

Silverton Land Use Code

Public Draft – February 2024



Interim Draft #1



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Article 1 General Provisions

[To be drafted in Interim Draft #2]

Commentary

Content. This draft is a combination of new content, revised current regulations, and/or carried-forward current content. Throughout the draft there are footnotes that describe the source section, significant changes, or commentary for many of the provisions that originated in the current LUC.

Cross-reference hyperlinks. Where cross-references are provided in this draft, they are a hyperlink to the section referenced. To go to the section in the cross reference, hover over the reference and then press Control + Click (left mouse). To go back to the original location, click Alt + Left Arrow.

Cross-reference updates. A reference to a section or other provision reads “Section <> [new/current heading]” means that the cross-reference to that specific section or provision will be inserted once that part of the Code has been drafted. For example, a reference in this draft to the Development Standards will be provided in the Consolidated Draft once those regulations have been drafted in Interim Draft 2.

Article 2 Zoning Districts

Commentary

Generally. This Article includes the standards for the zoning districts in Silverton. The lineup of zoning districts was revised to rename some districts, consolidate some districts, and include new districts to accommodate the changing needs of the Town and to be more closely aligned with the Compass Master Plan. Additional discussion and revisions to the proposed districts will be necessary and occur as part of the remapping work.

District organization. Each zoning district includes a purpose statement, a table indicating what minimum and maximum dimensional standards apply to lots and buildings within that district, and an illustration of how those dimensional standards are applied to buildings and lots, and demonstrating the general character and context of that district in terms of bulk and layout.

15-2-10 Zoning Districts Established¹

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
New	R-3: Old Town Residential
New	MU-1: Neighborhood Mixed Use
B-P: Business Pedestrian	MU-2: 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 Implementation²

- (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 broad identified of future land use and can be implemented through more than one zoning district. A dot indicates that the zoning district implements the corresponding land use category designation

¹ Simplified language from Sec. 16-3-10(a).

² New. This table will be further discussed and refined during future remapping exercises alongside the full draft of the LUC.

and is therefore an appropriate option for zoning or rezoning of land within that designated area on the Future Land Use Framework.

- (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	R-3	MU-1	MU-2	C-1	C-2	P
Housing Infill (Attached, max 3 units)	●							
Housing Infill (Variety, 3 or more units)	●	●		●				
Neighborhood Mixed-Use			●	●			●	
Business/Mixed-Use					●	●	●	
Recreation								●

15-2-30 Official Zoning Map³

The boundaries of the zoning districts are delineated on the Official Zoning Map. The Official Zoning Map shall be available on the Town of Silverton website and an official copy shall be on file in the Town Clerk’s office.⁴

15-2-40 Interpretation of District Boundaries⁵

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, natural feature boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way, water bodies (natural and man-made), ditches, or canals 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

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

⁴ Replaced reference to Town Administrator’s office with Town Clerk’s Office.

⁵ New.

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 parcel of land 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 parcel.

15-2-50 Base Zoning Districts and Dimensions

(a) Summary of Zoning District Dimensional Standards

- (1) All 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.

Commentary

Many of Silverton's existing properties are a combination of several smaller lots of the same ownership in which the lot lines have not been formally removed using a subdivision process resulting in structures that are technically built over lot lines. The intent of adding the "zoning lot" definition is to clarify that the limitations to lot area, lot width, open space, and setbacks do not apply to each of those individual lots, but rather the recognized unit of land. The proposed definition for zoning lot is: *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 such ownership.*

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

Current Zoning Districts	R-1-A, R-1	R-2	New	New	B-P	B-A	E-D	P
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P
Lot Area, Min. SF	5,000 ⁶	2,500 ⁷	2,500	-	- ⁸	- ⁹	- ¹⁰	-
Lot Area, Max. SF ¹¹	10,000	7,500	5,000	-	-	-	-	-
Lot Width, Min. FT	50 ¹²	25 ¹³	25	25	25 ¹⁴	50	50	50
Open Space, Min. % ¹⁵	50	40	30	30	20	30	50	50
Setbacks, Min. FT								
Front	7	7	7	7	0 ¹⁶	15 ¹⁷	7	7
Side	7	7	5	5	5 [1]/0 ¹⁸	10 ¹⁹	7	7
Street Side ²⁰	7	7	7	7	5	15	7	7
Rear	5	5	5	5	5	5	5	5
Building Height, Max. FT	30	35 ²¹	35 ²²	35 ²³	45 ²⁴	35 ²⁵	35 ²⁶	30 FT

⁶ R-1-A reduced from current 7,500 square feet.

⁷ Reduced from current 5,000 square feet.

⁸ Currently uses not constructed in conjunction with another principal use require a minimum of 5,000 square feet.

⁹ Reduced from current 30,000 square feet.

¹⁰ Reduced from current 7,500 square feet.

¹¹ New. These new standards will be refined in conjunction with future remapping exercises with the Full Draft of the LUC.

¹² R-1-A reduced from current 70 FT.

¹³ Reduced from current 50 feet.

¹⁴ Currently uses not constructed in conjunction with another principal use require a minimum of 50 feet.

¹⁵ New.

¹⁶ Currently only applied to nonresidential uses and dwellings in conjunction with another principal use.

¹⁷ Reduced from current 20 feet.

¹⁸ Decreased from current 7 feet.

¹⁹ Reduced from current 15 feet.

²⁰ New, for clarification.

²¹ Increased from current 30 feet.

²² Increased from current 30 feet.

²³ Increased from current 30 feet.

²⁴ Increased from current 40 feet.

²⁵ Increased from current 30 feet.

²⁶ Increased from current 30 feet.

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

Current Zoning Districts	R-1-A, R-1	R-2	New	New	B-P	B-A	E-D	P
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P

Notes:
 [1] Applies to new development and redevelopment only.²⁷

Public Input Requested

In addition to the addition of maximum lot area and minimum open space requirements in the residential districts, should there be limited on maximum building footprint and/or maximum total square footage of a single-unit detached dwelling?

²⁷ New.

(b) 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

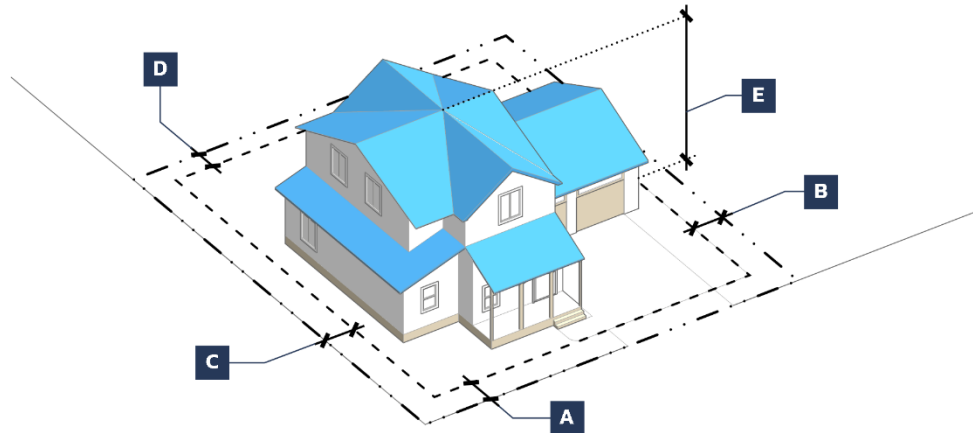


Table 15-2-4: R-1 Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)	5,000	E	Building Height (Max. FT)
Lot Area (Max. SF)	10,000		30
Lot Width (Min. FT)	50		
Open Space (Min. %)	50		
Building Setbacks			
A	Front		7
B	Side		7
C	Street Side		7
D	Rear		5

(c) R-2: Mixed Residential

(1) Purpose

This district is designed to accommodate a variety of housing types including 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 some areas identified for housing infill and neighborhood mixed-use in the Master Plan.



(2) Dimensional Standards

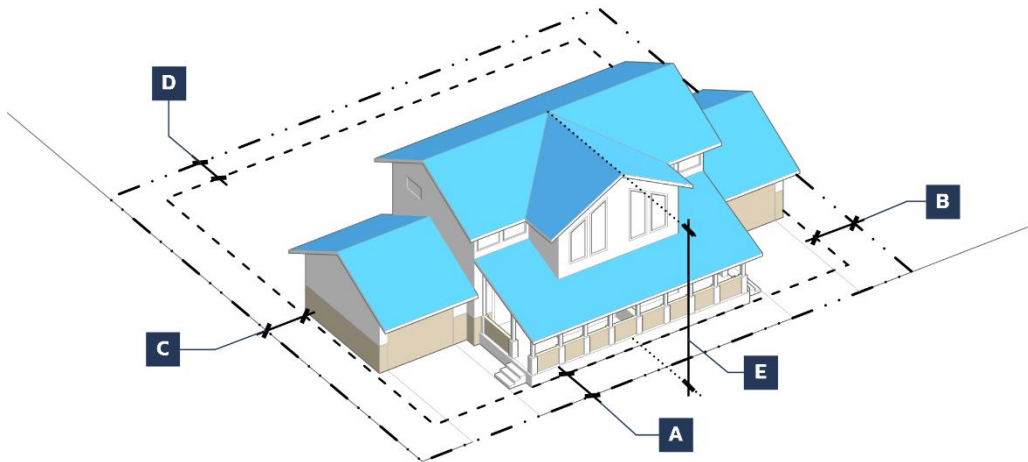


Table 15-2-5: R-2 Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)		E	Building Height (Max. FT)
Lot Area (Max. SF)			
Lot Width (Min. FT)			
Open Space (Min. %)			
Building Setbacks			
A	Front		
B	Side		
C	Street Side		
D	Rear		

(d) R-3: Old Town Residential

(1) Purpose

This district is designed to reflect historic Silverton small-lot housing patterns with a range of housing types. It is intended for application on existing residential lots between Greene Street and Reese Street adjacent to downtown Silverton.



(2) Dimensional Standards

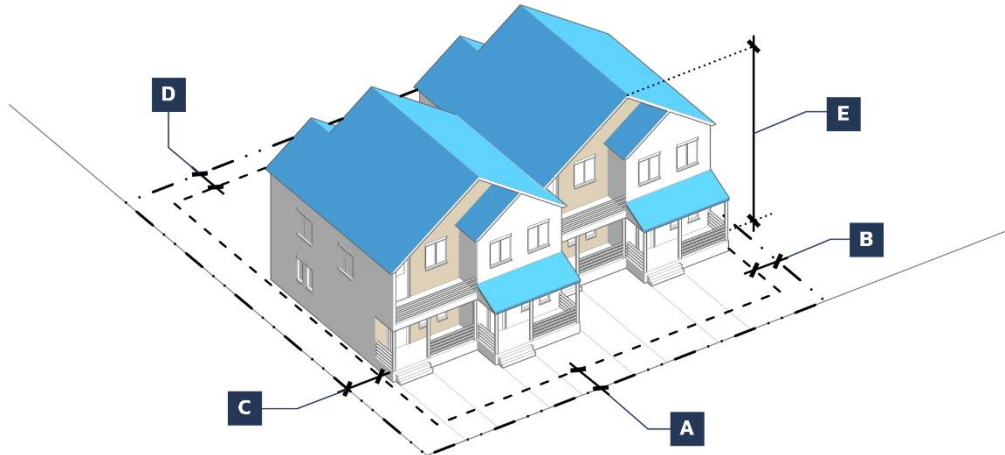


Table 15-2-6: R-3 Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)		E	Building Height (Max. FT)
Lot Area (Max. SF)			
Lot Width (Min. FT)			
Open Space (Min. %)			
Building Setbacks			
A	Front		
B	Side		
C	Street Side		
D	Rear		

(e) MU-1: Neighborhood Mixed-Use

(1) Purpose

This district is designed to accommodate a mix of housing types with a limited number of retail, office, creative spaces, and other commercial uses. It is intended for application in some areas identified as neighborhood mixed-use in the Master Plan including those transitional areas between downtown Silverton and the commercial zoning districts.



(2) Dimensional Standards

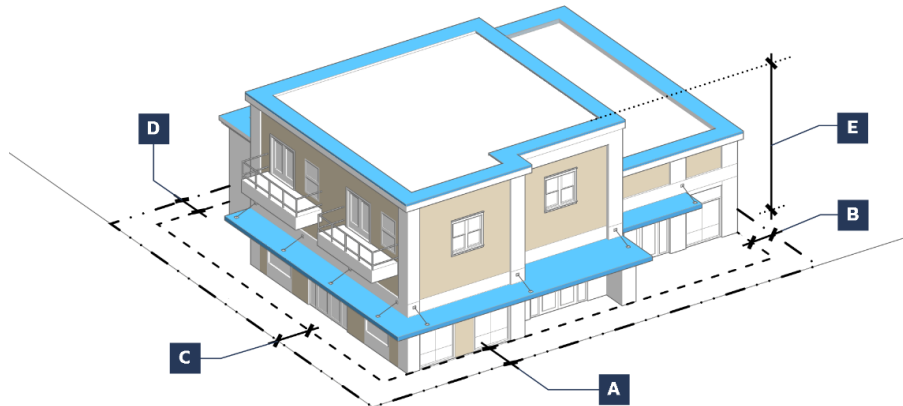


Table 15-2-7: MU-1 Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)		E	Building Height (Max. FT)
Lot Area (Max. SF)			
Lot Width (Min. FT)			
Open Space (Min. %)			
Building Setbacks			
A	Front		
B	Side		
C	Street Side		
D	Rear		

(f) MU-2: 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

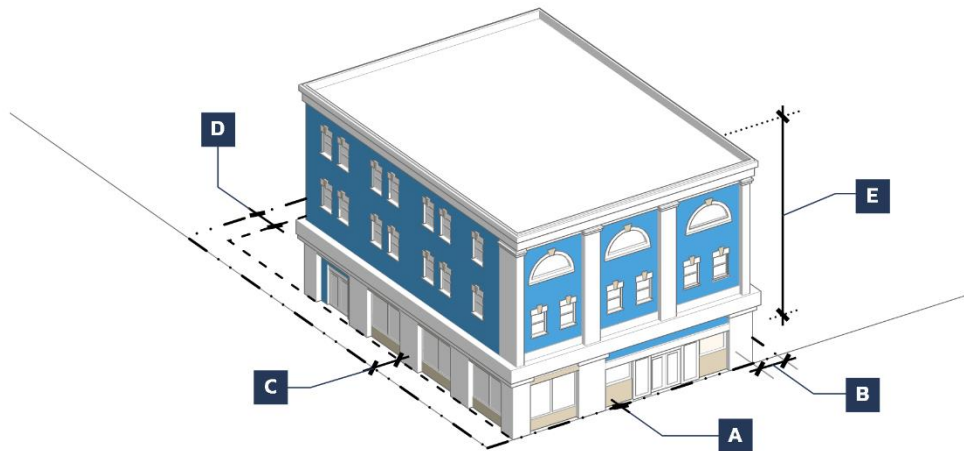


Table 15-2-8: MU-2 Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)		E	Building Height (Max. FT)
Lot Area (Max. SF)			
Lot Width (Min. FT)			
Open Space (Min. %)			
Building Setbacks			
A	Front		
B	Side		
C	Street Side		
D	Rear		

(g) 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

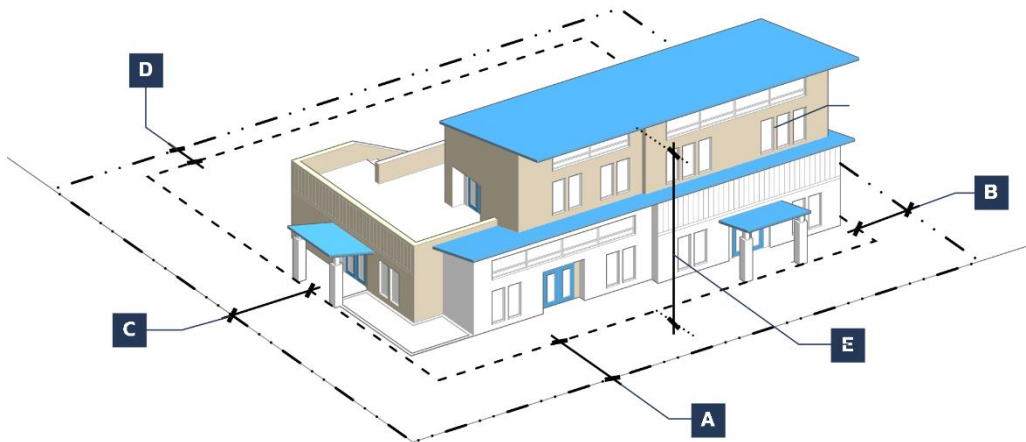


Table 15-2-9: C-1 Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)		E	Building Height (Max. FT)
Lot Area (Max. SF)			
Lot Width (Min. FT)			
Open Space (Min. %)			
Building Setbacks			
A	Front		
B	Side		
C	Street Side		
D	Rear		

(h) 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

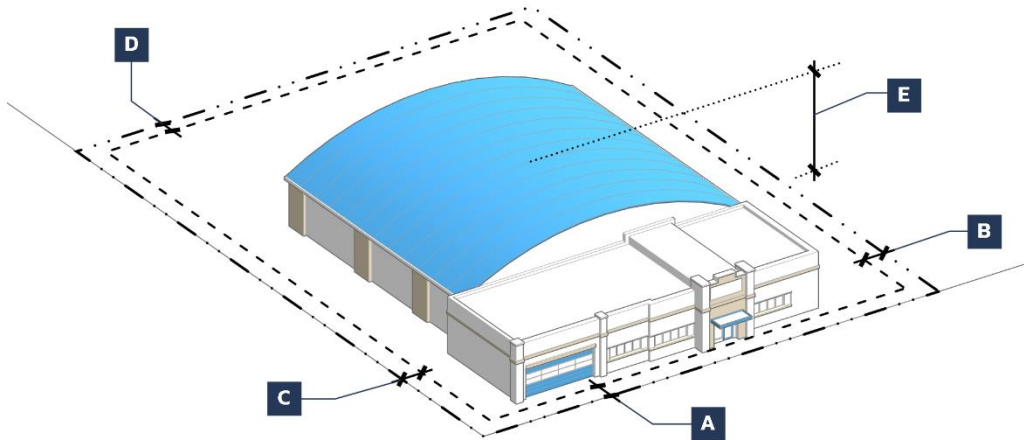


Table 15-2-10: C-2 Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)		E	Building Height (Max. FT)
Lot Area (Max. SF)			
Lot Width (Min. FT)			
Open Space (Min. %)			
Building Setbacks			
A	Front		
B	Side		
C	Street Side		
D	Rear		

