalanche hazard areas as well as steep slope areas using the best available data and resources (e.g., floodplain maps from the Federal Emergency Management Agency). New or expanded standards should be established to



protect the community and these environmentally sensitive areas. These can be reviewed through the site plan review application process (see Article 8 of this Annotated Outline) where an engineer could perform a basic confirmation that no hazards exist on the site before larger, more expensive studies are required. Further discussion with the Town attorney, Town staff, and community members is necessary to determine the best approach for the identification and review of sensitive lands within the development application process in a fair and cost-effective manner.

- **Limited Overlay District.** Remove as a separate overlay district. This district is currently used to allow uses in a zoning district where they are not currently permitted by applying conditions or standards that mitigate potential negative impacts from the proposed use. If an application requires specific review due to noise, screening, or other visual, operational, or environmental impact, it should be listed as a Conditional Use or Special Use Permit in the Table of Allowed Uses (see Article 13 of this Annotated Outline for more information).

- **Historic Overlay District.** Clarify and streamline procedural requirements for the district including review and decision-making bodies based on application type, application review steps, the relationship between conflicting overlay and base zoning district regulations and create a waiver process for compliance with all or certain design standards. The overlay district map should also be updated and regulations aligned with the County and the State Historic Preservation Office and National Park Service's requirements for



[Certified Local Governments](#). Update the Architectural Design Standards for Historic District (Builders' Handbook) and/or incorporate standards into the LUC to reflect the any necessary changes based on community feedback and state requirements. (Development Readiness Assessment)

- **Architectural Review Overlay District.** Explore converting the standards included in this overlay into Townwide or district specific design standards. Clarify the difference between or overlap with the design standards required within the historic district overlay.

(d) Clarify the Planned Unit Development (PUD) Process

A Planned Unit Development (or “PUD”) is a regulatory tool by which a property owner and a local government negotiate the development parameters for their project to accommodate specific development patterns, building and lot dimensions, and/or land uses that may not otherwise be allowed under the existing base zoning districts. The LUC rewrite will explore multiple options to make the PUD a useful tool in a range of settings.

Specific recommendations for this section include:

- **Require higher quality and community benefits.** (Development Readiness Assessment). The LUC should explicitly require PUDs and PUD modifications to provide community benefits in exchange for the opportunity to gain approval outside the base zoning districts and procedures. Community benefits should not be so prescriptive that they require precise calculations, but with enough specificity to inform the decision-making process. The current allowance for the Board of Trustees to waive such requirements should not be carried forward – the flexibility to adjust base zoning requirements in a PUD needs to be balanced with additional benefits to the community. Benefits may include: (1) providing affordable (income-restricted) and local resident housing, (2) enhanced common area amenities, (3) sustainable building or site elements, or (4) preserved open areas. During the LUC drafting process, the project team will seek input on what type of development or what specific community benefits residents would like to see prioritized.
- **Link PUDs to base zoning districts.** Establishing a link between existing base zoning districts and PUD adjustments allows the Town to: (1) see how the PUD request differs from otherwise applicable standards, and (2) provides regulatory information that can fill in any blanks that were not identified in the PUD approval.
- **Distinguish between minor and major modifications** (Development Readiness Assessment). Increasingly, communities are drawing the lines between minor modifications that can be approved administratively (such as modifications to setbacks), and major amendments that require compliance with the full rezoning or PUD process (such as changes to density or intensity). For example, the Town can establish a 10 percent maximum zoning adjustment for lot dimensional standards which can be approved administratively – eliminating the need to seek the discretion of the Planning Commission or Board of Trustees. These administrative zoning modifications would require solid evaluation and approval criteria so that the tool is used consistently and judiciously.
- **Establish a clear procedure to rezone to a PUD district and enhance approval criteria** (Development Readiness Assessment). The current LUC does not include a specific procedure nor approval criteria for rezoning to PUD. Explicit approval criteria should be developed that would be used to consistently evaluate compliance with

the PUD standards and ensure that the Town is getting substantial additional value in return for the additional complexity added to the Town's land use system and the additional staff time required to manage PUDs over the course of build-out. The Town should also consider drafting a standard template for a PUD development plan for applicants to reference.

- **Consider expiration provisions.** The current LUC does not specify how long an approved PUD remains valid. For example, the Town may consider specific expiration provisions when there is no substantial development activity within all or a portion of a PUD. Further discussion on this topic, to include a strategy for what expired PUDs would revert to upon expiration, is required with the Town Attorney prior to drafting.

(e) Adopt a New Zoning Map

As part of the LUC rewrite, the Town will be adopting a new official zoning map to create clear district boundaries and reflect any updates to the zoning districts (e.g., consolidation of districts with similar purposes and standards). Updating the zoning map provides the community additional opportunities to discuss the Future Land Use Framework in the Compass Master Plan and determine if there are areas in Town that could benefit from rezoning to a new district that better promotes the long-term goals for the area or neighborhood.