(i) 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

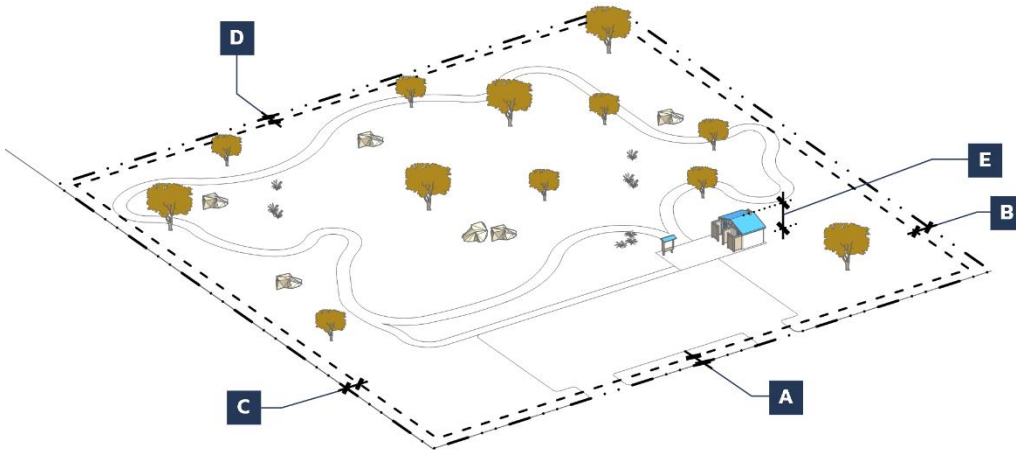


Table 15-2-11: P Lot and Building Standards

Lot Standards		Building Standards	
Lot Area (Min. SF)		E	Building Height (Max. FT)
Lot Area (Max. SF)			
Lot Width (Min. FT)			
Open Space (Min. %)			
Building Setbacks			
A	Front		
B	Side		
C	Street Side		
D	Rear		

15-2-60 Exceptions and Encroachments²⁸

(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 15-2-12: Permitted Setback Encroachments		
Projection	Front Setback	Street Side Setback
Building Element		
Approved accessibility ramps	Any distance	Any distance
Bay windows	4 FT	4 FT
Belt courses, sills, lintels, pilasters, pediments	2 IN	2 IN
Eaves, roof overhangs, cornices, gutters, and downspouts	3 IN	3 IN
Shading devices such as awnings and canopies	5 FT	5 FT
Window wells	Any distance	3 FT
Site Element		
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		
Evaporative coolers or air conditioners (window)	2 FT	2 FT
Gas and electric meters	2 FT	2 FT

(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 15-2-13: Exceptions to Building Height Limits	
Site Structure or Feature	Maximum Height Increase
Air conditioner and evaporative coolers	10 FT
Chimneys and smokestacks	6 FT

²⁸ New.

Table 15-2-13: Exceptions to Building Height Limits

Antennas and towers (except as provided in Section <> [Wireless Communication Facilities])	10 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	10 FT
Parapet walls, safety railings, and screening walls	10 FT

15-2-70 Planned Unit Development (PUD)

[To be drafted in Interim Draft 2]

15-2-80 Overlay Zoning Districts²⁹

(a) Historic Overlay District

[To be drafted in Interim Draft #2]

Article 3 Use Standards

Commentary

This Article contains the standards applicable to land uses in Silverton and is intended to be reviewed with Article 2 and with the definitions in Article 11. The key elements of this Article are a comprehensive Use Table as recommended in the Annotated Outline. Following the Use Table are the individual use-specific standards referenced in the Use Table. The final sections of this chapter address accessory and temporary uses and structures.

15-3-10 Purpose³⁰

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 which are those unique standards applicable to certain land uses.

²⁹ The Avalanche, Slope, and Flood Hazard Overlay districts are proposed to be converted into development standards in Article 5, Environmentally Sensitive Lands.

³⁰ New.

- (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.
- (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

An “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(g), subject to specified conditions.

(c) Prohibited Uses

A blank space indicates the listed use is not allowed within the zoning district, unless otherwise expressly allowed by another provision of this Code.

(d) Uses for Other Purposes

Approval of a use listed in Table 21.04-1 authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 21.04-1 and approved pursuant to this Code is prohibited.

15-3-40 Use Table

Commentary

The proposed Use Table is based on the current permitted uses in the LUC with several proposed consolidations and additions.

Table organization. The current lineup of zoning districts is included along the top row for reference and convenience, demonstrating generally how these current districts relate to the proposed zoning districts. The reference to current districts will be removed prior to adoption but can be retained for as long as necessary during public review of the LUC update. The table is organized based on use intensity, beginning with less intense residential uses, then moving into civic uses, then commercial, and ending with more intense industrial uses. Several use types are consolidated for simplicity, and some use types are being introduced to the table. Generally, when determining use permissions in the new zoning districts, we followed the existing permissions in the related existing districts unless otherwise noted.

Use-specific standards and definitions. The last column indicates whether additional standards apply to that use. Each use type has a definition in Article 11. The standards should be reviewed simultaneously with the Use Table and definitions.

As you review the Use Table and associated use-specific standards, please consider the following:

- 1) For a use that is shown as prohibited (blank cell), ask “why not in this zoning district?”
- 2) For a use that is shown as prohibited (blank cell), ask “can a use-specific standard be included to mitigate concerns related to that use to make it acceptable in that zoning district?”
- 3) For uses shown as requiring Special Use Permit (“S”), ask “should this use be permitted by right in this zoning district?”
- 4) For uses shown as either “P” or “S,” ask “are there additional standards necessary to mitigate potential impacts?”

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	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Residential									
Household Living³¹									
Dwelling, Single-Unit Detached	P	P	P	P	P		S		
Dwelling, Single-Unit Attached (Townhome)³²	P	P	P	P					
Dwelling, Duplex³³	P	P	P	P	P				
Dwelling, Triplex³⁴		P	P	P	P				
Dwelling, Fourplex³⁵		P	P	P	P				
Dwelling, Multiunit		P		P	P	P			15-3-50(a)(1)
Manufactured Home Park ³⁶		S		S			S		15-3-50(a)(2)
Movable Tiny Home Park³⁷				S			S		
Group Living									
Continuing Care Facility³⁸		S		P					
Group Home	P	P	P	P	P S		S		
Civic									
Cultural									
Cemetery³⁹								P	
Library				P	P			P	

³¹ Removed Condominium as separate use.
³² New.
³³ New.
³⁴ New.
³⁵ New.
³⁶ Replacing Mobile Home Park.
³⁷ New.
³⁸ New.
³⁹ New.

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Current Zoning Districts	R-1, R-1-A	R-2	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Museum				P	P	P		P	
Religious Assembly	S	S	S	P	P	P	S	S	
Parks and Open Spaces ⁴⁰	P	P	P	P	P	P	P	P	
Custodial Care									
Day Care Center, Adult⁴¹	P	P	P	P	P	P			
Day Care Center, Child	P	P	P	P	P	P	S		
Education									
School, Elementary or Secondary ⁴²	S	S	S	S	P	P	P	P	
School, University or College ⁴³	S	S			P	P	P	P	
School, Vocational ⁴⁴				S	P	P	P		
Government Services									
Detention Facilities ⁴⁵								P	
Governmental and Public Facilities ⁴⁶				P	P	P	P	P	
Public Safety Facilities	S	S	S	P	P	P	P	P	
Health Services⁴⁷									
Hospital						S	S	P	

⁴⁰ Consolidation of: 'Open Spaces' and 'Public Parks'.

⁴¹ New.

⁴² Split from 'Educational Institution.'

⁴³ Split from 'Educational Institution.'

⁴⁴ Replaces 'Scientific or Educational Institution.'

⁴⁵ Renamed from 'Jails.'

⁴⁶ Consolidation of: 'Courts', 'Public Offices', and 'Post Offices'

⁴⁷ Split of 'Hospital and Medical Clinic.'

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Current Zoning Districts	R-1, R-1-A	R-2	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Medical or Dental Clinic				P	P	P	P	P	
Commercial⁴⁸									
Animal and Agriculture									
Animal Services⁴⁹					P	P	P		15-3-50(b)(1)
Equestrian Operation ⁵⁰							S		
Commercial Greenhouse or Nursery⁵¹				S		P	P	P	
Kennel						S	S		15-3-50(b)(2)
Market Garden⁵²	S			S		P	P	P	
Entertainment and Recreation									
Convention and Conference Center					P	P			
Community Center ⁵³				S	P	P		P	
Membership Club ⁵⁴					P	P			
Recreation and Entertainment, Indoor ⁵⁵				P	P	P	P		
Recreation and Entertainment, Outdoor ⁵⁶				S	P	P	P	P	

⁴⁸ Further discussion is necessary with the Town Attorney regarding the potential addition of adult uses.

⁴⁹ New.

⁵⁰ Replaces "Horse stables or businesses."

⁵¹ New.

⁵² New.

⁵³ Consolidation of 'Community Center' and 'Public Recreation Facilities.'

⁵⁴ Consolidation of 'Social or Fraternal Clubs' and 'Club.'

⁵⁵ Consolidation of 'Public Entertainment,' 'Performing Arts Center,' and 'Recreation.'

⁵⁶ Consolidation of 'Public Entertainment' and 'Recreation'.

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Current Zoning Districts	R-1, R-1-A	R-2	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Eating and Drinking Establishments									
Bar or Tavern ⁵⁷				S	P	S P			
Craft Alcohol ⁵⁸					P	P	P		
Restaurant ⁵⁹			S	P	P	S P			
Lodging Accommodations									
Bed and Breakfast	S	S	S		P		P		
Hotel or Motel					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 ⁶⁰									
Medical Marijuana Centers					S				15-3-50(b)(5)
Medical Marijuana Cultivation Facilities							S		
Medical Marijuana-Infused Products Manufacturing Facilities							S		
Medical Marijuana Optional Premises Cultivation Facilities					S				

⁵⁷ Split uses of "Restaurant and Bar".

⁵⁸ New.

⁵⁹ Split uses of "Restaurant and Bar".

⁶⁰ Further discussion is necessary with the Town Attorney regarding potential revisions to these uses (as limited by state regulations).

Table 15-3-1: Use Table

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Strikethrough = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Medical Marijuana Testing Facilities							S		
Retail Marijuana Cultivation Facilities							S		
Retail Marijuana-Infused Products Manufacturing Facilities							S		
Retail Marijuana Optional Premises Cultivation Facilities					S				
Retail Marijuana Stores					S				
Retail Marijuana Testing Facilities							S		
Retail, Personal, and Professional Services									
Financial Institution					P	P			
Office ⁶¹				P	P	P			
Personal Services ⁶²				P	P	P	P		
Retail Sales ⁶³			S	P	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)(6)
Service Station						P	S		

⁶¹ Consolidated to include “professional services”.

⁶² Consolidated to include “Laundromat”

⁶³ Consolidation of: ‘Retail Shops’, ‘Gift Shop’ and ‘Print Shop’.

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Current Zoning Districts	R-1, R-1-A	R-2	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Transportation Facilities					P	P	P	P	
Vehicle and Equipment Sales, Leasing, and Rental⁶⁴					S	P	P		
Industrial									
Manufacturing and Processing									
Artisan Industrial⁶⁵				S	S	P	P		15-3-50(c)(1)
Junk or Salvage Yard⁶⁶							S		
Manufacturing and Assembly, Heavy ⁶⁷					S	S	P S		
Manufacturing and Assembly, Light ⁶⁸					S	P	P		
Recycling or Composting Facility⁶⁹							S		
Utilities									
Utility, Major⁷⁰						S	S	S	
Utility, Minor⁷¹	P	P	P	P	P	P	P	P	

⁶⁴ New.
⁶⁵ New. Split of Manufacture, Fabrication and Assembly.
⁶⁶ New.
⁶⁷ New. Split of Manufacture, Fabrication and Assembly.
⁶⁸ New. Split of Manufacture, Fabrication and Assembly.
⁶⁹ New.
⁷⁰ New.
⁷¹ New.

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Strikethrough = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Wireless Communication Facilities ⁷²	P	P	P	P	P	P	P	P	
Warehouse and Storage									
Contractor's Yard ⁷³						S	P		
Distribution Services and Facilities ⁷⁴						P	P		
Warehousing and Storage Facilities ⁷⁵						P	P		15-3-50(c)(2)
Accessory									
Accessory Dwelling Unit	P	P	P	P	P	P	P		15-3-60(d)
Cottage Industry ⁷⁶	P	P	P	P	P	P	P		15-3-60(e)
Drive-Through Facility						P	P		
Electric Vehicle Charging Station	P	P	P	P	P	P	P	P	15-3-60(f)
Family Child Care Home ⁷⁷	P	P	P	P	P		S		15-3-60(g)
Greenhouse ⁷⁸	P	P	P	P			P	P	15-3-60(h)
Home Occupation	P	P	P	P	P	P	P		15-3-60(i)
Horse and Livestock Keeping	P	P	P	P		P	P		15-3-60(j)

⁷² New. Further discussion is necessary with the Town Attorney regarding the use permissions and use-specific standards for wireless communication facilities (as limited by federal regulations).

⁷³ New.

⁷⁴ Split of: Warehousing, Storage, and Distribution Facilities

⁷⁵ Split of: Warehousing, Storage, and Distribution Facilities

⁷⁶ New.

⁷⁷ Split from Child Care Centers and Family Care Homes

⁷⁸ Removed "Tool houses, play houses, and sheds" from use title.

Table 15-3-1: Use Table

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 New uses in bold
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 Strikethrough = prior allowance

Current Zoning Districts	R-1, R-1-A	R-2	New	New	B-P	B-A	E-D	P	
Proposed Zoning Districts	R-1	R-2	R-3	MU-1	MU-2	C-1	C-2	P	Use-Specific Standards
Outdoor Commercial Storage ⁷⁹				P	P	P	P	P	15-3-60(k)
Outdoor Residential Storage ⁸⁰	P	P	P	P	P				15-3-60(l)
Recreational Vehicle	P	P	P	P	P	P	P		15-3-60(j)
Solar-Energy Systems (Ground- or Roof-Mounted) ⁸¹	P	P	P	P	P	P	P	P	15-3-60(n)
Temporary Uses ⁸²									
Farm Stand ⁸³	P	P	P	P	P	P	P	P	15-3-70(d)
Farmers Market ⁸⁴				P	P	P		P	15-3-70(e)
Food Truck ⁸⁵			P	P	P	P	P	P	15-3-70(f)
Portable Storage Unit ⁸⁶	P	P	P	P	P	P	P	P	15-3-70(g)
Seasonal Housing ⁸⁷		S	S	S		S	S	S	15-3-70(h)
Temporary Event or Sales ⁸⁸				P	P	P	P		

⁷⁹ Replaces Service Yards

⁸⁰ New. Replaces shed and toolshed.

⁸¹ New.

⁸² New.

⁸³ 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.

⁸⁴ New.

⁸⁵ New.

⁸⁶ New.

⁸⁷ New.

⁸⁸ New.

15-3-50 Use-Specific Standards

(a) Residential Uses

(1) Multiunit Dwelling⁸⁹

In the C-1 district, multiunit dwellings shall only be allowed on the second floor of a mixed-use building.

(2) Manufactured Home Park⁹⁰

a. Manufactured Homes and Spaces⁹¹

- (i) Manufactured homes parks may be established either in connection with a recreational vehicle park or independently. If in connection with a recreational vehicle park, the area for recreational vehicles shall be separate and distinct from the area for permanent manufactured homes. For the purpose of this Section, recreational vehicles within a manufactured home park shall comply with the requirements listed for manufactured homes.⁹²
- (ii) Each manufactured home shall be:
 - 1. Either permanently or semi-permanently affixed to the ground in accordance with the manufacturer's specifications 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.
- (iii) All manufactured homes must be fully skirted within 30 days of placement.
- (iv) The space below each manufactured home shall be kept clean and free from refuse. Such space may be used for storage provided the ground is covered with an impervious material and the area is maintained to prevent harboring of rodents.
- (v) No flammable materials shall be stored beneath a manufactured home.
- (vi) Any existing manufactured or mobile home that is substantially damaged or destroyed (more than 50 percent assessed valuation⁹³) must be removed from the park within 30 days.

⁸⁹ New.

⁹⁰ Current Article 5, Chapter 16 unless otherwise noted. All references to “mobile home park” replaced with “manufactured home park” and all references to “campers” replaced with “recreational vehicles” to reflect proposed changes.

⁹¹ Paragraphs (ii) – (iv) are new.

⁹² Last sentence is new for clarification that recreational vehicles can be placed in a manufactured home park if they meet the standards required for manufactured homes.

⁹³ New.

b. Site Design⁹⁴

- (i) The minimum lot area required for a manufactured home park shall be the same as the applicable base zoning district.⁹⁵
- (ii) All building and lot requirements, including primary structure setbacks and lot coverage requirements, for the base zoning district shall apply to the project site as a whole (not individual units).
- (iii) No manufactured home shall be located closer than 20 feet from the nearest manufactured 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.
- (vi) Each manufactured home park shall provide:⁹⁶
 - 1. One off-street parking space;
 - 2. 100 square feet of storage per manufactured home, either in individual structures or in a shared structure;
 - 3. One shared office, caretaking, and service facilities for services such as laundry; and
 - 4. 400 square feet of common open space per manufactured home to be used for recreational purposes including but not limited to adult recreation and child play areas such as outdoor games, picnic tables, seating, and playgrounds.⁹⁷
- (vii) All manufactured 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.⁹⁸

c. Review Required

- (i) The required Special Use Permit application shall be submitted concurrently with the initial business license and shall include a plat of the park showing the layout of individual spaces, all public utilities, and all other aspects of conformance with this Section as may be required.

⁹⁴ Removed minimum manufactured home size requirement and screening requirements.

⁹⁵ Replaces current requirement of eight lots or 20,000 square feet and minimum 3,750 square foot area per space.

⁹⁶ Paragraphs 1-3 replace the current provision related to accessory structures on the site.

⁹⁷ New.

⁹⁸ New.

- (ii) The plat and design shall be subject to approval by the Board of Trustees following review by the Planning Commission, prior to granting of the business license.

(3) Movable Tiny Home Park⁹⁹

Public Input Requested

As drafted, these tiny home park standards only allow for movable tiny homes (also known as tiny homes on wheels). Should these sites be allowed to maintain a combination of tiny houses (modular factory built residential structure that is 400 square feet or less; designed for long-term occupancy; built to the International Residential Code; and attached to a permanent foundation) and movable tiny homes?

- a. Movable tiny home parks are subject to the same site design and review requirements as manufactured home parks in Sections 15-3-50(a)(2)b and 15-3-50(a)(2)c.
- b. Each movable tiny home within a movable tiny home park is required to receive a state certification and installation insignia to confirm it has been built to meet the highest local condition requirements related to wind, snow, design temperature, wildfire risk, and wildfire suppression.
- c. Movable tiny home parks shall conform to the provisions of the Mobile Home Park Act, Sections 38-12-201, et. seq., C.R.S.

(b) Commercial Uses

(1) Animal Services¹⁰⁰

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

(2) Kennel¹⁰¹

- 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.

⁹⁹ New.

¹⁰⁰ New.

¹⁰¹ New.

(3) Recreational Vehicle Park¹⁰²

a. General

- (i) Recreational vehicle parks may be established either in connection with a manufactured home park or independently. If established in connection with a manufactured home park, the area for recreational vehicle shall be separate and distinct from the area for manufactured homes.
- (ii) Any recreational vehicle unit that is substantially damaged or destroyed (more than 50 percent assessed valuation¹⁰³) must be removed from the park within 15 days.

b. Recreational Vehicle Spaces

- (i) The minimum land area for a recreational vehicle park shall be the same as the applicable base zoning district.¹⁰⁴
- (ii) The minimum size of each individual recreational vehicle parking space or camp site within the park shall be 1,250 square feet.
- (iii) The minimum space allowable between parked recreational vehicles shall be 15 feet in any direction.

c. 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 must be buried within the boundaries of the park.
- (ii) Fire extinguishing equipment in good working order and of such type, size and number, and so located as to comply with the adopted fire code shall be made known and available to the occupants of the park.
- (iii) 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 wildlife-proof.¹⁰⁵
- (iv) Illumination of the park shall be provided to assure the security and safety of the residents. All lighting shall comply with the standards in Section <> [Outdoor Lighting].

¹⁰² Current Article 5, Chapter 16, unless otherwise noted. All references to “mobile home park” replaced with “manufactured home park” and all references to “campers” replaced with “recreational vehicles” to reflect proposed changes.

¹⁰³ New.

¹⁰⁴ Replaces current one block or 60,000 square feet minimum.

¹⁰⁵ Replaces current provision that specifies the provision of metal trash cans.

- (v) Required toilet, lavatory, and bathing fixtures shall be provided in accordance with the Colorado department of public health and environment's regulations for campgrounds and recreation areas set forth in 6 CCR 1010-9.¹⁰⁶
- (vi) 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 by the owner/operator of the property when used in connection with the operation or maintenance of the property.¹⁰⁷
- (vii) Screening, such as fences or natural growth, a minimum of six feet in height, shall be provided along property boundaries separating the park from adjacent residential property.
- (viii) Each recreational vehicle park shall comply with the requirements of the Colorado Department of Public Health and Environment (CDPHE) regulations for Campgrounds and Recreation Areas (6 CCR 1010-9).¹⁰⁸

d. 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 plat of the park 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 to approval by the Board of Trustees following review by the Planning Commission, prior to the granting of a business license.

(4) Vacation Rental¹⁰⁹

a. Purpose

The purpose of this Section is to:

- (i) Preserve the character and ambience of Silverton's neighborhoods;
- (ii) Allow vacation rentals as short-term visitor accommodations within certain zoning districts;
- (iii) Minimize the negative impacts attributable to vacation rentals and the associated increase in the negative intensity of their use; and
- (iv) Ensure compatibility with the existing surrounding land uses.

¹⁰⁶ Replaces current specific requirements with reference to State regulations.

¹⁰⁷ New.

¹⁰⁸ New.

¹⁰⁹ Current Sec. 16-1-60.

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/maintenance activities, traffic, noise, overcrowding, health/safety concerns, on-street parking, and other adverse neighborhood impacts. .

b. Planning and Zoning

New and existing vacation rentals shall comply with the following requirements and restrictions:

(i) Permit Required

Property owners are required to obtain a vacation rental permit to operate a vacation rental within the Town of Silverton.

(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-2¹¹⁰ zones are capped at a maximum of eight vacation rentals in each of these three zoning districts.

(iv) Prohibitions

Vacation rentals within the BA, R-1A and P zoning districts, and in the red zone of the Avalanche Hazard Overlay District, are prohibited.

NOTE: As of the date of this Ordinance, the number of vacation rentals authorized within the R-1A zone is one and shall be reduced to zero through attrition, with no new vacation rentals allowed within the R-1A zone, and the number of vacation rentals within the R-1 and R-2 zones shall be reduced to eight each through attrition. No vacation rental applications will be accepted by the Town of Silverton in any zoning district involving a structure that does not yet exist and/or has not yet received a Certificate of Occupancy (C.O.).

(v) Separation Distance

No vacation rental application for a structure in the R-1, R-2, or C-2¹¹¹ zones 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

¹¹⁰ Previously E-D.

¹¹¹ Previously E-D.

MU-2¹¹² zone vacation rentals. There shall be no minimum separation distance for vacation rentals in the MU-2 zone.

(vi) Appearance¹¹³

Vacation rentals shall not materially change the residential character/architecture of the outside of a dwelling unit as a result of its utilization as a vacation rental. The following are non-exhaustive illustrations of changes in residential character/architecture that are not allowed: advertising signage and lighting; the construction of accessory structures that are not of the same architectural character as the residence; the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in the underlying zoning district.

(vii) Parking

Guests shall park their vehicles and trailers on-site within a designated parking area and/or on the public street directly adjacent to or nearest available space to the vacation rental, complying with the neighborhood parking pattern (i.e. perpendicular, angle, parallel). Parking shall not block fire hydrants, alleyways or through traffic lanes, and are subject to snow route parking regulations. 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. 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, the designated OHV Route, and other applicable Municipal Codes will be considered in the calculation.

(viii) Signage

Vacation rentals are allowed sign(s) that do not exceed a total of two square feet. The sign shall identify the residential unit's name (wording commonly utilized in promoting the vacation rental) in a way similar to other residential properties that are not vacation rentals. An example of this would be "Randall's Rest," which is a person's last name, with one or two descriptive words to follow. Any commercial identification wordings, such as "Vacation" or "Rental" are not allowed. A residential appearance is encouraged with decorative elements that are compatible with the character/architecture of the vacation rental and neighborhood. Town Staff shall approve the proposed signage as a component of

¹¹² Previously B-P.

¹¹³ Removed sentence related to outdoor lighting. All properties in the Town will be required to comply with the outdoor lighting standards (to be drafted in Interim Draft # 2).

the application reviews for new and renewing vacation rentals. Vacation rentals shall not have advertising signage other than that referenced above. Town required street addressing numbers shall also be prominently displayed. No signage is allowed to identify and/or reserve vacation rental tenant or guest parking within the public right-of-way (limited signage, preapproved by Town Staff is allowed to identify onsite parking and driveways). Vacation rentals within the MU-2¹¹⁴ zoning districts are allowed signage that complies with Section <> [Signs].

(ix) OHV Prohibitions

Vacation rentals that are located off of the adopted Town OHV Route are forbidden from allowing any guests to access the property with OHVs that are not stored on a trailer. Three reported OHV violations shall result in suspension or revocation of the vacation rental permit.

c. Application Requirements

All new vacation rentals require the submittal of a complete and accurate vacation rental permit application and associated fee and shall meet the following standards.

(i) Application Form

Utilize the vacation rental permit application form provided by the Town of Silverton, fill out all required information, and list attachments for a complete application form and submission.

(ii) Project Narrative

A text description of the project, existing site characteristics, what is proposed, and how the proposal meets the applicable requirements of the Municipal Code.

(iii) Required Maps and Plans (with graphic bar scale):

1. Graphic Bar Scale Required

All maps and plans listed in this Section shall include a graphic bar scale.

2. Vicinity Map

Vicinity map or aerial photo that clearly identifies, with text labels, the property, local blocks, lots, streets, and alleys.

3. 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.

¹¹⁴ Previously B-P.

4. 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, onsite parking space(s), and other relevant site features, and any proposed improvements within the property boundaries.

5. Parking Plan

At an identifiable scale, 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.

6. Floor Plans

At an identifiable scale, 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).

7. Proposed Improvements Plan

At an identifiable scale, 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 Town Building Code).

(iv) Adjacent Land Owner List

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.

(v) Adjacent Land Owner Envelopes

The applicant shall provide one set of pre-addressed envelopes with first class US Mail postage for each of the adjacent property owners to be notified. The envelopes shall be used by the Town Staff to notify the adjacent land owners that a vacation rental permit application is pending, and that they may provide comment to the Town. If an applicant is being placed on the waiting list, then "Forever" stamps shall be placed on the envelopes.

(vi) 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.

(vii) Proof of Ownership

Deed proof of the applicant's current ownership of the vacation rental per a legally recorded document.

(viii) Proof of Insurance

Insurance proof of the Town-required property and liability insurance for operation of the vacation rental.

(ix) Signage and Lighting Drawing

Drawing showing existing and proposed signage and lighting at the site.

(x) 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.

(xi) Additional Information¹¹⁵

Additional reasonable submittal items may be required by the Town Staff, to allow for the proper evaluation of the vacation rental application.

d. Owner Restrictions and Requirements

Owners of vacation rentals shall comply with the following:

(i) Limitation of Ownership

Only one vacation rental permit shall be allowed per person.

(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 Town 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.

¹¹⁵ Deleted reference to avalanche hazard overlay district.

(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 Staff 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 (C.O.), 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 Town 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 Inspector/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 Town Staff for inspection and photocopying.

(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 by Town Staff 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 Town Building 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," Town Staff 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 Staff 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) Annual Permit Renewal

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 Staff may administratively approve, modify, amend or deny renewal permits based on the renewal application and review of documented violations and complaints. Applicant may appeal administrative decisions to the Town Board.

(xi) 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 Town Code Enforcement Officer. Any change to the local contact(s) name, address or telephone/cell number shall be promptly updated and submitted to the Town Code Enforcement Officer.

(xii) 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 Town Staff.

(xiii) Appeal Process

Hearings and appeals shall be made in accordance with the Town of Silverton Municipal Code.

(xiv) Waiting List

Town Staff 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 Town Staff, is placed on the waiting list. The application fee is non-refundable. A structure inspection may be required before an application is placed onto the waiting list. To remain in good standing on the waiting list, applicants shall pay an annual waiting list fee of \$100.00 due each January 31. If an opening becomes available for a wait-listed application, a structure inspection shall be required prior to tenant occupancy. If a wait-listed applicant is contacted by Town Staff 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 (4) and (5).

e. Standards

Vacation rentals shall comply with the following standards:

(i) Occupancy R-1, R-2, MU-2¹¹⁶, and C-2¹¹⁷ Zoning Districts

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) Tenancies Per Month

In the R-1, R-2, and C-2¹¹⁸ zoning districts, no more than five tenancies per month are allowed for vacation rentals. There are no limits to tenancies per month in the MU-2¹¹⁹ Zone.

(iii) 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 Town Vacation Rental permit so long as owner remains in compliance with all terms of the Vacation Rental Ordinance.

(iv) Guest Information

Each vacation rental shall include a guest information binder, which shall include but is not limited to local contact(s) information, procedures for use of appliances and heating, safety and exiting, fire extinguisher location(s), emergency services, designated parking, snow route procedures and "Red Alert" notification sign up, OHV route/trailer parking info and mapping, and all other relevant information for the safe and legal occupancy of the rental unit. Include "Tenant Conduct" requirements where violation may result in the termination of the vacation rental permit; i.e. tenants and/or guests shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any local or state law pertaining to noise, overcrowding, the consumption of alcohol, or the use of illegal drugs, and limiting loud noises and parties after a reasonable hour. Please note clearly "Management's" (owner/manager's) revocation of the renter's damage deposit and/or penalty for violations. The binder may also contain other owner/manager requirements for use such as internet access, condition at end of tenancy, comments, etc.

(v) Application Procedure

Only a complete application will be accepted and reviewed by the Town Staff. The Town Staff shall review adjacent land owner comments to assess potential issues with compliance. The Town

¹¹⁶ Previously B-P

¹¹⁷ Previously E-D.

¹¹⁸ Previously E-D

¹¹⁹ Previously B-P.

Administrator and Building Inspector will conduct an administrative review and make a determination to accept the application, reject the application, or forward it for review to the Planning Commission. The Planning Commission shall then make a recommendation to approve with conditions, reject the application, or table the application for further specified information. The Planning Commission's recommendation, to approve with conditions or deny the application, shall be forwarded to the Town Board, who shall vote to approve with conditions, deny, or table the application for further specified information. A legal notice is required to be published in the local newspaper at least 10 days prior to the Town Board Public Hearing.

(vi) Appeal Process

Hearings and appeals shall be made in accordance with Town of Silverton Municipal Code.

(5) Marijuana-Related Activities

a. General Provisions

(i) Findings

1. Lawfulness

The production, sale and use of marijuana shall be lawful within the statutory limits of the Town, provided that all licensure, permitting, land use and other requirements established under this Code are satisfied, and provided that any business operating pursuant to the terms of this Section operate in conformance with all the requirements of this Section and such requirements as established by Amendment 20 and Amendment 64 to the Colorado Constitution, and the Colorado Medical Marijuana Code and/or Colorado Retail Marijuana Code, and any such rules or regulations appurtenant thereto as the State may promulgate from time to time.

2. Local Options

Pursuant to Section 12-43.3-106, C.R.S., the Colorado Medical Marijuana Code, and/or Section 16(5)(f) of Article XVIII of the Colorado Constitution, the Town, by and through either its elected authority or general electorate, maintains the right to declare, upon a majority vote of either the Board of Trustees or by the general electorate or through the enactment of an ordinance, the activities contemplated herein to be unlawful.

b. Medical Marijuana Business Licenses and Retail Marijuana Establishment Licenses¹²⁰

Licenses for all medical marijuana business and retail marijuana establishments are required in accordance with Article 4, Chapter 6, Marijuana Licenses, of the Silverton Municipal Code.

c. Location and Requirements

(i) Permitted Locations¹²¹

1. In the MU-2¹²² District, uses allowed by Special Use Permit are limited to the following types of licenses:
 - a. Medical marijuana centers;
 - b. Medical marijuana optional premises cultivation facilities;
 - c. Retail marijuana stores; and
 - d. Retail marijuana optional premises cultivation facilities.
2. In the C-2¹²³ District, uses allowed by Special Use Permit are limited to the following types of licenses:
 - a. Medical marijuana cultivation facilities;
 - b. Medical marijuana-infused products manufacturing facilities;
 - c. Medical marijuana testing facilities;
 - d. Retail marijuana cultivation facilities;
 - e. Retail marijuana-infused products manufacturing facilities; and
 - f. Retail marijuana testing facilities.

(ii) Prohibited Locations

It is unlawful to cause or permit the operation, establishment or maintenance of a medical marijuana business or a retail marijuana establishment outside of the MU-2¹²⁴ or C-2¹²⁵ zoning districts of the Town, from a moveable, mobile or transitory location in any zoning district, or on any public rights-of-way within the Town, excluding delivery services with a lawful base of operation in the County.

¹²⁰ Future updates to licensing requirements will be drafted in the Marijuana Licenses Article of the Silverton Municipal Code.

¹²¹ Removed current Sec. 16-7-410(a).

¹²² Previously B-P.

¹²³ Previously E-D.

¹²⁴ Previously B-P.

¹²⁵ Previously E-D.

(iii) Setbacks

No medical marijuana business or retail marijuana establishment shall be established, operated or maintained within 500 feet of the Silverton School and 500 feet of the Silverton Family Learning Center. Such setback distances shall be established by using a route of direct pedestrian access and computed by direct measurement along the public street rights-of-way and at roadway intersections from the nearest property line of the land used for school purposes to the nearest property line underlying the building in which marijuana operations are proposed.

(iv) Location Compliance

A medical marijuana business or retail marijuana establishment that, at the time it received its use subject to review permit and business license, was in compliance with the location requirements for Subsections (i) – (iii) above, will not violate those sections if, when the operation applies to renew its valid business license, it no longer meets any of the location requirements in Subsections (i) – (iii). This provision only applies to the renewal of a valid business license and does not apply to an application for a business license that is submitted as a result of the previous business license expiring or being revoked.

(v) Density

1. The maximum number of locations for medical marijuana businesses and/or retail marijuana establishments in the MU-2¹²⁶ District is three licensed premises.
2. The maximum number of locations for medical marijuana businesses and/or retail marijuana establishments in the C-2¹²⁷ District is three licensed premises.

(vi) Separation Distances

1. The minimum setback or distance between medical marijuana businesses and/or retail marijuana establishments in the MU-2¹²⁸ District is 450 feet.
2. The minimum setback or distance between medical marijuana businesses and/or retail marijuana establishments in the C-2¹²⁹ District is none.

¹²⁶ Previously B-P.

¹²⁷ Previously E-D.

¹²⁸ Previously B-P.

¹²⁹ Previously E-D.

d. General Requirements

(i) Advertisements and Signs

1. Existing Town sign regulations shall apply to medical marijuana businesses and retail marijuana establishments.
2. Signage may contain green crosses.
3. Marijuana leaves, paraphernalia or similar types of images that connote marijuana and/or words such as marijuana, cannabis, hash or other such references shall be prohibited in the signage.