Recommendations

Compass Master Plan

- Reduce setbacks.
- Reduce minimum lot areas and floor area.
- Reduce lot coverage percentages.
- Increase height limits. (This recommendation will be explored with Town staff and the community to determine if there is a particular zoning district or area of Town that would be best suitable for additional height and a reasonable upper limit e.g., 45 feet)
- Enact maximum footprint and lot size for single family housing.
(Land Use Strategy A-2 and Housing Strategy D-2)

Development Readiness Assessment

- Evaluate the regulations in and future use of the B-A Business Automobile District.
- Evaluate the impacts of consolidating residential zoning districts to better fit the anticipated needs and vision of the community as suggested in the Town's Compass Master Plan.
- Create a table of dimensional standards that outlines all zoning district development standards into one comprehensive table. While creating this table, address existing setbacks and consider reducing in downtown and areas of infill where more density is desired.
- Clarify the definitions and identification of lots, parcels, and properties. Work with Town staff to determine how to approach original Town lots that do not meet the current minimum size requirements for zoning districts. The Town should clarify if these should be combined to meet minimum size requirements, or deemed nonconforming lots. Additionally, the Town should explore the potential for allowing small lot development.

Article 3 Use Standards

Overview

This article will contain all of the standards applicable to specific land uses. The current regulations include land uses and applicable standards within each zoning district, which makes comparative analysis across districts difficult.

Summary of Key Updates

(a) Create a Consolidated Use Table

One of the most functional improvements to the LUC will be implementing a consolidated Use Table that shows all of the potential land uses and how they are permitted in each zoning district. This allows the LUC to be more concise by no longer listing all permitted uses in each zoning district section.

The Use Table will summarize allowable uses by zoning district, indicating the level of approval required: by-right, Conditional Use Permit, Special Use Permit, or not permitted (see Article 13 of this Annotated Outline for a detailed explanation of Conditional and Special Use Permits). Within the table, uses will be organized by category and subcategories, then alphabetized. By using broad use categories (e.g., residential, commercial, industrial) and use types (e.g., commercial: office, retail, services) users can be guided to the information they need without knowing exactly what the Town calls each use. An example of a portion of a finalized Use Table is provided below.

Table 3-1: Table of Allowed Principal Uses – Rural												
R = Allowed by Right SP = Site Plan AS = Administrative Special Review S = Special Review												
Blank Cell = Prohibited use												
CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF		
School, Public	See §6.4.4, Location and Extent											
Healthcare Facilities												
Health Services				AS					AS	AS		
Hospital				AS					AS	AS	3.3.4.B	
Medical or Dental Clinic				AS					AS	AS		
Rehabilitation Facility				AS					AS	AS		
Parks and Open Lands												
Natural Resources & Wildlife Area	R	R	R	R	R	R	R			R	3.3.4.C	
Park or Playground	R	R	R	R	R	R	R	R	R	R	3.3.4.C	
Regional Open Space & Trails	R	R	R	R	R	R	R		R		3.3.4.C	
Reservoir Park	R	R	R	R	R	R				R	3.3.4.C	
Urban Open Space & Trail							R	R		R	3.3.4.C	
COMMERCIAL USES												
Agriculture & Animal Uses												
Garden Supply Center		AS	AS	SP	AS	AS	AS	AS	SP			
Kennel, Commercial												
Indoor Only		AS	AS	SP	AS	AS		AS	SP			
Outdoor Animal Use Area		S	S	AS	S	S		S	AS			

The new table can be a helpful resource for consolidating key information. Beyond the uses themselves, a table can identify:

- **Accessory and temporary uses.** The table should include sections for accessory and temporary uses at the end of the table, identifying the appropriate districts for each of these types of uses. This helps the user understand the difference between principal and accessory or temporary uses. Accessory uses are incidental, subordinate to, and smaller in size than a primary use on the same lot. A primary use must exist on a lot before an accessory use can be established (see potential exclusion for accessory dwelling units in (d) below). Temporary uses are allowed in a zoning district for a limited and fixed period of time, such as seasonal sales.
- **Use-specific standards.** The right-most column of the table includes cross-references to use-specific standards, which are additional requirements that are specific to a use type. Cross-referencing those standards in the use table communicates to the reader that, although the use may be allowed by right, there are additional standards that must be addressed.

(b) Reorganize and Draft New Use-Specific Standards

Well-designed use-specific standards are a requirement of a good Code. These standards help set shared expectations between the Town and the applicant and often ensure that the potential on- and off-site impacts of a use are mitigated. When good use-specific standards are drafted into the LUC, they have the advantage of being tested and vetted in a way that conditional standards drafted for a specific development application are usually not.

In the current LUC, there are scattered use-specific standards in the individual zoning district regulations, separate articles (e.g., mobile homes and campers), and definitions. These will be consolidated into one section and reorganized into the same major categories as the Use Table. In an effort to streamline the development review process and increase consistency, the updated LUC will move many uses out of the “Uses by Subject Review” approval process by drafting some additional common-sense standards to limit development impacts on the surrounding area and ensure development contributes positively to the community.



(c) Define Uses

Each use type and use category will also be defined, making it easy to determine appropriate future use designations. Many listed uses are currently undefined, such as “retail shops,” “venues for public entertainment,” and “fabrication, manufacture and assembly facilities.” Without a definition, staff must provide interpretations, and applicants may not always agree with such interpretations, which can lead to unnecessary delays in the development process. The use definitions will be included in the list of general terms in the Definitions and Measurements article of the LUC.

(d) Increase Housing Options

Two of the short-term solutions provided in the Housing Needs Assessment to address Silverton's affordable housing supply shortage are to:

- Allow the development of attached homes (duplexes, triplexes, fourplexes) by right in the single-family district when those units provide long term rental housing, or at least one affordable unit for sale, and prioritize the units for moderate-income local workforce; and
- Create a temporary campground for workforce and/or a site that would allow tiny homes—temporary homes initially and more permanent structures as infrastructure is developed—to alleviate urgent needs for workforce housing now and accommodate future seasonal surges.