(ii) Indoor Use

1. Screening

All medical marijuana businesses and retail marijuana establishments shall be conducted indoors, and business activities shall be screened to prevent the viewing, growing or distribution of marijuana from the public right-of-way. Screening shall occur within the interior of the building. Display windows shall be open to the public right-of-way in the MU-2¹³⁰ District. Buildings shall have architectural detailing to create visual interest while screening business activities in the C-2¹³¹ District.

2. Restrictions

No person under 21 years of age shall be allowed within the licensed premises. Edible marijuana products shall be sold only in lock-up bags. It is unlawful for any person to consume or permit consumption of marijuana on the premises.

(iii) Hours of Operation, Noise, and Adverse Impacts

1. Medical marijuana centers and retail marijuana stores in the MU-2 District may operate from 8:00 a.m. to 12:00 midnight, seven days a week.
2. Medical marijuana-infused products manufacturing facilities, medical marijuana testing facilities, retail marijuana-infused products manufacturing facilities and retail marijuana testing facilities in the C-2 District may operate from 8:00 a.m. to 12:00 midnight, seven days a week.
3. Medical marijuana optional premises cultivation facilities and retail marijuana optional premises cultivation facilities in the MU-2¹³² District may operate from 8:00 a.m. to 12:00 midnight, seven days a week; however, employees may access the building as

¹³⁰ Previously B-P.

¹³¹ Previously E-D.

¹³² Previously B-P.

needed to facilitate the growth of plants or to address emergencies, 24 hours a day, seven days a week.

4. Medical marijuana cultivation facilities and retail marijuana cultivation facilities in the C-2¹³³ District may operate from 8:00 a.m. to 12:00 midnight, seven days a week; however, employees may access the building as needed to facilitate the growth of plants or to address emergencies, 24 hours a day, seven days a week.
5. Medical marijuana businesses and retail marijuana establishments shall comply with the Town's noise regulations and requirements; and they shall not create traffic, activity, lighting or other impacts that adversely affect adjoining properties.

(iv) Security

1. Security Requirements

All medical marijuana businesses and retail marijuana establishments shall provide adequate security on the premises, and a medical marijuana business or a retail marijuana establishment license application shall include both a narrative description and a diagram of how the applicant will provide security. Furthermore, applicants shall provide proof as to the functionality of a security system within 24 hours of such request by a Town official or the Board of Trustees.

2. Exterior Lighting¹³⁴

All exterior lighting shall comply with Section <> [Outdoor Lighting].

3. Fencing

Perimeter security fencing is discouraged in the C-2¹³⁵ District; if fences or walls are proposed, they should be integrated with the architecture in terms of materials, texture, color and quality.

4. Surveillance

Security cameras should utilize infra-red or other technology to minimize exterior lighting.

(v) Severability

If any division, section, paragraph, sentence, clause or phrase of this Section is held to be unconstitutional or invalid for any reason, such

¹³³ Previously E-D.

¹³⁴ Replaced specific lighting standards with general reference to the Outdoor Lighting standards (to be updated in Interim Draft #2).

¹³⁵ Previously E-D.

decision shall not affect the validity or constitutionality of the remaining portions of this Section, The Board of Trustees hereby declares that it would have passed the ordinance codified herein and each part or parts thereof, irrespective of the fact that any one part or parts are declared unconstitutional or invalid.

(6) Retail Sales¹³⁶

In the R-3 district, this use shall not exceed 2,000 square feet of gross floor area.

(7) Repair, Low Impact¹³⁷

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

(8) Service Station¹³⁸

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) Artisan Industrial¹³⁹

All activities shall be conducted within a completely enclosed building.

(2) Warehousing and Storage Facilities¹⁴⁰

- a. All storage shall be kept 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.

¹³⁶ New.

¹³⁷ New.

¹³⁸ New.

¹³⁹ New.

¹⁴⁰ New.

15-3-60 Accessory Uses and Structures

(a) Purpose¹⁴¹

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) Applicability¹⁴²

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 Standards¹⁴³

- (1) Such uses shall be located on the same lot as the associated principal use, either in a separate structure or in the same building.
- (2) Such uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Code.
- (3) Accessory structures shall not exceed the total square footage of the primary structure.
- (4) The maximum height cannot exceed height of primary structure.
- (5) In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zoning district in which the principal use is located.
- (6) No accessory use or structure shall be established prior to the principal use or structure to which it is accessory.
- (7) Notwithstanding other provisions of this Code to the contrary, all accessory structures larger than 120 square feet shall be considered an accessory building. Any structure larger than 120 square feet. requires a building permit. All accessory structures regardless of size are subject to setbacks and spacing between buildings.

(d) Accessory Dwelling Unit¹⁴⁴

Public Input Requested

- Should the regulations below be updated to allow vacation rentals in ADUs?
- Should the requirement that rented ADUs be occupied by a local employee be removed?

¹⁴¹ New.

¹⁴² New.

¹⁴³ New.

¹⁴⁴ Current Sec. 16-8-80 updated to reflect Ordinance 2023-07.

- Do you have any thoughts about the Town establishing a Rental Registry for rental ADUs (and other low density rental properties)?
- Should movable tiny homes or tiny houses (modular factory built residential structure that is 400 square feet or less; designed for long-term occupancy; built to the International Residential Code; and attached to a permanent foundation) be allowed as ADUs?

(1) Purpose

The creation of legal accessory dwelling units (ADUs) is generally encouraged as an effective means to increase available long-term housing, while minimizing any increase in infrastructure maintenance, and while retaining existing neighborhood character.

(2) General

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 entryway¹⁴⁵, with direct pedestrian access to a public right-of-way. Provisions for maintaining safe existing from the ADU and the public right-of-way during all weather conditions shall be addressed;
- e. Not be subdivided and/or subsequently sold as fee simple ownership. It shall remain as part of the property where the primary unit is located; and
- f. Not be counted as a unit of density.

(3) Detached ADUs

Detached ADUs shall be:

- a. Separated from the principal dwelling unit by the minimum distance required by the current adopted building code; and
- b. Located to the side or the rear of the principal dwelling unit.

(4) Dimensional Standards

a. Lot Size and Height

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

¹⁴⁵ Reference to shared interior entryway is new.

b. Setbacks

- (i) Front, side, street side, and rear setbacks shall conform to the underlying zoning district's requirements. If the approximate setback distances cannot be determined, then Town staff may require the applicant to submit a survey or an improvement location certificate (ILC).
- (ii) ADUs shall be located a minimum of 10 feet from any existing or proposed propane tank(s), or as otherwise required by IBC and NFPA standards.

(5) Parking

ADUs shall have no off-street parking requirements. The applicant shall note the availability of two on-street parking spaces that are adjacent to the parcel, with the intent of protecting parking availability for neighboring properties. No posting of reserved parking for the ADU or principal dwelling is allowed.

(6) Use and Occupancy of Principal and Accessory Dwelling Units

- a. Owners may occupy either the principal dwelling or the ADU.
- b. Neither the principal dwelling nor the ADU shall be used as a vacation rental.
- c. 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.
- d. In the event that the unit is rented, it shall be by persons who meet the following criteria:
 - (i) The unit shall be the primary residence of the tenant(s);
 - (ii) The tenant(s) shall work a minimum of 32 hours per week or 1,000 hours per year at a job within San Juan County; and
 - (iii) Long-term tenancy shall mean rental for a term of a minimum of three months is required for an initial lease.
- e. The Town may allow exceptions to the residency requirements for units designated as on-site employee dwelling units, for persons with disabilities, or for persons who have reached retirement age.

(7) Design Standards¹⁴⁶

- a. All construction of ADUs in the Historic Overlay district shall comply with all applicable design requirements set forth in Section 15-2-80(a).

¹⁴⁶ Removed reference to "ADUs in existing structures exceeding 50 years in age" and replaced with general reference to Historic Overlay district.

- 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.
- c. ADUs shall be designed to be compatible with the architectural character of the principal dwelling or neighboring structures.¹⁴⁷ ADU decorative features, details, ornamentation, and accessory components shall reflect the architectural character of the neighborhood, and shall be compatible with the architectural design of structures found in the community.

(8) Utilities, Billing, and ADU Address

- a. ADUs shall have separate and independent billing for sewer, water, and refuse services, unless exempted from this requirement by the Board of Trustees.
- b. Electricity, heat, phone, internet, and other utility services shall be designed so as to allow for the continued use of the principal dwelling and/or ADU when one is not occupied, as well as meeting the requirements of the service provider.
- c. 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 staff.
- d. Existing site and utility conditions may permit the joint usage of the principal dwelling's water and/or sewer tap(s) and service line(s) to serve the ADU if approved by the Public Works Director and Building Inspector. In such circumstances, independent metering, accessible shutoff, and lock of the ADU water service shall be installed.
- e. The applicable standard residential service fees for water, sewer, and refuse shall apply to all ADUs.
- f. If a new water tap is required to be installed on the water main for the ADU, as determined by the Public Works Director and Building Inspector, then the applicable water tap fee and water plan investment fee shall be paid. If a new sewer tap is required to be installed on the sewer main for the ADU, as determined by the Public Works Director and Building Inspector, then the applicable sewer tap fee and sewer plant investment fee shall be paid.

(9) Enforcement

Any property containing an ADU not properly leased or inhabited in accordance with these requirements shall be deemed a violation of the ADU

¹⁴⁷ Removed "nearby historic structures."

approval and a breach of the covenant restricting the unit. The Town shall have the ability to pursue any and all remedies necessary to enforce the requirements of this Section including revocation of the ADU approval and the Town shall be entitled to recover all costs, including reasonable attorney fees, incurred in enforcing the same.

(e) Cottage Industry¹⁴⁸

Cottage industries may include a wide variety of online retail, service and office uses, but shall not include eating and/or drinking establishments. The following cottage industry standards are intended to permit residents to engage in cottage industries that are compatible with residential land uses and to ensure that cottage industries do not adversely affect the integrity of residential areas. A cottage industry shall be considered an accessory use, subject to the following standards:

- (1) The cottage industry shall be permitted only on lots with twice the minimum lot size of the underlying zoning district;
- (2) Signage may be permitted pursuant to Section <> [Signs]
- (3) The cottage industry may be located within a single-unit dwelling, not to exceed 40 percent of the dwelling, or in a separate structure not to exceed 1,200 square feet.
- (4) Hours of operation shall be limited to between 8:00 a.m. and dusk.
- (5) There shall be no visible storage of equipment, materials, or vehicles with more than two axles.

(f) Electric Vehicle (EV) Charging Station¹⁴⁹

- (1) Where a new parking lot or garage is constructed for multiunit dwellings or for any nonresidential uses, the lot or structure shall be provided with electric vehicle power transfer infrastructure in compliance with the Colorado Model Electric Ready and Solar Ready Code.
- (2) EV charging facility spaces shall be signed for the charging of electric vehicles only.
- (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.
- (4) EV charging facility equipment shall be located no closer than 10 feet to any right-of-way.

(g) Family Child Care Home¹⁵⁰

- (1) All family child care homes shall comply with all applicable requirements set forth in 12 CCR 2509-8.

¹⁴⁸ New.

¹⁴⁹ New.

¹⁵⁰ New.

- (2) The child care operations shall be conducted only by the residents of the principal dwelling.
- (3) There shall be no visible advertising of the home occupation on the premises upon which it is located.
- (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.

(h) Greenhouse¹⁵¹

- (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.

(i) Home Occupation¹⁵²

(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.

(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.

¹⁵¹ New.

¹⁵² Current Sec-16-8-20 unless otherwise noted. Sections (1) – (3) are new.

(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 primary dwelling or an accessory structure on the same property as the primary 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 8:00 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. No outdoor storage of equipment or materials in connection with the home occupation and no display of products, goods, or services that is visible from outside the dwelling unit are permitted.
- h. One non-illuminated wall sign not exceeding four square feet in area and mounted flat against the building is allowed, unless otherwise provided by another section of this Code.

(4) Business License Required¹⁵³

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.

(j) Horse and Livestock Keeping¹⁵⁴

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.

(k) Outdoor Storage, Commercial¹⁵⁵

- (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) All outdoor storage areas shall be outside any parking, traffic circulation, right-of-way, and/or landscaping area that serves the site.

¹⁵³ Removed noticing requirements as no other business licenses require notice.

¹⁵⁴ New. Additional standards specific to chickens and goats may be added to the Full Draft of the LUC.

¹⁵⁵ New. Screening requirements related to outdoor storage areas will be drafted in Interim Draft 2 with the development standards.

- (3) Outdoor storage uses shall be maintained in an orderly manner with no junk, trash, or debris.

(l) Outdoor Storage, Residential¹⁵⁶

Accessory outdoor storage areas including enclosed structures used in conjunction with a residential use shall not exceed 200 square feet.

(m) Recreational Vehicle¹⁵⁷

(1) Occupancy and Additional Restrictions¹⁵⁸

Limited occupancy of recreational vehicles is allowed in accordance with Section 7-2-17 of the Silverton Municipal Code.

(2) Unoccupied storage

- a. 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 structures conforming with current building codes.
- b. Storage may be on private property, with permission of the property owner, or on the street right-of-way, with permission of the owner or occupant of the property adjacent to the street frontage being used.
- c. 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.
- d. No recreational vehicles shall be kept, stored, or parked in any alley.

(n) Solar Energy System, Ground or Roof-Mounted¹⁵⁹

- (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, open space, or golf course 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.

¹⁵⁶ New. Screening requirements related to outdoor storage areas will be drafted in Interim Draft 2 with the development standards.

¹⁵⁷ Current Sec. 16-5-30 unless otherwise noted. References to "campers" replaced with "recreational vehicles."

¹⁵⁸ Replaces current Sec. 16-5-30(a) with reference to updated Municipal Code standards.

¹⁵⁹ New.

15-3-70 Temporary Uses and Structures¹⁶⁰

(a) Purpose

The purpose of this Section is to allow for certain temporary uses and structures of limited duration, provided that such 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.

(c) General Standards

(1) Temporary Use Permit Required¹⁶¹

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

(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

- a. Temporary uses shall not exceed 120 calendar days. One extension of one year may be granted by the Town Administrator upon showing of good cause.
- b. No temporary uses shall be allowed until a minimum of 30 calendar days have passed since any previous temporary use was active on the lot.

¹⁶⁰ New section to clarify those standards applicable to temporary uses and structures.

¹⁶¹ New.

(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.

(d) Farm Stand¹⁶²

- (1) Food items sold must have been primarily produced on the same property where the stand is located.
- (2) 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.
- (3) In residential zoning districts, hours of operation shall be restricted from 7:00 a.m. to 7:00 p.m.
- (4) The stand shall comply with all dimensional standards of the applicable zoning district.

(e) Farmer's Market¹⁶³

- (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.

(f) Food Truck¹⁶⁴

- (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 7:00am and 10:00 pm.

(g) Portable Storage Unit¹⁶⁵

- (1) A portable storage unit is intended to be used only for temporary storage. It is not intended to be used for long-term, on-site storage, and any such use in any zoning district is expressly prohibited.

¹⁶² New.

¹⁶³ New.

¹⁶⁴ New.

¹⁶⁵ New.

- (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 street 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.

(h) Seasonal Housing¹⁶⁶

Public Input Requested

The Town of Silverton and San Juan County Housing Needs Assessment recommended “creating 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.” Before drafting standards for this use, the project team has several questions for the community:

- What kind of temporary shelter sites should be allowed? Options include: all-weather tents, cabins, prefabricated shelters (also known as pallet shelters), movable tiny homes, and recreational vehicles.
- Should there be a minimum amount of land area or minimum number of shelter units required to establish a seasonal housing site?
- What other amenities should the site provide beyond basic sanitary (bathroom and shower) facilities? Options include: communal gathering space, gardening areas, or active outdoor space.
- What should the time limitation for any individual seasonal housing site be?
- Should there be a limit on the number of seasonal housing sites allowed in town?
- Should there be on-site management of the housing?
- What other questions and concerns do you have about this type of land use?

Article 4 Subdivision Design and Improvement

[To be drafted in Interim Draft #2]

¹⁶⁶ New, as recommended in the Town Housing Needs Assessment.

Article 5 Environmentally Sensitive Lands

Commentary

As recommended in the Development Readiness Assessment, the current hazard overlay zoning districts (avalanche, flood, and slope) have been converted into sets of standards and criteria to be met when development is proposed within the designated areas. The burden will be on the applicant to provide documentation from an engineer that the property meets the criteria or is not located in the hazard area.

15-5-10 Avalanche Hazard Areas

Commentary

The requirements for development in avalanche hazard areas have been substantively updated based on peer community research and best practices. The proposed standards will be subject to further revisions based on ongoing discussions with staff and the community.

(a) Purpose¹⁶⁷

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 such 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 such use and development comply with the requirements of this Section.

(b) Applicability¹⁶⁸

- (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:

¹⁶⁷ Current Sec. 16-4-210, revised for clarity.

¹⁶⁸ Current Sec. 16-4-230.

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- 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.

(c) Review Required¹⁶⁹

All development within the boundaries of the High Hazard Red and Moderate Hazard Blue Zones shall obtain an approved Minor or Major Avalanche Hazard Development Permit as set forth in Subsection (e) below before beginning any development or use activity.

(d) Restrictions on Development

(1) New Construction Prohibited in High Hazard Red Zone¹⁷⁰

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 Zone¹⁷¹

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. Multi-unit dwellings, hotels, motels, bed and breakfasts, manufactured home parks, recreational vehicle parks and tiny home parks; 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 and Uses¹⁷²

- a. 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

¹⁶⁹ Replaces and expands on current Sec. 16-4-250.

¹⁷⁰ New – similar regulations are used in Crested Butte Colorado to allow development, while ensuring the safety of the residents of the Town.

¹⁷¹ Replaces current Sec. 16-4-240(20),

¹⁷² Current Sec. 16-4-280. These standards may be removed or relocated to the Nonconformities Article of the LUC in a future draft.

nonconforming building or structure relative to this Section and may remain until it is moved, substantially damaged, or destroyed.

- b. No nonconforming building in the High Hazard Red or Moderate Hazard Blue Zone may be altered to increase the building dimensions in any way, 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.
- c. 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.

(4) Certification of Construction¹⁷³

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 Prohibited¹⁷⁴

The development shall not result in timber clear cutting or other large scale removal of vegetation in avalanche hazard areas. Alteration of plant cover which would decrease the stabilizing effect shall be prohibited, especially on slopes above the proposed development.

(6) General Notice Requirements¹⁷⁵

- 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.

¹⁷³ New.

¹⁷⁴ New.

¹⁷⁵ Current Sec. 16-4-290. These standards may be further revised or eliminated based on discussion with staff, particularly in relation to the potential for establishing a rental registry.

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- 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) Major and Minor Avalanche Hazard Permits¹⁷⁶

(1) Purpose

The purpose of Major and Minor Avalanche Hazard Development Permits is to regulate the approval of certain substantive building and construction activities within the High Hazard Red Zone and Moderate Hazard Blue Zone.

(2) Applicability

a. Minor Avalanche Development Permits

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

- (i) New single-unit dwellings and detached accessory dwellings units (ADUs);
- (ii) Parks and open space uses, as defined in this LUC;
- (iii) Minor utilities, as defined in this LUC;
- (iv) Accessory buildings and structures, including fences;
- (v) 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
- (vi) 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.

b. Major Avalanche Development Permits

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

- (i) All development activity or land use not expressly allowed through a Minor Avalanche Development Permit; and
- (ii) 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

¹⁷⁶ New.

(3) Process

Major and Minor Avalanche Hazard Development Permit applications shall follow the review procedures in Section 15-8-20 with the following modification:

- a. Prior to issuance of any building permit for construction within the Avalanche Hazard district, 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. In addition to the general application submittal requirements, the applicant shall contain the following:
 - (i) A two-part, site specific engineering study report that contains:
 1. 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
 2. 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.
 - (ii) All investigations, studies, and reports shall be prepared at the applicant's expense. The investigations, studies and reports must specifically answer the following:
 1. 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 onsite protective measures and, if protective measures are necessary, what those specific measures are, including site and construction plans for such protective measures; and
 2. Whether such onsite 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.
 - (iii) Certification by the design engineer that such onsite 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.

- c. 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.

(4) 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 Minor Avalanche Hazard Development Permit:

- a. The application shall comply with all standards set forth in this Section 15-5-10.
- b. 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.
- c. 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 without the Avalanche Hazard district, especially downslope of the subject property.
- d. 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.

(5) Appeals

See Section 15-8-20(i)(6).

(6) Expiration

See Section 15-8-20(i)(5).

(f) Amendments to Map Boundaries¹⁷⁷

- (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.

¹⁷⁷ New.

- (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 such avalanche protective, deflective, and preventative structures, devices, or earth work, it shall make available such information to engineers as requested.
- (4) Upon such 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 such map.

(g) Warning and Disclaimer of Safety and Liability¹⁷⁸

- (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 Areas¹⁷⁹

(a) General Provisions

(1) Statutory Authorization¹⁸⁰

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

¹⁷⁸ New.

¹⁷⁹ Replaces current Article 4, Division 1. Content has been clarified and reorganized for simplicity.

¹⁸⁰ Revised for clarity.

(2) Purpose¹⁸¹

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;
- 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. These special flood hazard areas identified by the Flood Insurance Study (FIS) and attendant mapping 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.¹⁸²
- 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.

¹⁸¹ New.

¹⁸² Reflects changes adopted through Ordinance 2023-02.

(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) Interpretation¹⁸³

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

- a. Considered as minimum requirements;
- 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 such 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 15-5-20(g)(3).
- (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 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, within the adopted regulatory floodway, it must be demonstrated through

¹⁸³ New standards that are common in floodplain regulations across the state.

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 Standards¹⁸⁴

Development in the area of special flood hazard must comply with the 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%-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 (1) is prohibited in the underlying zoning district, (2) adversely affects the efficiency of the floodway, (3) changes the direction of flow, or (4) 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

¹⁸⁴ New.

(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 loads, including the effects of buoyancy, and must be certified by a professional engineer registered in the Colorado that they have been constructed to withstand such 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 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.
- 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 ten feet apart; and
 - (iii) Reinforcements shall be provided for pilings more than six feet above the ground level.¹⁸⁵

(6) Recreational Vehicles

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

¹⁸⁵ Details related to manufactured homes on pilings are new.

- a. Be on the site for fewer than 90 consecutive days¹⁸⁶;
- b. Be fully licensed and ready for highway use; or
- c. Meet the requirements for manufactured homes in Subsection (9) above.

(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 Facilities¹⁸⁷

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.

¹⁸⁶ Decreased from 180.

¹⁸⁷ Replaced detailed content with general reference to state regulations provided by the Department of Natural Resources.

(g) Administration

(1) Designation of Flood Hazard Administrator¹⁸⁸

The Building Official 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.¹⁸⁹

(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;
- (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.

¹⁸⁸ Updated all instances of Building Official to be Flood Hazard Administrator throughout this Section. Further discussion with staff is needed to confirm which Town employee serves as the Flood Hazard Administrator.

¹⁸⁹ New.

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.

(3) Flood Hazard Development Permit¹⁹⁰**a. Purpose**

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

b. Applicability

A Flood Hazard Development Permit is required 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.

c. Process

Flood Hazard Development Permit applications shall follow the review procedures in Section 15-8-20 with the following modification:

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

d. Review Criteria¹⁹¹

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 Flood Hazard Development Permit:

- (i) The application shall comply with all standards set forth in this Section 15-5-20;

¹⁹⁰ Includes current Sec. 16-4-40(a).

¹⁹¹ Expanded criteria for review.

-
- (ii) The uses, activities, and structures included in the application:
1. 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;
 2. Will not result in an unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards;
 3. 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
 4. Are likely to have little or no effect on the safety of access to property in times of flood for ordinary and emergency vehicles; and
- (iii) The heights and velocities of the floodwaters expected at the site shall not adversely affect the development of surrounding property.

e. Appeals

See Section 15-8-20(i)(6).

f. Expiration

See Section 15-8-20(i)(5).

(4) Flood Hazard Variance¹⁹²

a. Purpose

The purpose of Flood Hazard Variances is to allow for deviations from requirements of this Section 15-5-20, relative to flood damage prevention.

b. Applicability

- (i) 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 (4) below have been fully considered.
- (ii) 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.

¹⁹² Current Sec. 16-4-130, reorganized.

- (iii) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

c. Process

Flood Hazard Variance applications shall follow the review procedures in Section 15-8-20 with the following modifications:

- (i) In addition to the general application submittal requirements, the application shall contain the following:
 1. 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;
 2. A drainage study prepared by a Colorado registered professional engineer which utilizes the criteria presented in this Section, which is supplemented by other reliable source material (e.g., Corps of Engineers, Housing and Urban Development), and contains the engineer's recommendations; and
 3. An appendix to the drainage study that addresses each of the subjects cited by Subsection (4) below.
- (ii) 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.

d. 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 such 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.
 - 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.

e. Appeals

See Section 15-8-20(i)(6).

f. Expiration

See Section 15-8-20(i)(5).

15-5-30 Geologic Hazard Study¹⁹³

(a) Purpose

The purpose of this Section is to identify geologic conditions that may pose hazards to development within the Town and to require the implementation of avoidance or appropriate mitigation techniques. The types of geologic hazards to be identified shall include but not be limited to the following: expansive or compressible soils and bedrock and steeply dipping bedrock; unstable or potentially unstable slopes; landslide areas or potential landslide areas; debris flow and debris fans; rockfall areas; faults; areas of possible subsidence (areas of

¹⁹³ New.

abandoned mining activity); shallow water tables; groundwater springs; flood prone areas; and landfills and areas of uncontrolled and undocumented fill.

(b) Applicability and Exemptions

(1) Applicability

The review and evaluation of potential geologic hazards is undertaken through a two-tier review process for applicable development requests, as identified in the table below.

Table 15-5-1: Geologic Hazard Evaluation Applicability

Application Type	Geologic Hazard Evaluation
Building Permit (New Construction Only)	Tier 1
Site Plan Review	Tier 1
Special Use Permit	Tier 1
Simple Subdivision	Tier 1
Major Subdivision	Tier 2
Construction of Streets	Tier 2
Completed Tier 1 Evaluation (Hazards Identified)	Tier 2

(2) Exemptions

The following are exempt from Geologic Hazards Evaluation, but are still subject to other applicable site evaluation processes and standards. An exemption from these standards does not exempt the applicant from liability and responsibility to evaluate and mitigate known geologic hazards on a site.

- a. Minimum impact installations such as fences, lighting, poles, signs, or decorations;
- b. Movement or parking of machinery or equipment; or
- c. Installation of decorative or perimeter walls that do not serve to retain soil, unless supporting a load or other weight surcharge.

(c) Existing Geologic Hazard Studies

Sites with existing studies or reports that were certified and stamped by licensed geologists and that are 10 years or older shall be subject to the Tier 1 Initial Site Evaluation Letter procedure below to determine whether the existing study or report is sufficient for the proposed development application, or if changes in conditions warrant a new Tier 2 evaluation.

(d) Timeframe

Applications and permits for additions and alterations shall remain on record with the Town. Any subsequent application or permit for an addition or alteration on the same property shall be cumulative to any application or permit within a five-year period, and the total square footage of such additions or alterations shall be used to determine the applicability of these standards.

(e) Tiered Evaluation

(1) Tier 1 Evaluation Letter

a. Process

- (i) Unless otherwise specified in Table 15-5-1, an applicant shall submit a Tier 1 evaluation for review as part of the application that triggers the evaluation requirement. Based on the findings and recommendations of the site evaluation and letter, the Town Administrator may:
 - 1. Move the application or permit forward through the applicable approval procedure; and/or
 - 2. Require a soils and foundation report.
- (ii) Following further review of the letter and any subsequent input stated above, the Town Administrator may:
 - 1. Move the application or permit forward through the applicable approval procedure; or
 - 2. Require a Tier 2 Evaluation.
- (iii) The Town Administrator's review of Tier 1 applications for the purpose of determining whether more information is necessary to fully review the project is not an appealable decision, but rather a step in assessing compliance with the Town's complete application requirement.

b. Responsibility and Consultant Fees

- (i) The administration of geologic hazard evaluations shall be done by the Town Administrator who may delegate the administration as needed.
- (ii) The Town Administrator may use the services of a consulting geologist or geotechnical engineer ("technical professional") and the Colorado Geological Survey (CGS) to assist with any application evaluation. Technical professional review is required for Tier 2 Evaluations.
- (iii) The applicant is responsible for reimbursing the Town for any costs associated with technical professional and/or CGS review. The Town may pause or stop processing any application for which the applicant has not made timely reimbursement of technical professional fees or expenses.

(2) Tier 2 Geologic Hazards Mitigation Study

a. Process

- (i) When required, the Tier 2 report shall be reviewed by the Town Administrator with the associated permit or development application.
- (ii) The Town Administrator shall forward the Geologic Hazards Mitigation Study to the Colorado Geological Survey (CGS) for review and comment.
- (iii) The Town Administrator's review shall determine whether the findings, conclusions, and recommendations of the Geologic Hazards Study and comments from CGS have been incorporated into the project, grading, infrastructure, or other relevant design aspect of the proposed project. If the Town review determines that the submitted study is incomplete or fails to comply with the standards and requirements set forth in this Section, the Town Administrator may require new or supplemental information.

b. Review

A Tier 2 Geologic Hazard Mitigation Study and associated application shall be reviewed by the Planning Commission and decided-upon by the Board of Trustees. Both the Planning Commission and Board of Trustees shall hold a public hearing on the application.

(f) Site Evaluation and Mitigation Study Content

(1) Tier 1 Evaluation Letter

Following the site evaluation, the qualified professional geologist or a qualified professional geotechnical engineer shall submit a signed and stamped letter providing details of the site evaluation. At a minimum, the letter shall:

- a. Include the date and location of the site visit;
- b. Include photos of the lot and any geologic hazard conditions;
- c. Include a detailed narrative description of the lot conditions, including slopes; evidence of drainage and any other potential hazards on the site;
- d. Confirm that San Juan County and/or Silverton's geologic hazard maps were reviewed in relation to the site;
- e. Provide initial recommendations, if any, to mitigate the potential geologic hazard conditions;
- f. Determine whether or not the proposed development activity for the site would result in an increased risk to geologic hazards on the site or on adjacent properties; and

- g. Provide an assessment and recommendation whether or not further study is required through a Tier 2 Evaluation to address geologic hazard risk.

(2) Tier 2 Geologic Hazards Mitigation Study

a. Mitigation Study

The applicant shall submit a study and report of potential mitigation solutions ("Mitigation Study") that lessen the impact of the proposed development activity on the site and on adjacent properties. Such study shall:

- (i) Be prepared by a qualified professional geologist or a qualified professional geotechnical engineer;
- (ii) Identify potential geologic hazards on the site;
- (iii) Identify conditions that may pose a hazard to land development activities on the site and on adjacent properties;
- (iv) Describe proposed mitigation strategies and how they will reduce or avoid identified hazards;
- (v) Describe how the proposed mitigation strategies will reduce or avoid identified hazards on adjacent public or private property;
- (vi) Describe how the proposed mitigation strategies will comply with any required soils, foundation, or drainage and erosion control plans, or other applicable engineering standards; and
- (vii) Include applicable calculations to support proposed mitigation strategies.

b. Mitigation Measures

In cases where geologic hazards are identified, appropriate mitigation measures shall be identified in the Mitigation Study and may be required in conjunction with the approval of the project, if approval is recommended. Such mitigation measures may include, but not be limited to:

- (i) Changes to the proposed land use configuration;
- (ii) Changes to the location of proposed structures;
- (iii) Modification of land use types;
- (iv) Modification of lot boundaries;
- (v) Establishment or modification of building envelopes;
- (vi) Special foundation designs and over-excavation;
- (vii) Mitigation of rockfall and/or debris flow;
- (viii) Grading, drainage, and erosion controls;

- (ix) Geotechnical engineering solutions; and
- (x) Limitations on irrigated landscapes.

15-5-40 Slope Hazard Areas¹⁹⁴

(a) Purpose¹⁹⁵

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) Applicability¹⁹⁶

This Section shall apply to any development or subdivision in lots with an average slope of 25 percent or greater or where adverse conditions associated with slope stability, erosion, or sedimentation are present as determined by the Town Administrator.¹⁹⁷

(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 Disturbance¹⁹⁸

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

(3) Grading Standards

- a. Grading shall be limited to the minimum necessary for development of streets, building sites, utilities, and driveways.

¹⁹⁴ Replaces and expands current Division 3 of Article 4.

¹⁹⁵ New, replaces current Sec. 16-4-410.

¹⁹⁶ Removed reference to the Unified Hazard Overlay Map I, Flood, II, Avalanche, III, Slope dated March 23, 1992, which requires updating.

¹⁹⁷ New.

¹⁹⁸ Recommended in the Development Readiness Assessment.

- 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

- a. Where permitted, structures shall be integrated into the hillside or built at the base of the slope.
- b. Structures shall be located so that they are screened from view by their location and surrounding vegetation.
- c. Hillside structures shall not be the prominent or obvious focal point of the location.

(6) Streets

Streets shall not be allowed to cross slopes between 30 and 50 percent unless specifically authorized by a licensed Colorado civil engineer after finding that all of the following conditions and constraints are applicable:

- a. No alternate location for access is available;
- b. No individual segment or increment of the street that will cross slopes between 30 percent and 50 percent exceeds 100 feet in length;
- c. The cumulative length of individual segments or increments that will cross slopes between 30 percent and 50 percent does not exceed ten percent of the total length of the street; and
- d. No significant adverse visual, environmental, or safety impacts will result from the crossing, either by virtue of the design and construction of the street as originally proposed or as a result of incorporation of remedial improvements provided by the developer to mitigate such impacts.
- e. Under no circumstances shall any street cross slopes greater than 50 percent.
- f. Streets shall follow natural contour lines to the maximum extent practicable.

(d) Development on Slopes Greater than 30 Percent¹⁹⁹

No creation of new lots or development, including clearing, excavation, and grading, shall be allowed where the average slope within the limits of disturbance is greater than 30 percent. Structures shall be set back from ascending or descending slopes greater than 30 percent in accordance with the requirements of the current adopted building code.

(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 such 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.

(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 such areas and the development complies with certified geotechnical design and construction stabilization and maintenance measures.

(f) Slope Hazard Development Permit Process

(1) Purpose

The purpose of Slope Hazard Development Permits is to 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.

¹⁹⁹ New, aligns with best practices.

(3) Process²⁰⁰

Slope Hazard Development Permit applications shall follow the review procedures in Section 15-8-20 with the following modification:

- 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 such property;
 2. The location of the proposed area of disturbance on the applicant's property and its relation to neighboring properties' structures, roads, watercourses and wetlands;
 3. The location on the applicant's property of all existing watercourses, wetlands, 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.
 - (iv) A geologist's or registered geotechnical engineer's report explaining the maps and cross sections required in this Section with particular

²⁰⁰ Specific application requirements are the subject of ongoing discussion with staff.

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.

(4) Review Criteria

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.

(5) Expiration

See Section 15-8-20(i)(5).

15-5-50 Wetlands Protection²⁰¹

15-5-60 Wildfire Hazard Study²⁰²

(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 all development and subdivision in the areas identified as areas of High or Very High wildfire risk maintained by the Colorado State Forest Service, excluding applications for single-unit dwellings. Single-unit dwellings shall follow Firewise planting techniques and materials to the maximum extent practicable.

(c) Wildfire Hazard Study

The study 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;
- (2) Communication capabilities during construction with the ERFPD and the type of communication system. A physical address is required for E-911 purposes;

²⁰¹ This Section is subject to ongoing discussion with staff and will be updated or removed as needed in a future draft.

²⁰² New.

- (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;
- (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

- (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). Referral of Final Plat applications will be at the discretion of the Town Administrator.
- (2) CSFS 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. (See, for example, "Creating Wildfire Defensible Zones, No. 6.302 or currently accepted standards.)
- (3) The Town shall consider the recommendations of the CSFS and apply the appropriate recommendations as conditions of approval of the development application.