Compass Master Plan
Ensure desired housing types are designated “use by right” in desired areas.



Though the Housing Needs Assessment recommends allowing two, three, and four-unit residential structures when paired with income-restrictions, the Town would still benefit from allowing duplexes in single-family districts in order to increase the overall housing supply.

Additionally, the Town recently updated the accessory dwelling unit (ADU) regulations to allow ADUs in all zoning districts where single-family residences are allowed and adjusted design and occupancy standards to increase opportunities to construct or establish ADUs. As part of the LUC rewrite, the Town may also consider allowing ADUs to be constructed and/or inhabited prior to or during the construction of a principal dwelling unit.

(e) Review and Update Current Uses and Use Permissions


Uses and use tables can age over time, with new uses arising (e.g., doggy daycare) and older uses fading away (e.g., print shops). The Use Table should be reviewed and revised to include new uses and adjusted to incorporate post-covid lessons (e.g., home occupations and drive-throughs). The permissions within the table should be reviewed to make desired uses easy to approve. Cleaning up the Use Table is frequently an activity that occurs in phases during a code update project.

(f) Allow a Greater Mix of Uses in Neighborhoods

The current LUC allows for very limited nonresidential uses within the residential zoning districts. This may unnecessarily limit the supply of properties available for employment spaces when there are certain commercial uses that may be suitable in size and scale to operate within or on the perimeter of residential areas. A greater variety and distribution of commercial and creative industry uses throughout the town will not only provide resources, services, and employment opportunities for Silverton residents, but also will contribute to the overall health of the local economy.

Compass Master Plan

Limit regulation of uses and building types to provide flexibility for home/building reuse, and non-traditional creative/maker/office spaces in neighborhoods.

 What We Heard

- Need mixed-income and affordable housing, especially for young adults and retirees
- Encourage ADUs and long-term rentals
- Balance residential housing and commercial building stock – commercial buildings and industrial lots make space for more jobs
- Identify and preserve lots for industrial uses
- Make sure there are opportunities for the full range of land uses to be built/located in Silverton

Recommendations

Compass Master Plan

- Clearly define allowable commercial uses in zoning districts to ensure suitable businesses are allowed in the Neighborhood Mixed Use district. (Local Economy Strategy C-1a)
- Relax change of use regulations. (Local Economy Strategy C-1b)
- Encourage the creation and retention of light manufacturing and creative employment spaces, or building sites that meet the needs of existing local businesses to grow or expand. (Local Economy Strategy C-2)

Development Readiness Assessment

- Remove educational and religious establishments as uses subject to review.
- Clarify standards for mobile homes, mobile home parks, campers, camper parks, travel homes, and manufactured homes. Align standards with or add applicable cross-references to other chapters of the Municipal Code. Evaluate minimum lot sizes for the

larger groupings of mobile homes and campers as they have historically been permitted on smaller lot sizes than the Town Code permits.

- Update information on topics, such as telecommunications, including small cell regulations, that reference outdated state and federal regulations.
- Remove “any use or activity not conducted within an enclosed building” and “areas subject to natural hazards” from the principal use list (the first will be handled in use-specific standards and the second will be addressed in the environmentally sensitive lands standards).
- Remove fences/walls as stated as accessory structure and move applicable standards to the landscaping and screening regulations.

Article 4 Subdivision Design and Improvement Standards

Overview

Subdivision standards establish the required layout, design, infrastructure, and public connection requirements for new subdivisions and changes to existing subdivisions and PUDs. In tandem with zoning district dimensional standards, subdivision regulations should be designed to implement the development pattern of different areas of the community while ensuring that new lots are served by necessary infrastructure and utilities. Subdivision standards also address requirements for land dedication for community parks and trails.

Summary of Key Updates

(a) Consolidate Chapters 15, 16, and 17 into a Single Land Use Code

The current Silverton Zoning regulations are located in Chapter 16 and the Subdivision regulations are located in Chapter 17. Each set of regulations has its own substantive requirements, definitions, and procedures. These chapters should be merged into a single chapter that includes all of the substantive requirements, procedures, and definitions combined and organized for ease of use. Redundant provisions, such as applicability, fee payment, and penalties, should be revised into a single set of applicable standards.

(b) Modernize the Required Improvements

The LUC’s current improvements standards are very open-ended and do not provide sufficient information for either an applicant or for staff review of an application. The consultant team will work with staff to incorporate both improve design requirements and guarantees to help ensure that new development is making a fair share contribution to the community.

Recommendations

Development Readiness Assessment

- Create clear standards for new subdivisions, referencing the Town’s Street Standards for specific design criteria.

- Evaluate policies associated with responsibilities of installation of public improvements. Memorialize such policies within the Code where applicable.
- Hold further discussions with Planning Commission and Board of Trustees to evaluate the need for and identify what dedications, impact fees, and/or fees-in-lieu shall be required for future development when a subdivision is applied for.

Article 5 Environmentally Sensitive Lands

Overview

This article includes standards that protect and enhance the natural features that contribute significantly to Silverton's quality and character, including but not limited to the varying topography and hillsides, floodplains, wetlands, and other significant features. This section is also intended to ensure that land subject to natural hazards such as flooding, falling rock, landslides, mud flows, wildfire or snowslides is not approved for development without appropriate consideration by the Town of potential conditions and safeguards to help protect life, health, and property. During the drafting process, the project team will explore how to best organize and align these requirements with the flood, avalanche, and slope hazard overlay districts.