(e) Requirements for Final Approvals

Based on Town and CSFS 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 Small Lot Development²⁰³

Public Input Requested

These standards are a starting point for discussion based on the reduced minimum lot size (2,500 square feet) in the R-2 and proposed new R-3 district and the Town's ongoing discussion about small lot development. When reviewing this Section, consider the following:

- Are there additional design requirements that residential and/or nonresidential development should be subject to on lots between 2,500 and 5,000 square feet?
- Would you support allowing an increase to maximum height in exchange for the provision of affordable housing (or other community benefit)?

(a) Purpose

The purpose of this Section is to facilitate infill develop, increase opportunities for housing, and ensure that development on small lots is well designed and minimizes impacts.

(b) Applicability

This Section shall apply to new development and redevelopment on lots up to 4,999 square feet.

(c) Lots Less Than 2,500 Square Feet

- (1) Existing lots less than 2,500 square feet in area may be developed if:
 - a. The subject lot was established on the original Town Plat or prior to the Effective Date; and
 - b. The lot meets all standards required by Table 15-2-3: Zoning Districts Dimensional Standards Summary.
- (2) New lots less than 2,500 square feet created by any subdivision process are prohibited.

(d) Lots Between 2,500 and 5,000 Square Feet

(1) All Uses

If the interior side setback is less than 10 feet and the roof slopes toward the interior side property line, then the roof shall be designed to hold and/or shed snow to prevent snow accumulation on the adjoining property. Acceptable rooftop snow retention techniques include snow guards and snow fences designed in accordance with adopted building codes.²⁰⁴

²⁰³ New.

²⁰⁴ General snow storage requirements will be further refined and explored in Interim Draft #2.

(2) Residential Uses

- a. Dwelling units that abut a public right-of-way shall orient the primary entryway toward the street.
- b. All buildings and structures shall be designed and oriented in a manner ensuring privacy of adjacent residential uses.
- c. Balconies, patios, or other exterior public gathering spaces that are more than 24 feet above grade shall be setback a minimum of 15 feet from any side or rear lot line.
- d. If at least one off-street parking space is provided through a garage, carport, or on a dedicated space on a driveway located a minimum of 20 feet from the front lot line, the minimum open space requirement for the underlying zoning district may be decreased by 200 square feet.

[All other content to be drafted in Interim Draft #2]

Article 7 Signs

[To be drafted in Interim Draft #2]

Article 8 Administration and Procedures

15-8-10 Review and Decision-Making Bodies²⁰⁵

(a) San Juan Regional Planning Commission

(1) Creation²⁰⁶

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.²⁰⁷
- b. Recommending the boundaries of the various zoning districts and appropriate regulations to be enforced in the districts.²⁰⁸

(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.^{209 210211}

²⁰⁵ 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.

²⁰⁶ Current 16-2-210. Adjusted to just address the PC here.

²⁰⁷ 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.

²⁰⁸ Current 16-2-160(b). Removed details regarding criteria since criteria will be included for each procedure.

²⁰⁹ Current 16-2-110. Added that the Board of County Commissioner position is appointed by the BOCC.

²¹¹ New.

- 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.²¹²
- c. All members of the Planning Commission shall serve without compensation.²¹³
- d. The appointing authority shall have the power to remove any member of the Planning Commission with just cause.²¹⁴

(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 such other duties as may be necessary and the vice chairperson shall act in the absence of the chairperson.²¹⁵
- b. The Planning Commission shall adopt by-laws, operating policies and other rules of procedure as deemed appropriate; provided, however, that such rules are not inconsistent with this Code or statutes of the state.²¹⁶
- 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.²¹⁷ The public record shall show the action of the Planning Commission and the vote of each member upon each item considered.²¹⁸
- 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.²¹⁹
- 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.²²⁰

(b) Board of Adjustment

(1) Creation²²¹

Pursuant to the authority conferred by Article 28 of Title 30 and Article 23 of Title 31, C.R.S., there is hereby created a Board of Adjustment.

²¹² Current 16-2-120

²¹³ Current 16-2-120

²¹⁴ New.

²¹⁵ Current 16-2-130, first 2 sentences. Reworded and vice chair added.

²¹⁶ Current partial 16-2-130, substantially rewritten for clarity.

²¹⁷ Removed "contractual undertaking" from this sentence as it is not included in CRS 31-21-204.

²¹⁸ Current 16-2-130, last 2 sentences.

²¹⁹ New.

²²⁰ New.

²²¹ Current 16-2-210. Adjusted to just address the BOA here.

(2) Powers and Duties²²²

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.
- b. Hear and decide on granting of variances, reviews of variances, and certain appeals.
- c. Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Code.

(3) Membership²²³

- a. The Board of Adjustment shall consist of five members as follows:
 - (i) Two members of the Board of Trustees, appointed by the Board of Trustees, who are not also members of the Planning Commission;
 - (ii) Two members serving as representatives at large on the Planning Commission, appointed by the Planning Commission; and
 - (iii) One member of the Board of County Commissioners, appointed by the Board of County Commissioners, who is not also a member of the Planning Commission.
 - (iv) One alternate representative each shall be appointed by the Board of Trustees, the Planning Commission, and the Board of Commissioners, to serve in place of the regularly appointed member of that body should that member be unable to attend a scheduled meeting. The alternate appointed by the Board of Trustees shall not be a member of the Planning Commission. All appointments to the Board of Adjustment shall serve during their respective official terms of office.
- b. All members 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.²²⁴
- c. 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.²²⁵

²²² Current 16-2-230. Removed review criteria.

²²³ Current 16-2-210

²²⁴ Copied from current 16-2-120 to also apply to the BOA.

²²⁵ Copied from current 16-2-120 to also apply to the BOA.

- d. The Board of Trustees shall have the power to remove any member of the Board of Adjustment with just cause.²²⁶

(4) Officers and Procedures²²⁷

- a. The Board of Adjustment 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 such other duties as may be necessary, the vice chairperson shall act in the absence of the chairperson.
- b. 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.
- c. The Board of Adjustment may draft and recommend for adoption by the Board of Trustees such by-laws, operating policies and other rules of procedure as deemed appropriate; provided, however, that such rules are not inconsistent with this Code or statutes of the state.²²⁸
- d. Four members of the Board of Adjustment shall constitute a quorum, and a concurring vote of four members of the Board of Adjustment shall be necessary to decide on any matter.²²⁹
- e. 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.²³⁰

(c) Historic Review Committee

(1) Creation²³¹

There is hereby created the Historic Review Committee.

(2) Powers and Duties²³²

The Historic Review 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

²²⁶ New.

²²⁷ Current 16-2-220

²²⁸ New.

²²⁹ Current 16-2-240(d), simplified for clarity.

²³⁰ New.

²³¹ Current 16-2-310, substantially rewritten for simplicity.

²³² Current 16-2-370, except last item in list.

Board of Trustees designate by ordinance such buildings, structures, objects, sites, or districts qualifying for such 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. Make recommendations on any application for alteration, relocation, or demolition of a historic property or historic district or planning and design project that may affect the character or integrity of the historic property or historic district.²³³
- 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.

(3) Membership

- a. The Historic Review Committee shall be appointed by the Board of Trustees and comprised of the following members:
 - (i) One owner of property and year-round resident in the Historic Overlay District, voting member;
 - (ii) One year-round resident of the Town of Silverton, voting member;
 - (iii) One member of the Board of Trustees, voting member;
 - (iv) One member of the San Juan Regional Planning Commission who is not also on the Board of Trustees, voting member;
 - (v) One member of the Historical Society or Member of San Juan County Historic Impact Assessment Review Committee, voting member;
 - (vi) One high school student (when available), non-voting member; and

²³³ To be revised once Historic District Overlay standards are drafted.

- (vii) One Town staff member, non-voting member²³⁴
- b. 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, or archaeology.²³⁵
- c. All members shall serve for a term of three years, or until a successor takes office. Terms shall be staggered.²³⁶
- d. All members shall be residents of the Town of Silverton, unless approved by the Board of Trustees.²³⁷ If any member ceases to reside in the town, that membership shall immediately terminate, unless approved by the Board of Trustees.²³⁸
- e. All members of the Historic Review Committee shall serve without compensation.²³⁹
- f. The Board of Trustees shall have the power to remove any member of the Historic Review Committee with just cause.²⁴⁰

(4) Officers and Procedures

- a. The Historic Review Committee shall elect a chairperson and vice chairperson from among the members, whose terms shall be for one year, with eligibility for reelection.²⁴¹ The chairperson shall preside at all meetings and perform such other duties as may be necessary and the vice chairperson shall act in the absence of the chairperson.²⁴²
- b. The Town Administrator shall keep a record of the meetings showing the action of the Historic Review Committee and the vote of each member upon each question considered, which record shall be a public record.²⁴³
- c. The Historic Review Committee may draft and recommend for adoption by the Board of Trustees such by-laws, operating policies and other rules of procedure as deemed appropriate; provided, however, that such rules are not inconsistent with this Code or statutes of the state.²⁴⁴

²³⁴ Current 16-2-320(B) and part of (A) – revised for clarity and initial terms removed.

²³⁵ Current 16-2-320(D) and part of (A)

²³⁶ Current 16-2-330 – Substantially revised for clarity and to remove initial terms.

²³⁷ Current 16-2-320(C)

²³⁸ New.

²³⁹ Current 16-2-360 – Removed exception.

²⁴⁰ Current 16-2-390(B)

²⁴¹ Current 16-2-340 – Reworded substantially for clarity and consistency.

²⁴² New.

²⁴³ Current 16-2-380(C) and (D) – Revised for clarity.

²⁴⁴ Current 16-2-370, last item in list. Revised for consistency.

- d. A quorum shall consist of a majority, or 51 percent, of the members. 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.²⁴⁵
- e. The Historic Review Committee shall meet at least four time a year. Meetings shall be held monthly unless there are no items for the agenda²⁴⁶. Special meetings and/or workshops may be called as deemed necessary by the Town Administrator.²⁴⁷

15-8-20 Development Review Procedures²⁴⁸

(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 [1]	Notice [2]	Admin	Recom'd Hearing	Decision Hearing	Final Decision
Key	✓ = Required P = Published notice required M = Mailed notice required BOT = Board of Trustees HRC = Historic Review 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	15-5-10(e)	✓			Decide			NoD
Flood Hazard Development Permit	15-5-20(g)(3)	✓			Decide			NoD
Final Plat, Condo. or Townhome	15-8-30(b)				Decide			NoD
Historic Overlay Dist. Review	15-8-30(c)	✓			Decide/Refer		HRC	NoD
LUC Interpretation	15-8-30(d)				Decide			NoD

²⁴⁵ Current 16-2-350

²⁴⁶ Current 16-2-380(B)

²⁴⁷ New.

²⁴⁸ This section includes a summary table for all application types as well as a description of all common review procedures.

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

Application Type	Code Sec.	Pre-app Mtg.	Info Mtg [1]	Notice [2]	Admin	Recom'd Hearing	Decision Hearing	Final Decision
Key	✓ = Required P = Published notice required M = Mailed notice required BOT = Board of Trustees HRC = Historic Review Committee PC = Planning Commission BOA = Board of Adjustment Admin = Town Administrator NoD = Notice of Decision Ord. = Ordinance							
Minor Plat Amend.	15-8-30(e)				Decide			NoD
Subdivision, Simple	15-8-30(f)	✓			Decide			NoD
Site Plan Review	15-8-30(g)	✓			Decide			NoD
Slope Hazard Development Permit	15-8-30(h)	✓			Decide			NoD
Annexation/ Disconn.	15-8-40(a)	Per Colorado Statutes						
Appeal of Administrative Decision	15-8-40(b)			P			BOA/ BOT	NoD
Avalanche Hazard Development Permit, Major	15-5-10(e)	✓		P	Refer	PC	BOT	NoD
Expedited review for AH ²⁴⁹	15-8-40(c)	✓						
Flood Hazard Variance	15-5-20(g)(4)	✓		P, M	Refer		BOA/PC [3]	NoD
LUC Text Amend.	15-8-40(d)	✓		P	Refer	PC	BOT	Ord.
Master Plan Amend	15-8-40(e)	✓		P	Refer	PC	BOT	Ord.
PUD ²⁵⁰	15-8-40(f)							
Special Use Permit	15-8-40(g)	✓		P	Refer		PC	NoD
Subdivision, Major								
Sketch Plan	15-8-40(h)(2)	✓	✓		Refer		PC	NoD
Prelim. Plan	15-8-40(h)(3)	✓	✓	P	Refer	PC	BOT	NoD

²⁴⁹ To be developed with Draft 2.

²⁵⁰ To be developed with Draft 2.

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

Application Type	Code Sec.	Pre-app Mtg.	Info Mtg [1]	Notice [2]	Admin	Recom'd Hearing	Decision Hearing	Final Decision
Key	✓ = Required P = Published notice required M = Mailed notice required BOT = Board of Trustees HRC = Historic Review Committee PC = Planning Commission BOA = Board of Adjustment Admin = Town Administrator NoD = Notice of Decision Ord. = Ordinance							
Final Plat	15-8-40(h)(4)	✓		P	Refer	PC	BOT	NoD
Subdivision Design Modification	15-8-40(i)	Processed with Preliminary Plat						
Vacation of ROW	15-8-40(j)	✓		P	Refer		BOT	Ord.
Variance	15-8-40(k)	✓		P, M	Refer		BOA/PC [3]	NoD
Zoning Map Amend.	15-8-40(l)	✓	✓	P	Refer	PC	BOT	Ord.

Notes:

- [1] Neighborhood meetings are optional for all applications when not required.
- [2] Notice to mineral estate owners is required for all public hearings per Section 15-8-20(h)(3).
- [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 Described²⁵¹

- (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 15-8-40 establish additional provisions for specific procedures. Where these common review procedures conflict with specific procedure provisions, the specific procedures provisions shall apply.

(c) Preapplication Meeting²⁵²

(1) Purpose

Preapplication meetings are established to:

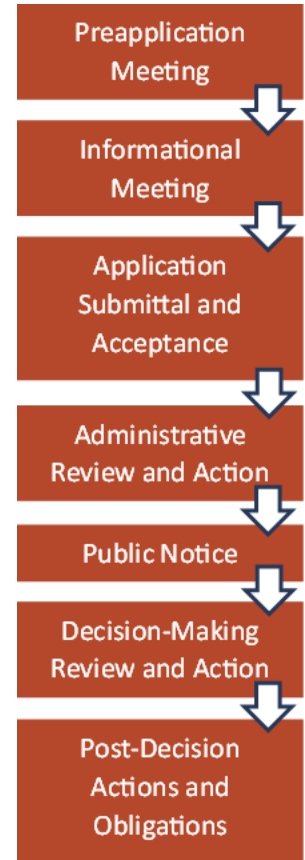
- a. Provide the applicant and Town an opportunity to discuss the following prior to application submission:
 - (i) The application concept,
 - (ii) General compliance with the Code and Building Regulations, and
 - (iii) Any potentially significant issues regarding compliance.
- b. Determine the applicable 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.



²⁵¹ 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.

²⁵² New

(d) Informational Meeting²⁵³

(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. Applicant responsibilities:
 - (i) Notify all property owners and residents within 300 feet of the property line by mail and publish notice of the meeting in the newspaper at least 14 days prior to the meeting.
 - (ii) Conduct and facilitate the meeting.
 - (iii) Cover all expenses of the meeting including but not limited to facility costs and the cost of the meeting notice.
 - (iv) Prepare 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.

²⁵³ 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. The applicant shall prepare and submit an application(s) that meets all requirements of this Code.
- b. The Town Administrator is authorized to establish and amend application forms based on the requirements of this Code and Colorado law.²⁵⁴ 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 15-8-40.
 - (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.
 - 3. Vicinity map showing the project area with all applicable lot and parcel lines and abutting roads.
 - (iv) 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.²⁵⁵
- c. All applications shall be submitted electronically to the Town Clerk or Planning Department staff. 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.

(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.

²⁵⁴ The generally applicable submittal requirements and others throughout the code will be refined as new regulations are drafted and revised.

²⁵⁵ Submittal requirements informed by 16-2-240.

(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 Reimbursement²⁵⁶

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, 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 reimbursement 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.
- (iii) All unused funds will be returned to the applicant immediately after final action on the application.

c. Waivers and Modification of Fees and Expenses

When a project will specifically address an identified community need, the applicant may submit a written request to the Board of Trustees to

²⁵⁶ Current 16-1-80 and 16-1-90 (Ord 2023-01). Combined sections into one.

waive, modify, adjust, or refund any fee or expense associated with the processing of any application. The applicant will be 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 Review²⁵⁷

The Town Administrator shall review an application within a reasonable timeframe to determine whether the application is complete.

- a. 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.
 - (i) The application will not be processed further until the application is determined to be complete.
 - (ii) No application shall be deemed complete unless accompanied by a properly executed Reimbursement Agreement.
- b. Once the application is determined to be complete, the Town Administrator shall process the application for review.

(f) Administrative Review and Action²⁵⁸

(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;
- 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, and Mining and Safety; and

²⁵⁷ New.

²⁵⁸ New.

- 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

Following completion of any referral agency review, the Town Administrator shall determine if the application is ready for a decision.

- a. 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.
- b. Once the application is ready for a decision, the Town Administrator shall proceed to make the decision per Subsection (3) below or prepare the application for decision by a decision-making body per Subsection (4) 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 Adjustment, or Board of Trustees; 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 re-submittal 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 Clerk at least one day prior to the hearing.

(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 <> or <>.
 - (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 Review 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.
- 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.
 - (iii) Any additional information pertinent to the review of the application.

(g) Public Notice

When an application requires a public hearing before the Historic Review Committee, Planning Commission, Board of Adjustment, or Board of Trustees, 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.²⁵⁹

(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 10 days prior to the public hearing.²⁶⁰

(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.²⁶¹

(h) Decision-Making Review and Action²⁶²

(1) All Meetings

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

²⁵⁹ 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.

²⁶⁰ 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.

²⁶¹ New

²⁶² New

- 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 Planning Commission shall review the application for conformance with the applicable procedure, review criteria, and the staff report. The Planning Commission 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 Planning Commission, 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 Town Development Standards and Specifications.
- d. Conformance with the Master Plan and other applicable Town plans and policy guides.
- e. Compliance with review criteria for the specific procedure identified in Sections 15-8-30 and 15-8-40.