Summary of Key Updates

(a) Establish a Geological Hazards Evaluation Process

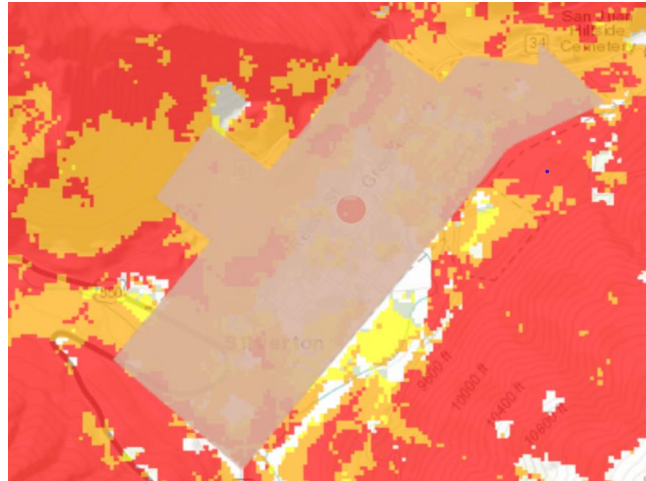
To gain a broader understanding of the potential impacts of new development or redevelopment on a site with geological hazards, the Town should develop a process to identify potential hazards and appropriate mitigation requirements. Geological hazards include landslides, rockfalls, expansive soil and rock, and corrosive soil. This process should work in conjunction with the Colorado Geological Survey's technical review authority and land use application review services.

(b) Incorporate Hillside and Steep Slope Development Standards

Most communities in Colorado prohibit development on slopes greater than 30 percent and strictly limit development on sites with slopes between 20 and 30 percent. Rather than making development determinations on a use-by-use basis as the current Slope Hazard Overlay District requires, the Town should establish standards that address (or prohibit) development design and roadway design on steep slopes.

(c) Establish a Wildfire Hazard Study Requirement for Residential Development

Silverton is surrounded by and includes areas of wildfire risk. As shown on the map to the right, the orange areas have moderate intensity risk and the red areas have high intensity risk. The Town has access to or could maintain their own copy of the Colorado State Forest Service's Wildfire Risk Viewer that indicates the potential wildfire intensity within a given area.




Silverton wildfire risk map from Colorado Wildfire Risk Viewer

Applicants for new development or redevelopment in either of these risk zones should be required to submit a wildfire hazard study for Colorado State Forest Service review. The LUC could include basic requirements for the details to include in the study. CSFS will comment on the potential effectiveness of proposed wildfire management plans and mitigation techniques. The project team will work closely with Town staff and San Juan Fire and Rescue Authority to refine these requirements. Additionally, further community discussion is necessary to work through the potential impacts on development costs through these additional regulations.

(d) Identify Riparian Buffers

Establishing no-build/limited use areas around riparian areas helps to protect sensitive lands and streams from both disruptive use and runoff impacts. Building the riparian buffer protection into the LUC ensures that it will be applied wherever it is needed in a predictable manner. The project team will work closely with staff and the community to determine to what extent to active wetlands identification efforts should be supplemented with regulations in the LUC.

 <p>What We Heard</p>	<ul style="list-style-type: none">• Embrace sustainable development principles: green buildings, water conservation and waste management• The Avalanche Hazard and Slope Hazard overlays need to be evaluated and maps redrawn or corrected especially as development expands to the edges of Town
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Recommendations

Development Readiness Assessment

- Strengthen standards for disturbance to slopes 25 percent or greater. Consider a maximum percentage of steep slopes that can be disturbed on a parcel.
- Continue to pursue discussions with the Board of Trustees regarding the establishment of clear regulations which address provisions related to mitigation of disturbed wetlands, maximum disturbance areas, and establishment of buffers around identified wetlands to limit or prohibit disturbance.

Article 6 Site Development Standards

Mobility, Connectivity and Parking

(a) Overview

This article will describe the requirements for:

- Internal circulation within a site, connections between development sites;
- Vehicular and pedestrian/bicycle access to and throughout the site; and
- Basic vehicle and bicycle parking requirements.

Compass Master Plan
Improve town pedestrian and bicycle infrastructure to create uninterrupted connectivity throughout town.

When drafting this article, staff and public input will help inform at what point in the process (i.e., subdivision versus site planning) certain requirements should be reviewed. There will also be community discussion regarding the balance between adding regulations (e.g., the construction of new sidewalks) and the development cost of connecting the gaps in pedestrian and bicycle infrastructure throughout Town.

(b) Summary of Key Updates

(1) Evaluate and Explore Vehicle and Bicycle Parking Requirements

The current LUC requires one parking space per dwelling unit in residential projects but does not include specific parking requirements for other use types beyond vacation rentals and accessory dwelling units. Due to the unique nature of Silverton’s general pattern of development with both unpaved and on-street parking spaces serving both residential and commercial properties, the project team will work with staff and the community to determine the level of detail and particular standards that are necessary to and realistic within Silverton. This includes a discussion about whether minimum off- or on-street requirements should be included for all or some land uses in the LUC.



Additionally, many Codes provide general requirements or recommendations related to the provision of bicycle parking. With plans to expand and improve bicycle trails in the area, the Town will have an increased need for both long- and short-term bicycle parking spaces which the LUC can address as new projects are constructed or existing sites are redeveloped.



- Improve the clarity and wayfinding for pedestrians in Town
- Especially as the Town builds out on the fringe, consider how kids get to school and people get to work via both vehicles and alternative modes of transportation (e.g., foot or bike)
- Concern about parking availability for residential properties adjacent to nonresidential or multiunit properties

(c) Recommendations

Compass Master Plan

- Improve sidewalks throughout town.
- Implement 2020 Blair Street Sidewalk Improvements.
- Add bicycle connections.
- Install pedestrian scale lighting.
- Implement Kendall Mountain Recreation Area Master Plan improvements that may include mountain biking trails and improved trail systems.
(Infrastructure Strategy B-3 and B-5b. and c.)
- Reduce parking requirements for small-scale infill projects. (Land Use Strategy A-2a. and Housing Strategy D-2.b)

Development Readiness Assessment

- Review the Code against the Silverton Public Works Construction Standards Manual to avoid duplicative standards and ensure alignment between documents.
- Consider adding multi-use trail requirements/pedestrian connectivity design guidelines.
- Relocate off-street parking requirements from the subdivision standards to a separate section in the development standards.

Landscaping and Screening

(a) Overview

This section will include the standards for landscaping required on a development site, standards for tree preservation and protection, and screening devices such as fences and wall standards. Landscape standards in the current LUC are minimal and additional discussion with Town staff, developers, and other stakeholders during the drafting process is necessary to determine the amount of detail and strictness of requirements that will work well in Silverton.

(b) Summary of Key Updates

(1) Establish Minimum Landscaping Requirements

Minimum landscaping requirements determine the total percentage of a lot that must be landscaped. Some communities tailor the requirements based on zoning district and others based on particular use categories (e.g., multifamily residential versus nonresidential). Minimum percentages tend to range between 10 – 30, with the higher values applied to heavier residential districts or residential uses. This section can also specify what is considered landscaping and can be used toward meeting the minimum requirements (e.g., plants, trees, and fencing). For Silverton,

climate-related factors will be considered when exploring this idea including the potential impact of accessory propane tanks, snowsheds, and snow storage areas.

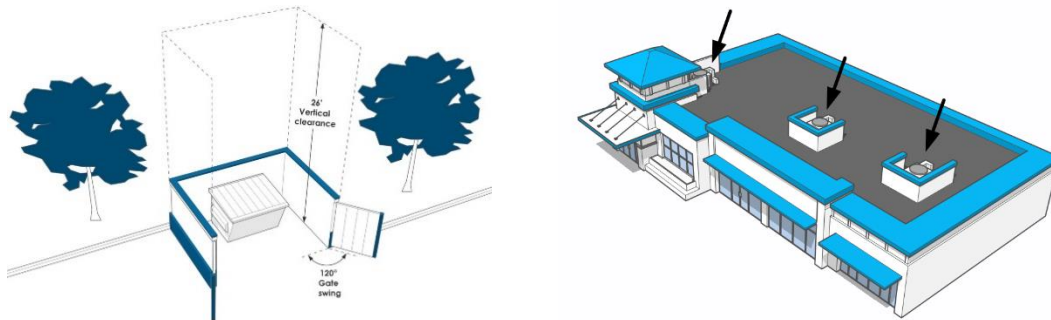
(2) Incorporate Water- and Fire-Wise Landscaping Standards

Examples of water- and fire-wise landscaping requirements that could be drafted in the LUC include:

- Encourage the use of native planting and a diversity of plant types;
- Limit the amount of high water trees and shrubs used to meet minimum landscaping requirements;
- Consider establishing basic defensible space (the space between a building and the surrounding natural features) landscaping requirements;
- Require low water plants in areas that are not appropriate for permanent irrigation;
- Limit the amount of turf used in a landscaping plans;
- Encourage the use of soil amendments;
- Establish landscape design standards that ensure efficient grouping of plants based on water requirements; and
- Strengthen irrigation efficiency requirements such as limiting the hours of operation of irrigation systems.

(3) Introduce Townwide Screening Standards

Though certain uses may continue to maintain additional screening standards due to the intensity of the activity, a small number of general screening standards could benefit the visual appearance of properties throughout Silverton. Basic screening standards include those applicable to accessory storage structures (e.g., zircon), ground-mounted utility/mechanical equipment, service, and storage areas (e.g., trash enclosures), and roof-mounted utility/mechanical equipment.



(4) Clarify Fencing and Wall Maintenance Standards

The current LUC does not provide clear direction regarding the maintenance of fences and walls between property. Language will be added to clarify the party responsible for maintaining not only fences and walls, but other landscaped areas and screening.

Site and Building Design Standards

(a) Overview

The site and building design standards regulate the placement of structures on a lot and provide baseline structure design standards. These standards will be designed to help new development and redevelopment “fit” with surrounding development, while maintaining the town’s funky vibe, and ensure that development is sited in a pedestrian-friendly manner.



(b) Summary of Key Updates


(1) Site Layout Standards for Different Development Types

This new section will provide standards for ensuring that development works within the town’s existing development patterns in terms of location on a lot. Basic standards will include contextual setback calculation, transitions between residential lots and mixed-use or commercial lots, the placement of access points, and the location of accessory structures (e.g., refuse containers or storage containers).