(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) Call Up of Administrative Decisions²⁶³

The Board of Trustees may exercise review over an application decided by the Town Administrator, Planning Commission or Historic Review 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 and Planning Commission approvals as it deems necessary, not to provide an applicant with an unofficial appeal.

- a. Any member of the Board of Trustees may call-up decisions made by the Town Administrator or Planning Commission within 10 days of the Notice of Decision being issued.
- b. 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.
- c. 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

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).
- b. Appeals of any decision of the Planning Commission or the Historic Review Committee shall be made to the Board of Trustees.
- 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.

²⁶³ 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.

(3) Limitation on Resubmission

Whenever the Board of Adjustment, Planning Commission, or Board of Trustees 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, 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 days²⁶⁴ from the date of approval by the decision-making body. The approval expires if documents are not properly recorded within 60 days. All recording fees shall be paid by the applicant.
- 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 such 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 15-8-40, 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 such approval is issued and construction is commenced and diligently pursued toward completion.

b. Extension

- (i) An approval may be extended by up to one year by the decision-making body that issued the original approval. Requests for extensions must show good cause for the need for extension.
- (ii) All requests for extensions shall be submitted to the Town Clerk 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

²⁶⁴ Updated to 60 days. Current regulations vary from 10 to 90.

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 re-submit a new application, subject to the fees and regulations in effect at the time of re-submittal, for the same project.

(6) Revocation of Approval²⁶⁵

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 approved plan or plat that do not qualify for an Administrative Adjustment per Section 15-8-30(a) or Site Plan Review per Section 15-8-30(g) 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.

(8) Guarantee of Completion for Required Improvements²⁶⁶

- a. The applicant shall enter into a written 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 Section <> [Subdivision Design and Improvement]. The Improvement Agreement shall include terms for required improvements, construction specifications, 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.
- b. Under such agreement, the applicant shall post a performance bond, or certified check, prior to commencing construction, which bond or check

²⁶⁵ New.

²⁶⁶ Current 17-5-20

shall be drawn in favor of the Town in an amount equal to the estimated cost of construction of improvements required as enumerated.

- c. The performance bond 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.
- d. If the Town determines that the applicant will not construct any or all of the improvements in accordance with the guarantee of completion, the Town shall have the power to annul the agreement and apply all or part of the bond or certified check to the construction or completion of any or all of the specified improvements in accordance with the agreed specification.

15-8-30 Specific Procedures – Administrative Decisions and Historic Review²⁶⁷

(a) Administrative Adjustment

[To be included in Interim Draft #2]

(b) Final Plat for Condominium or Townhome²⁶⁸

(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 following approval of a Preliminary Plan. A new condominium or townhouse subdivision shall be processed as a Major Subdivision per Section 15-8-40(l).
- b. This procedure shall be followed Approval is required before any sale of individual units in a multifamily dwelling, or of individual commercial or other space within a larger building, whether or not there is tenancy in common.

(3) Common Review Process

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

²⁶⁷ 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. Draft 2 may incorporate some of the procedures from 16-4-800(1) - Development in the Architectural Review Overlay District depending on if the overlay is transitioned into standards. It may also include procedures for other overlay districts like Flood, Avalanche, and Slope Hazard Overlays. We will also add flow charts to this section, likely for the first fully consolidated draft, once procedures less likely to have major changes.

²⁶⁸ New

- a. In addition to the general application submittal requirements, the application shall contain a plat map as required for a Final Plat in Section 15-8-40(h)(4).
- b. An approved plat map shall be recorded per Section 15-8-20(i)(4).

(4) Review and Decision-Making

- a. Final Plats for Condominium or Townhome 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.

(5) 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 for a Condominium or Townhome:

- a. The proper dedications have been made, and
- b. The plat accurately depicts the completion of the improvements in a manner that is substantially consistent with the approved Final Plat.

(6) Appeals

See Section 15-8-40(b).

(7) Expiration

See Section 15-8-20(i)(5).

(c) Historic Overlay District Review

(1) Purpose

Historic Overlay District Review is to regulate the approval of certain building and construction activities within the Historic Overlay District.

(2) Applicability

Historic Overlay District Review is required for all new construction and any facade or exterior building alterations on existing structures viewable to the public, excluding items of routine maintenance. Review and approval is required for the issuance of a building permit for construction within the Historic Overlay District.²⁶⁹

²⁶⁹ Current 16-4-740, reworded for clarity and merged 2nd to last sentence from 16-4-730. Removed construction w/o permit penalties as that should be addressed in the building code.

(3) Common Review Process²⁷⁰

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- a. In addition to the general application submittal requirements, the application shall contain:
 - (i) A site plan, and
 - (ii) Building design plans including a detailed elevation (minor exterior modifications may require less detailed elevations) showing the proposed structure alongside the adjacent structures.
- b. Applications are reviewed by the Town Administrator except that applications for Special Exemptions are reviewed by the Historic Review Committee. The public meeting to review the application is not required to be a public hearing.

(4) Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(i)(4), the following criteria shall be met when recommending and deciding on a Historic Overlay District Review:

a. All Applications

Compliance with Section <> [Historic District Overlay].

b. Special Exemptions²⁷¹

- (i) The Historic Review Committee may grant a Special Exemption to the requirements of Section <> [Historic District Overlay] in such a case when conformance would result in the loss or substantial degradation of a historic structure that is a historic landmark or certified as a contributing structure by the State Historic Preservation Officer.
- (ii) Any exemptions granted shall be specifically listed and justified in the Notice of Decision that shall forever remain with the granted building permit.

(5) Appeals

See Section 15-8-20(i)(2).

(6) Expiration

See Section 15-8-20(i)(5).

²⁷⁰ Current 16-4-730, first 4 sentences. Removed language that was added to general procedures.

²⁷¹ Current 16-4-750, reworded for clarity.

(d) 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 code 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 Process

The Common Review Procedures in Section 15-8-20 apply with the following exceptions:

- a. Section 15-8-20(e)(3) Reimbursement Agreement is not required.
- b. Section 15-8-20(f) referral agency review is not required.

(4) Review and Decision-Making

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

(5) Review Criteria

Interpretations shall be made in accordance with the following:

- a. The intent or purpose statement of the specific regulation,
- b. Context of related regulations,
- c. Implementation of the adopted master plan and other applicable Town plans, and
- d. Individual and community life, safety, and public health.

(6) Post-Decision Actions

The Town Administrator shall maintain an official record of all interpretations, which shall be available for public inspection during normal business hours.

(7) Appeals

See Section 15-8-40(b).

(8) Expiration

LUC Interpretations do not expire. The Town Administrator, in their discretion, may reconsider and revise a previous interpretation.

(e) Minor Plat Amendment²⁷²

(1) Purpose

Minor Plan 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 add a course or distance ;
- b. Correct an error in a real property description;
- c. Indicate monuments set after the original monuments;
- d. Show the location or character of a monument that has been changed or that is shown incorrectly;
- e. Correct any other type of minor error or omission, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- f. 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;
- g. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- h. 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 for amending the plat;
 - (ii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iii) The amendment does not increase the number of lots;
- i. Vacate an easement; or
- j. Vacate a previously recorded plat of record.

²⁷² New. Added to allow for the administrative review of small edits to approved plats and simple lot line adjustments and consolidations.

(3) Common Review Process

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- a. In addition to the general application submittal requirements, 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.²⁷³

(4) Review and Decision-Making

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

(5) 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 Minor Plat Amendment:

- a. There is no increase the number of lots nor does the amendment create new lots;
- b. The amendment does not affect a recorded easement without approval of the easement holder;
- c. Street locations will not be changed; and
- d. The amendment will not create any nonconformities or increase the degree of nonconformity of any existing structure, use, or development standards.

(6) Appeals

See Section 15-8-40(b).

(7) Expiration

See Section 15-8-20(i)(5).

(f) Simple Subdivision²⁷⁴

(1) Purpose

This procedure can be used to:

- a. Create up to three additional lots where no new infrastructure or public improvements are required;

²⁷³ Current 17-1-50(1)

²⁷⁴ 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.

- 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) Initiation

A Simple Subdivision application may be filed by any property owner with title to the entire property subject to the application.

(3) Common Review Process

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- a. In addition to the general application submittal requirements, the application shall contain the following information:
 - (i) A plat map as required for a Final Plat in Section 15-8-40(h)(4). 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 and parcel boundaries;
 - 2. Existing zoning; and
 - 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.
 - (ii) Other materials necessary to show compliance with Section <>[Subdivision Design and Improvement, Design Standards] and this Code.

(4) Review and Decision-Making

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

(5) 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 Simple Subdivision:

- a. The resulting lots comply with all applicable requirements of this Code;
- b. 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);
- c. The existing right-of-way is not changed;

- d. 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
- e. 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.

(6) Post-Decision Actions

Once approved, the plat map shall be recorded per Section 15-8-20(i)(3).

(7) Appeals

See Section 15-8-40(b).

(8) Expiration

See Section 15-8-20(i)(5).

(g) Site Plan²⁷⁵

(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:

- a. All new construction except those that are part of an application for Subdivision or PUD.
- b. 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,
 - (iii) Special Use Permit, and
 - (iv) Administrative Adjustment;
- c. Any proposed redevelopment that meets or exceeds 10 percent increase in gross square footage, or 50 percent increase in assessed valuation, with either measurement calculated over a five-year period.
- d. 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

²⁷⁵ New. Information from Chapter 17, Article 6: Dedication and Reservation of Land may be added here in draft 2.

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).
- (vi) A request to change or delete a condition of approval established by the Planning Commission or the Board of Trustees.

(3) Process

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- a. 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.
- b. In addition to the general application submittal requirements, 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
- c. 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.
 - d. Approved Site Plan documents shall be binding upon the applicants and their successors and assigns.
 - e. 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.
 - f. 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.

(4) Review and Decision-Making

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

(5) Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when recommending and deciding on a Site Plan Review:

- a. Any significant adverse impacts reasonably anticipated to result from the Site Plan application will be mitigated or offset to the maximum extent practicable;
- b. The development proposed and its general location is, or will be, compatible with the character of surrounding land uses and structures; and
- c. The development can be adequately served by Town services including, but not limited to roads, water, and wastewater.

(6) Appeals

See Section 15-8-40(b).

(7) Expiration

See Section 15-8-20(i)(5).

(h) Temporary Use Permit²⁷⁶

(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) Process

The Common Review Procedures in Section 15-8-20 apply.

(4) Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the Town Administrator shall also review Temporary Use Permit applications for the following:

- a. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation;
- b. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat); and
- c. Regulation of maintenance and site restoration during, and after termination of the temporary use or expiration of the Temporary Use Permit.

(5) Appeals

See Section 15-8-40(b).

(6) Expiration

As stated in an approved permit.

15-8-40 Specific Procedures – Public Hearing Required

(a) Annexation and Disconnection²⁷⁷

(1) Purpose

Annexation 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.

²⁷⁶ New.

²⁷⁷ Current Chapter 15. Modified to include disconnections, removed all detail and replace with reference to state statute.

(3) Process, Review Criteria, Appeal, and Expiration

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.

(b) Appeal of an Administrative Determination²⁷⁸

(1) Purpose

This process allows the review of administrative decisions made by Town staff.

(2) Initiation

- 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.²⁷⁹
- c. All requests shall be submitted within 30 days following issuance of the Notice of Decision being appealed.²⁸⁰

(3) Processing

- a. All applications 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).
- b. The Town Administrator shall notify, in writing, the applicant, any administrative official involved, and the Board of Trustees of all appeal public hearings scheduled.²⁸¹
- c. 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

²⁷⁸ Current 16-2-240. Adjusted to remove variance info. Added general timeline and submittal process for all appeals.

²⁷⁹ New

²⁸⁰ Current code allows for 15 to 30 days to file an appeal. All appeals now allow for 30 days to be submitted.

²⁸¹ Current 16-2-240(e), partial. Simplified.

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 Determination

Appeals of administrative decisions, except for vacation rental permit renewals, shall be made to the Board of Adjustment.²⁸² Decisions on vacation rental permit renewals shall be made to the Board of Trustees.²⁸³

a. Review and Action

- (i) The Board of Adjustment may reverse, modify the action.
- (ii) The decision being appeal may only be overturned upon finding all of the following criteria have been met:²⁸⁴
 - 1. The administrative officer acted in a manner inconsistent with the provisions of this LUC; or
 - 2. Made erroneous findings of fact based on the evidence and testimony on the record.
- (iii) A Notice of Decision shall be issued pursuant to 15-8-20(j)(1).

(c) Expedited Review for Affordable and Workforce Housing²⁸⁵

(d) Land Use Code Text Amendment²⁸⁶

(1) Purpose²⁸⁷

This procedure is required to amend, supplement, change, modify, or repeal any portion of this Code, excluding the zoning map.

²⁸² Current 16-1-30(d). Added 16-8-70.

²⁸³ Current 16-1-60(5j).

²⁸⁴ New

²⁸⁵ This is a placeholder for now to ensure compliance with Proposition 123. Compliance could end up being a specific procedure detailed in this section or include the addition of incentives and removal of barriers throughout the code (like more uses by right, extra density allowed, etc.).

²⁸⁶ Current 16-1-40. Removed standard process language. Split LUC text and map amendments into separate sections.

²⁸⁷ New

(2) Initiation

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.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- a. 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

The Text Amendment shall be reviewed and recommended on by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

a. Review Criteria²⁸⁸

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.

b. Decision

- (i) Approval of a Text Amendment requires a favorable vote of a majority of the Board of Trustees unless a protest is filed.
- (ii) 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.
- (iii) Text Amendments must be adopted by ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.

(5) Appeals

See Section 15-8-20(i)(2).

²⁸⁸ New

(6) Expiration

Does not expire.

(e) Master Plan Amendment²⁸⁹

(1) Purpose

Master Plan Amendments provide standards and requirements for amending the Town of Silverton 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) Initiation

- 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.

(3) Common Review Procedures

The Common Review Procedures in Section 15-8-20 apply with the following 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 submittal and acceptance steps of the common review procedures in Section 15-8-20.

(4) Review and Decision-Making

The Master Plan Amendment shall be reviewed and recommended on by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

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 Master Plan Amendment:

- (i) The amendment is consistent with the overall intent of the Master Plan;

²⁸⁹ New

- (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.

b. Decision

Master Plan Amendments must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.

(5) Appeals

See Section 15-8-40(b).

(6) Expiration

Does not expire.

(f) Planned Unit Development²⁹⁰

(g) Special Use Permit²⁹¹

(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 such factors 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.

²⁹⁰ This will be added with Draft 2. Currently (17-8-20) requires PUDs to be processed the same as subdivisions, except that there shall be no partial submission of a final plat.

²⁹¹ 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.

- b. Special Use Permits are required for all uses listed as special in Article <> [Use Standards]. Any change or expansion of a special use shall require a new Special Use Permit.

(2) Initiation

Special Use Permit applications may be filed by any property owner.

(3) Common Review Process

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- a. In addition to the general application submittal requirements, the application shall include a Site Plan that also identifies the time schedule for any contemplated new construction or uses.

(4) Review and Decision-Making

The Special Use Permit shall be reviewed and recommended on by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

(5) Review Criteria²⁹²

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be met when recommending and deciding on a Special Use Permit:

- a. The use will not be contrary to public health, safety, or welfare.
- b. The use will not have an adverse effect upon surrounding property values.
- c. 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.
- d. The use is compatible with existing uses in the area and other allowed uses in the zoning district.
- e. Streets, access points, and pedestrian facilities are adequate or will be adequate to handle traffic generated by the use with safety and convenience.
- f. 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.
- g. If needed, the visual impact of the use will be mitigated by means of design, landscaping, berming, or other methods of site treatment.

(6) Appeals

See Section 15-8-20(i)(2).

²⁹² New

(7) Expiration²⁹³

Special Use Permits run with the land. The approved permit may be revoked upon failure to comply with conditions associated with the original approval.

(h) 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;
 - (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.²⁹⁴

(2) Sketch Plan²⁹⁵

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

²⁹³ New

²⁹⁴ Current 17-2-40, partial.

²⁹⁵ 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

opportunity to discuss 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.

b. Process

The Common Review procedures in Section 15-8-20 apply with the following modifications:

- (i) In addition to the general application submittal requirements, the application shall contain the following information:²⁹⁶
 - 1. 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 (scale not less than one-inch equals 600 feet).
 - 2. Sketch subdivision plan: The plan shall be at a scale not less than one inch equals 200 feet, 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.
 - 3. 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 1 and 2 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.

Subdivision, Simple. Reconciled conflicting provisions. Removed language addressed in general procedures.

²⁹⁶ Current 17-3-20

c. Review

(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).
4. How the proposal promotes the efficient use of land and public streets, utilities, and governmental services.

d. Appeals

See Section 15-8-20(i)(2).

e. Expiration

Sketch Plan comments are valid for a period of one year.

(3) Preliminary Plan²⁹⁷

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.

b. Initiation

A Preliminary Plan application may be filed by an applicant with a completed Sketch Plan review.

²⁹⁷ Current regulations call this Preliminary Plat, it is now called Preliminary Plan to avoid confusion with Final Plats.

c. Process²⁹⁸

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- (i) In addition to the general application submittal requirements, the application shall contain the following information:²⁹⁹
 - 1. A preliminary plat map at a scale of not less than one inch equals 100 feet 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. the 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.
 - 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.
 - 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:

²⁹⁸ Current 17-2-30(a). Substantially rewritten for clarity.