(2) Building Design Standards

Building design standards will also focus on community basics, including placement of primary entrances, use of climate-appropriate materials, and commercial structure design that blends with the rest of the community.



What We Heard

- Consider form-based code principles to facilitate infill development Downtown
- Consider minimal and basic design standards such as roof types and basic fenestration requirements
- Incentivize the rehabilitation of existing buildings (e.g., second floor spaces on Greene Street)
- Balance regulations that produce high quality development with keeping costs affordable
- Address existing structures built without proper foundations and vacant properties

(3) Incorporate Snow Storage Requirements

As part of the proposed site plan review process (see Article 8 of this Annotated Outline) the LUC will include a general requirement for all development to demonstrate that the site will be able to accommodate adequate on-site snow

storage within the property boundaries. This is typically expressed as a minimum functional area of between five to 25 percent of the lot to be designed to support snow clearing and accumulation.

(c) Recommendations

Development Readiness Assessment

- Update site design standards including parking requirements, access design and siting, landscaping, and building articulation and form to ensure that they meet the desired character of the town.

Outdoor Lighting

(a) Overview

This article includes the standards that establish requirements for lighting in public places, lighting required for night-time safety, and limit or prevent light pollution that can interfere with the ability to see the night sky. Outdoor lighting is increasingly regulated by mountain communities in an effort to preserve the quality of the night sky and reduce impacts on human health and wildlife habitat.

Because most outdoor lighting is already in existence and on private property, a major challenge is retrofitting existing lighting and determining the role the Town wants to play in supporting the transition of existing outdoor lighting to less impactful fixtures. The LUC update will identify opportunities to improve outdoor lighting standards with dark sky friendly requirements while maintaining an approach that is as straightforward as possible for residents to implement and Town staff to enforce. The LUC rewrite also provides an opportunity to further explore and discuss the Town's prior efforts to seek official designation from the DarkSky International as a "Dark Sky Community" including the potential implementation and enforcement challenges of such designation.

(b) Summary of Key Updates

Specific recommendations for this article include incorporating and building on the working draft of dark sky friendly regulations that:

- Consolidate various lighting provisions that are currently scattered throughout the Code (e.g., vacation rental permit, signs, and supplementary regulations);
- Create a list of prohibited lighting types;
- Integrate additional lighting types and efficiency standards (e.g., maximum energy consumed, light sources, and correlated color temperature);
- Establish specific standards for other lighting types, such as canopy lighting and pedestrian-scaled lighting to ensure all areas of a site are well-lit for public safety purposes while still protecting the night sky; and
- Relocate Christmas and decorative lights from signs to outdoor lighting.

Article 7 Signs

Overview

The sign regulations address the type, size, and placement of signs allowed in the community. Recent U.S. Supreme Court decisions have impacted the way a municipal government can regulate signs.



Summary of Key Updates

Silverton's sign regulations need to be modernized to reflect both legal requirements and standard practices in the sign industry. The entire set of regulations needs to be reorganized for readability and clarity. Graphics and clear definitions of specific sign types (e.g., flag vs. freestanding sign) will be added to facilitate improved conversation between sign applicants and Town staff.

Recommendations

Development Readiness Assessment

- Update sign regulations to be compliant with the most recent case law, including the landmark case, Reed vs. Gilbert.
- Clarify difference between artwork/murals versus business names painted on structures.
- Recommend modifying sign heights to be twenty feet or no higher than structure on property, whichever is less.
- Consider reducing vacant business sign allowance from 12 to 8 months.
- Clarity is needed in describing freestanding and projecting signs. Re-write these sections to be clearer and add bullets for standards for review.
- Square footage requirements could be written much clearer. Re-write and add graphics to illustrate calculating sign area.

Article 8 Administration and Procedures

Overview

This article will describe the review and approval procedures for development applications in Silverton. The current procedures are scattered throughout Titles 15, 16 and 17, so this new article would provide a cleaner one-stop-shop for evaluating development proposals. This article will also carry forward and include provisions that identify each of the review and decision-making bodies participating in Silverton's development processes and will outline their authority.

Summary of Key Updates

(a) Create a Summary Table of Development Review Procedures

At the beginning of the administration and procedures article, there will be a summary table that indicates the various types of procedures, the steps involved in evaluation and approval, and the final decision-making authority for each. This table helps to provide a concise summary of expectations for staff, the developer, and the public. Communities vary in their preferences for how much detail to include. For example, some communities prefer adding as much detail as possible to include public noticing requirements, neighborhood meetings, and online cross-references to other supporting materials, but others prefer to separate those details into multiple tables. An example of a recently adopted summary table from another community is provided below.

Compass Master Plan

Ensure local land use policies and processes are fair and predictable and make it possible to start or expand businesses that fit in Silverton.

Table 4.17-1: Application Review Requirements									
Application Type	LUDC Section	Pre-Sub. Conf.	N'hd Mtg.	Notice	Admin (Staff)	PZC BOA	Town Council	Form of Final Decision	
Key: ✓ = Required R = Review and Recommend D = Decision A = Appeal RA = Ratify NoD = Notice of Decision Res. = Resolution Ord. = Ordinance									
Approval Processes									
<i>Per Colorado Statutes</i>									
Annexation									
Comp. Plan Approve or Amend	4.17.080A	✓		✓	R	D	RA	Ord.	
Conditional Use Permit	4.17.080B	✓	✓	✓	R	D	A	Permit	
Development Plan	4.17.080C								
Administrative		✓			R, D	A (BOA)		NoD	
Minor		✓		✓	R	D	A	NoD	
Major		✓	✓	✓	R	R	D	NoD	
PUD Rezoning	4.08.060								
Concept Plan		✓	✓	✓	R	R	D	N/A	
Development Plan		✓	✓	✓	See Development Plan, Major				
PUD Amendment		✓	✓	✓	R	R	D	Ord.	
Rezoning	4.17.080D	✓	✓	✓	R	R	D	Ord.	
Special Use Permit	4.17.080E	✓	✓	✓	R	R	D	Ord.	
Subdivision		✓	✓	✓					
Minor Subdivision	4.17.100C	✓			R, D	A (BOA)		NoD	
Sketch Plan	4.17.100D.2	✓		✓	R	R	R	N/A	
Preliminary Plan	4.17.100D.3	✓		✓	R	R	D	Ord.	
Final Plat	4.17.100E	✓		✓	R	R	D	NoD	
Final Plat, Condominium/Townhome	4.17.100F	✓		✓	R, D	A (BOA)		NoD	
Vacation of ROW	4.17.100G	✓	✓	✓	R	R	D	Ord.	
Variance	4.17.080F	✓	✓	✓	R	D		Res.	
Vested Property Rights,	4.17.080G	✓		✓	R				

Drafting this summary table will also provide an opportunity to evaluate the review and decision-making bodies for each procedure. Considering other improvements proposed in this Annotated Outline, such as establishing use-specific standards to mitigate known

impacts and drafting new or clarifying existing development standards, certain applications that are currently reviewed by the Board of Trustees may be better suited as decisions by the Planning Commission or Town staff. This can reduce the time required for plan review and minimize uncertainty during the process.

(b) Draft Common Procedures

(1) General

Common review procedures establish the procedures that will apply to most (or all) types of development applications and thereby eliminate the need to repeat such information throughout the Code. This section will include standard procedures for:

- Preapplication meetings
- Neighborhood meetings (if applicable)
- Application submittal and acceptance
- Staff review and action
- Public hearing scheduling and notice
- Decision-making review and action
- Post-decision actions and obligations (e.g., appeals)

These common review procedures could be expanded to include procedures for recording approved applications, improvement agreements, and any Silverton-specific regulations that may need to be addressed.

Compass Master Plan

Develop systems for property owners by creating more efficient and predictable development review and permitting processes.

(2) Review and Decision Criteria

The current LUC lacks sufficient review criteria for the full range of approval types which contributes to unpredictable development outcomes. Clear approval criteria are essential for making consistent decisions grounded in Town policy. Approval criteria should be objective so that regardless of the current Planning Commission, Board of Trustees, or staff, application of such criteria will be consistent over time. Additionally, approval criteria should be carefully tailored toward application types. For example, instead of simply requiring “consistency with the Town Master Plan,” criteria for a rezoning may require consistency with the purpose statement of the proposed zoning district and/or consistency with applicable area plans. The same concept of more specific criteria could also be applied to site plans and variances.

(c) Enhance Specific Procedures

(1) General

Each specific development procedure should be presented in a uniform format, with a consistent level of detail. At a minimum, each procedure should describe:

- **Purpose** - what the procedure does
- **Applicability** - when it is required
- **Process** – what are the steps for approval, particularly any that are specific to the given application type

- **Review Criteria** – what requirements must be satisfied for review bodies to approve the application
- **Appeals** – can the decision be appealed, and to what body?
- **Expiration** – is there a time limit on an approval?

(2) Replace the “Use Subject to Review” Procedure with Conditional and Special Use Permits

In conjunction with allowing more administrative approvals of certain use types with use-specific standards, the “Use Subject to Review” procedure that required approval by the Board of Trustees should be replaced with a “two-level” system that allows some uses to be approved by the Planning Commission (Conditional Use Permit) and others remain the responsibility of the Board of Trustees (Special Use Permit). The Special Use Permit will be reserved for a small number of uses that, based on their potential impact on the community or the complexity of the project, necessitate the review of both Planning Commission and the Board of Trustees.

Both Conditional and Special Use Permit procedures will include clear and objective review criteria to ensure applicants are aware of the full range of standards a project must comply with and create more predictable development outcomes across different applications. The example below shows a different community’s review criteria for a Special Use Permit.

2. *Special Use Permit Approval Criteria.* In reviewing a proposed special use permit application, the Planning Commission shall consider whether:
- i. The use will be compatible with the surrounding area;
 - ii. The impacts of the use on surrounding areas have been adequately minimized;
 - iii. The use will be consistent with the general purpose and intent of this Code;
 - iv. The use will comply with all applicable standards of this Code;
 - v. The use is in conformance with the Comprehensive Plan and other City plans and policies; and
 - vi. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

(3) Create a Site Plan and Administrative Adjustment Process

In the current LUC, there are scattered references to and requirements to submit a site plan for certain uses or for project within certain zoning districts. By creating a straight forward site plan procedure with a clear applicability statement (when is a site plan required?) and specific review criteria, applicants know what to expect and Town staff can perform a thorough review with more consistent outcomes.

As part of the site plan process, the Town should consider allowing for minor adjustments to dimensional or development standards based on specific criteria. Examples of standards that are often subject to adjustments include: building setbacks, lot width, fencing and screening height, and landscaping. Criteria for adjustments should be clearly stated, should not undermine the intent of the underlying regulations, and should not impose greater impacts on surrounding properties than strict compliance with the LUC would.

(4) Allow Expedited Review for Affordable and Workforce Housing

As emphasized in the Compass Master Plan and Housing Needs Assessment, creating and preserving affordable housing is essential to “sustaining the social and economic fabric of Silverton (Compass Master Plan, pg. 72).” The Town has opted-in

to [Proposition 123](#), a program approved by Colorado voters in 2022 that establishes the State Affordable Housing Fund that provides funding for affordable housing projects and initiatives for communities. In order to access these funds, the Town has committed to increasing the total number of affordable housing units by three percent each year for a three-year period. Additionally, the Town is required to establish a “fast-track approval” process for developments where 50 percent or more of the units constitute affordable housing (excluding subdivisions) by 2026 to remain eligible for funding.

Expediting the review of development projects that include income-restricted (or otherwise affordable as determined by the Town) dwelling units could be processed faster to minimize project delays and unexpected costs by reorganizing hearing and neighborhood meeting requirements to an early stage in the process to allow affordable housing projects that meet LUC requirements to be approved administratively. Alternatively, the Town may want to explore placing more emphasis on drafting development incentives (e.g., increased building height or lot coverage) that prioritize the construction or renovation of affordable housing units.



What We
Heard

- Need clear review criteria to limit number of Planning Commission meetings required for one development project
- Interpretations of the Land Use Code are inconsistent and unpredictable-need clarity across decision makers

Recommendations

Compass Master Plan

- Fast track development review for workforce and affordable housing projects. Options include: (1) Create a clear process checklist and (2) Reduce process requirements for “use by right” projects. (Housing Strategy D-6)

Development Readiness Assessment

- Verify if there are existing bylaws for Commissions/Committees stating how to conduct business. Verify provisions for roles of members, quorum, meeting procedures, member attendance, limitations of terms. If there are no existing bylaws, new documents shall be created.
- Evaluate the subdivision application types and remove, consolidate, and insert additional subdivision types, as necessary. For example, consider adding a process for sketch plan and lot consolidation. Remove existing resubdivision language duplication that exists in Subdivision regulations.
- Separate Board of Adjustments from Variances and Appeals
- Review the Boards and Commissions provisions and authority (Article 2 of Chapter 16, Zoning) against the Zoning Districts and Supplementary Regulations to be sure process information, such as the appeals and variance applications, are consistent and reference each other where appropriate.
- Appeals of Administrative Decisions and BOA decisions need to be relocated to specific “Appeals” application types and process should follow general process requirements.

Article 9 Nonconformities

Overview

This article describes how legal nonconformities are administered and enforced and establishes standards for nonconforming uses, nonconforming structures, nonconforming lots, nonconforming signs, and nonconforming site features.

Summary of Key Updates

(a) Update the LUC to Help Address and Eliminate Nonconformities Through Code Alignment

Many communities with historic development patterns and zoning regulations created in the 1970s or 80s have nonconformities created by insensitive zoning, not created by structures that should be removed from the community fabric. An important update in Silverton will be to match the LUC to existing lot patterns and dimensions to bring older parts of the community back into conformance.

(b) Reconsider the Role of Nonconformities

The definition of “nonconforming” is not absolute and many communities have structures and uses that are more inconvenient than nonconforming. As part of updating the LUC, we will work with the community to consider where removing a nonconforming label, particularly for a minor nonconformity, may encourage redevelopment and reinvestment.

(c) Limit Expansions of Major Nonconforming Uses and/or Structures

The LUC should establish limits on the enlargement or expansion of major nonconforming uses and structures, e.g., those structure or uses that are incompatible with the surrounding area.

Recommendations

Development Readiness Assessment

- Consolidate all requirements for nonconforming uses and structures that are currently distributed throughout the Code.

Article 10 Enforcement and Penalties

Overview

This article will prescribe the enforcement, violations, penalties, and remedies as they relate to the Code. Colorado municipalities have the authority to enforce LUC requirements based in statutory law that does not need to be repeated in the LUC, so this section will be more informational in nature.

Recommendations

Specific recommendations for this article include:

- Clarify and confirm the role of the Board of Trustees, Town Administrator, Building Official, and Code Enforcement Department in enforcing the Code (Development Readiness Assessment).
- Identify any code provisions that create enforcement issues.

Article 11 Definitions and Measurements

Overview

This article includes the basic rules of construction establishing parameters for certain terms used throughout the LUC such as the basic rules for the computation of time and how to interpret conjunctions like “and” and “or.” This article also includes all of the defined terms used throughout the new Code. Many communities prefer a fully alphabetized list of definitions, which makes it easy to find each term, but some definitions may be grouped together in standalone sections for certain uses and features (e.g., signs or flood hazards) based on the Town’s preference.

Recommendations

Development Readiness Assessment

- Incorporate graphics to support and clarify measurements (i.e., building height, floor area, building setbacks, and sign area).
- Consolidate all definitions (i.e., zoning regulations, PUD standards, subdivision regulations, development standards, application requirements, annexation, etc.) into one article.
- Remove standards that exist within definitions and relocate to applicable standards sections of Code.
- Identify and define additional terms that are commonly used or needed for updated policies.