²⁹⁹ Curren 17-3-30

- 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.
 - 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 such utilities.
 - 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 Town's 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
 - e. Location, plan, and profile of all proposed roads, driveways, off-street parking spaces, sidewalk, curb, and gutter.
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.
 - e. Other materials necessary to show compliance with Section <> [Subdivision Design and Improvement, Design Standards] and this Code.

d. Review and Decision-Making

The Preliminary Plan shall be reviewed and recommended on by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

e. 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:

- (i) The Preliminary Plan is substantially consistent with the Sketch Plan comments;

- (ii) The Preliminary Plan will not have an adverse effect on the surrounding area or create an unsafe or hazardous condition;
- (iii) The Preliminary Plan will not cast an undue burden on public utilities and community facilities; and
- (iv) 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.

f. Post-Decision Action

Any conditions assigned with an approval of a Preliminary Plan must be met before submittal of the Final Plat.

g. Appeals

See Section 15-8-20(i)(2).

h. Expiration

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.³⁰⁰

(4) Final Plat

a. Purpose

Final Plats ensure compliance with the approved Preliminary Plan and applicable standards of this Code.

b. Common Review Process

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- (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.³⁰¹
- (iii) In addition to the general application submittal requirements, the application shall contain the following information:³⁰²
 - 1. A Final Plat map at a scale of not less than one inch equals 100 feet containing at least the following:

³⁰⁰ Current 17-2-40(a). Modified from 12 months to 2 years.

³⁰¹ Current 17-2-40(b) and partial 17-3-40. Added that any phase submitted must conform to the LUC.

³⁰² Current 17-3-40

- a. All information required for a preliminary plat map.
 - b. Primary control points, or descriptions, and "ties" to such 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 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.
 - 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 Town's Development Standards and Specifications for all required improvements per Section <> [Required Improvements]. 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. Clearance record showing approval by the Colorado Department of Public Health and Environment and utility companies.
6. A financial statement, a copy of which shall be available for public inspection at Town Hall and shall include:
 - a. Name and address of each person having an interest in the subdivision or development and the extent of such interest.
 - b. A statement of the condition of the title to the land comprising the subdivision or development, including all encumbrances, deed restrictions, and covenants applicable thereto.
 - c. A statement of general terms and conditions, including the range of selling prices or rents, at which it is proposed to dispose of lots, dwellings or structures.
 - d. In the case of a subdivision, development, or portion thereof against which there exists a blanket encumbrance, a statement of the consequences for an individual purchaser of a failure, by the person bound, to fulfill obligations under the instrument creating such encumbrances and the steps, if any, taken to protect the purchase in such eventuality.
 - e. Copies of all forms of conveyance to be used in selling or leasing lots, dwellings, or structures.
 - f. Such certified and uncertified financial statements of the developer as the Planning Commission and the Board of Trustees may require, and such other information, documents and certifications as the Planning Commission and Board of Trustees may require as being reasonable, necessary or appropriate for the protection of consumers.
7. A guarantee of completion 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 <> [Required Improvements].
8. Final covenants in a form suitable for recording, if applicable.
9. A title commitment no older than 10 days.
10. Other materials necessary to show compliance with Section <> [Subdivision Design and Improvement, Design Standards] 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.

c. Review and Decision-Making

The Final Plat shall be reviewed and recommended on by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.

d. 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:

- (i) The Final Plan is substantially consistent with the Preliminary Plan approval and any conditions assigned;
- (ii) Status of all fees paid to the Town;
- (iii) Proof of any required land dedication including rights-of-way, parks and recreation areas, and public facilities; and
- (iv) Adequate guarantee of completion and financial security.

e. Post-Decision Action

Once approved, the Final Plat map shall be recorded per Section 15-8-40(h)(4).

f. Appeals

See Section 15-8-20(i)(2).

g. Expiration³⁰³

- (i) 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 Subdivision 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.
- (ii) 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.

³⁰³ Lapsing of approvals that predate this Code will be addressed in Interim Draft 2 (If the public improvements for a subdivision that was approved prior to the adoption have not been constructed and accepted by the Town, and the corresponding Final Plat for said subdivision filed in the map and plat records of the County by within three 36 months years of the adoption of the original adoption of the Code, said final plat shall lapse and deemed to be withdrawn, without further action by the Town.)

(iii) See 15-8-20(i)(5)b.

(i) Subdivision Design Modification³⁰⁴

(1) Purpose

A Subdivision Design Modification is intended to allow specific changes to the provisions of Article <> [subdivision design] 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 with the following modifications:

- a. A Subdivision Design Modification request shall be made and reviewed concurrently with the Preliminary Plan.
- b. The provisions of Article <> [subdivision design], but not the Town's street construction regulations, may be modified by the Planning Commission for a Planned Unit Development without a separate application for a Subdivision Design Modification.

(4) 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:

- a. 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.
- b. A Subdivision Design Modification shall not be granted if granting it would impair the intent and purposes of this LUC.

(j) Vacation of Right-of-Way³⁰⁵ (ROW Vacation)

(1) Purpose

Vacation of Right-of-Way provides a mechanism for the Town to evaluate requests to vacate public rights-of-way.

³⁰⁴ New

³⁰⁵ Current 16-1-70. Changed title from Street Vacations. Added missing information.

(2) Initiation

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.

(3) Process

The Common Review Procedures in Section 15-8-20 apply.

(4) Review and Decision-Making

- a. The Vacation of Right-of-Way application shall be reviewed and recommended on by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.
- b. 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.

(5) 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:

- a. The public use, convenience, and necessity have not for a long time past required and do not now require the use of such portions of rights-of-way.³⁰⁶
- b. No lot or parcel shall be landlocked as a result of the vacation.
- c. 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.
- d. 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.
- e. The proposal shall not hinder public and Town functions.
- f. 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.

(6) Appeals

See Section 15-8-20(i)(2).

(7) Expiration

See Section 15-8-20(i)(5).

³⁰⁶ Current

(k) Variance

(1) Purpose³⁰⁷

A variance is a deviation from the standards of this Code that exceeds what may be allowed as an Administrative Adjustment.

(2) Applicability³⁰⁸

- a. Variances may be applied for when an applicant seeks to deviate from the standards of this Code.
- 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 Article 3, 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.³⁰⁹

(3) Common Review Process³¹⁰

The Common Review Procedures in Section 15-8-20 apply with the following modifications:

- a. In addition to the general application submittal requirements, the application shall contain the following information:³¹¹
 - (i) Supporting evidence such as maps, diagrams, and notations to help show compliance with the review criteria.

(4) Review and Decision-Making

- a. A request for Variance is reviewed and decided on by the Board of Adjustment.
- b. In granting variances, the Board of Adjustment may require such 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.³¹²

(5) Criteria³¹³

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:

³⁰⁷ New

³⁰⁸ New

³⁰⁹ Current 16-1-60(3)I, reworded for clarity.

³¹⁰ 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.

³¹¹ This section includes information from current 17-7-10.

³¹² Current 17-7-30

³¹³ Current 17-7-20. Edited to clearly list the criteria for approval.

- a. Strict compliance with the regulations would result in an extraordinary hardship;
- b. Exceptional conditions exist, such as unusual topography;
- c. Granting the variance will not have the effect of nullifying the intent and purpose of these regulations; and
- d. That the spirit of this Code is observed, public safety, and welfare secured, and substantial justice done.³¹⁴

(6) Appeals

See Section 15-8-20(i)(2).

(7) Expiration

See Section 15-8-20(i)(5).

(l) Zoning Map Amendment (Rezoning)³¹⁵

(1) Purpose³¹⁶

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.

(2) Initiation

A Zoning Map Amendment may be initiated by:

- a. The Board of Trustees, Planning Commission, or Town Administrator; or
- b. Any person residing, owning, or leasing property in the Town.

(3) Common Review Process

The Common Review Procedures in Section 15-8-20 with the following modifications:

- a. In addition to the general application submittal requirements, the application shall contain the following information:
 - (i) Description of land area, including lot and block numbers to be rezoned, and requested new classification, along with a drawing to scale showing boundaries of the area requested to be rezoned.
 - (ii) For an expansion of the Historic Overlay District, a signed petition of at least 60 percent of property owners within the expansion area.
- b. 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 15-8-20.

³¹⁴ This item from current 16-2-230

³¹⁵ Current 16-1-40. Removed standard process language. Split LUC text and map amendments into separate sections.

³¹⁶ New

- c. 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.

(4) Review and Decision-Making

- a. A Zoning Map Amendment application shall be reviewed and recommended on by the Planning Commission and decided on by the Board of Trustees, both in a public hearing.
- b. Zoning Map Amendments must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.

(5) Review Criteria

In addition to the generally applicable review criteria in Section 15-8-20(h)(4), the following criteria shall be considered when recommending and 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:

- a. The rezoning is not adverse to the public health, safety, and welfare.
- b. 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.
- c. For expansion of the Historic Overlay District, the expansion only includes adjacent properties equaling no less than 30,000 contiguous square feet. Public rights-of-way shall not be calculated in this square footage requirement and are not considered an interruption of contiguity.³¹⁷

(6) Appeals

See Section 15-8-20(i)(2).

(7) Expiration

Does not expire.

³¹⁷ Current 16-4-720. Reworded for clarity and submittal requirements moved.

Article 9 Nonconformities

[To be drafted in Interim Draft #2]

Article 10 Enforcement and Penalties

[To be drafted in Interim Draft #2]

Article 11 Definitions and Measurements

15-11-10 Rules of Construction³¹⁸

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 such 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 the Town Administrator or a specific official of the Town may be carried out by a designee of such 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 such meaning.

³¹⁸ New.

(h) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those 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 Terms³¹⁹

(a) Floor Area Measurement

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, garages, carports, ventilation shafts, courts, breezeways, open porches, balconies and terraces.

(b) 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.
- (2) 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.³²⁰

(c) Lot Terms and Measurements

(1) Zoning Lot³²¹

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 such ownership.

³¹⁹ Supporting graphics to be added in the Full Draft of the LUC.

³²⁰ Clarified measurements to be taken at corners of the subject structure.

³²¹ New definition to align with historical administration and interpretation of the LUC.

(2) Lot

Also known as a “lot of record,” a parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the County Courthouse or when not platted in a recorded subdivision, a parcel of real property abutting upon at least one public street.

(3) 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.
- d. Side lot line means any lot line that is not a front, street-side, or a rear lot line abutting an interior lot.³²²
- e. Street side lot line means the lot line abutting any non-front street.³²³

(4) Lot Area³²⁴

The net area of the lot, excluding portions of streets and alleys.

(5) Lot Width³²⁵

The horizontal distance between the side lot lines, measured at the front lot line adjacent to the street or public right-of-way.

(6) Open Space³²⁶

The area of a lot intended to provide light and air, and is designed for natural or recreational purposes. Open space does not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition

(d) 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.

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 primary dwelling unit or commercial unit, either within the same building or in a detached building. The unit includes its own independent living facilities with

³²² Replaces and simplifies current definition.

³²³ New.

³²⁴ New.

³²⁵ New.

³²⁶ New.

provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit.

Affordable Housing

A dwelling unit that is restricted through recordation of a covenant, for sale or rent to persons earning a maximum of 140 percent area median income (“AMI”), at a rate established by the United States Department of Housing and Urban Development for that income level. Development for those purposes of affordable housing may formally request the Board of Trustees allow a reduction in application fees.³²⁷

Animal Services³²⁸

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 such treatment.

Artisan Industrial³²⁹

Application, teaching, making, or fabrication of crafts or products by an artist, artisan, or craftsperson 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.

Avalanche Hazard-Related Definitions

When used in the context of avalanche hazard regulations in Section 15-5-10, 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 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.

³²⁷ Current 1-2-10 (Ord 2023-01). Adjusted to correct term Area Median Income (not medium) and clarify the US Department of Housing and Urban Development.

³²⁸ New.

³²⁹ New.

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 Tavern³³⁰**

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.

³³⁰ New.

Bed and Breakfast

A single-unit residential 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 streets.

C

Car Wash³³¹

A facility for the cleaning of automobiles, providing either self-serve facilities, automated machines, or employees to perform washing operations.

CCR³³²

The Code of Colorado Regulations.

Cemetery³³³

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 such cemetery.

Commercial Greenhouse or Nursery³³⁴

An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail sales and incidental wholesale trade.

Community Center³³⁵

A building or portion of a building used for nonprofit, cultural, educational, recreational, religious, or social activities 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

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.

Contractor's Yard³³⁶

A lot or portion of a lot used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction

³³¹ Replaces current definition.

³³²

³³³ New.

³³⁴ New.

³³⁵ Expands current definition of community center and consolidates with public recreation facilities.

³³⁶ New.

contractor including plumbing, heating, and electrical. This definition also includes contractor's office.

Convention or Conference Center

A private or publicly operated venue for the gathering of professionals, associations or other groups in a single location. Such a facility may or may not be attached to another use, such as a hotel or restaurant, and may include any offices directly related to the primary activity of the facility.

Continuing Care Facility³³⁷

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 Food³³⁸

Food products that are eligible to be prepared and sold following the requirements of the Colorado Cottage Foods Act include pickled fruits and vegetables with a finished equilibrium pH of 4.6 or below, spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour, baked goods, including candies, fruit empanadas, tortillas, and other foods that do not require refrigeration to maintain product safety.

Cottage Food Operation³³⁹

An enterprise that is operated by a cottage food operator within the permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct sale to consumers.

Cottage Industry³⁴⁰

Limited commercial and industrial uses permitted in a residential dwelling or other on-premise, accessory structure that are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential nature of the premises or its surroundings. As used in this Code, cottage industry is a use definition and is not identical to the Colorado Cottage Food Act

Craft Alcohol³⁴¹

The production of small batches of wine, hard cider, beer, or distilled alcoholic beverage as licensed by Colorado law.

³³⁷ New.

³³⁸ New – aligns with state regulations.

³³⁹ New.

³⁴⁰ New.

³⁴¹ New.

D**Day Care Center, Adult³⁴²**

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, Child³⁴³

A facility that is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for mentally retarded children and those facilities which give 24-hour care for dependent and neglected children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

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 Facility³⁴⁴

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 Facility³⁴⁵

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 such 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 Facility³⁴⁶

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

³⁴² New.

³⁴³ Replaces child care center.

³⁴⁴ Replaces 'jail.'

³⁴⁵ New.

³⁴⁶ New.

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, Duplex³⁴⁷

A single building containing two dwellings on a single lot 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, Fourplex³⁴⁸

A single building on a single lot containing four dwelling units under one roof, each of which is designed for use and occupancy by one household.

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 Attached³⁴⁹

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 Detached³⁵⁰

Public Input Requested

- Should movable tiny homes (tiny homes on wheels) be allowed as the principal building on a residential lot?
- Should tiny houses (modular factory built residential structure that is 400 square feet or less; designed for long-term occupancy; built to the International Residential Code; and attached to a permanent foundation) be allowed as the principal building on a residential lot?

A residential building designed for use and occupancy by no more than one household. This use shall include manufactured homes.

Dwelling, Triplex³⁵¹

A single building on a single lot containing three dwelling units under one roof, each of which is designed for use and occupancy by one household.

³⁴⁷ New.

³⁴⁸ New.

³⁴⁹ New.

³⁵⁰ New.

³⁵¹ New.

Dwelling Unit³⁵²

An IBC standard constructed structure or portion of such 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.

Effective Date³⁵³

The date on which this Land Use Code became effective as stated in Section <> [General Provisions].

Electric Vehicle Charging Station³⁵⁴

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 Operation³⁵⁵

A facility where horses, donkeys, or mules are sheltered, fed, trained, or kept for sale or hire to the public.

F**Family Child Care Home³⁵⁶**

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 Stand³⁵⁷

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.

³⁵² New, replaces current definition.

³⁵³ New.

³⁵⁴ New.

³⁵⁵ Replaces "horse stables or businesses."

³⁵⁶ Replaces definition for 'Family Care Home.'

³⁵⁷ New.

Farmer's Market³⁵⁸

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.

Financial Institution³⁵⁹

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.

Flood Hazard-Related Definitions

When used in the context of flood hazard regulations in Section 15-5-20, 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 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. See Rule 6 of 2 CCR 408-1.

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.

³⁵⁸ New.

³⁵⁹ New.

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.

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 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:

4. 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;
5. 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;
6. 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
7. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an

approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

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 which 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 such time as that 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.

G**Government or Public Facility³⁶⁰**

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.

Greenhouse³⁶¹

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.

Group Home³⁶²

A structure in which housing is provided for a group of unrelated individuals or related and unrelated individuals pursuant to state statute.

H**Highway**

Any main road or public passage, existing or proposed.

Home Occupation³⁶³

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.

Hospital³⁶⁴

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 Motel³⁶⁵

An establishment in which a minimum of six guest rooms for lodging are 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 ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities.

Household³⁶⁶

A group of up to five unrelated individuals functioning as a single and independent housekeeping unit or persons occupying a dwelling as defined in this Code, including

³⁶⁰ Replaces 'Public Offices.'

³⁶¹ New.

³⁶² New.

³⁶³ Replaces current definition.

³⁶⁴ New definition.

³⁶⁵ Deleted "A commercial building that is approved or allowed through variance for a designated zoning district" from definition and replaced current definition.

³⁶⁶ New.

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

J

Junk or Salvage Yard³⁶⁷

A building, structure, or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition or sale of materials, equipment, junk vehicles, appliances, or other personal property that is unfit for its original intended use, discarded, worn out, dismantled, or deteriorated in such condition that it is not useable unless repurposed or rebuilt.

K

Horse and Livestock Keeping³⁶⁸

The keeping of horses, donkeys, or mules primarily for produce or value increase but rather for show, sport, or as pets

Kennel³⁶⁹

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

Library³⁷⁰

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 Home³⁷¹

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).

³⁶⁷ New.

³⁶⁸

³⁶⁹ Replaces current definition.

³⁷⁰ New definition for currently undefined term.

³⁷¹ New. Removed size and other design standards in current definition.

Manufactured Home Park³⁷²

Public Input Requested

Should tiny houses be allowed in manufactured home parks? The main difference between the two is tiny houses are 400 square feet or less and manufactured homes must be 400 square feet to meet standards set by HUD.

Any parcel of land designed for the placement of two or more manufactured homes or tiny houses, 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, Heavy³⁷³

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% 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, Light³⁷⁴

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 such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25% 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.

Marijuana-Related Activities Definitions

Applicant

Any person seeking to obtain a Town license for the purposes of operating a marijuana-related business within the Town.

Good Cause

1. Failure by the applicant to not meet all relevant provisions of this Article or the Colorado Medical Marijuana Code and/or Retail Marijuana Code or to submit an incomplete, inaccurate or misleading Town application; failure to pay the

³⁷² New.

³⁷³ New.

³⁷⁴ New.

application and license fees established by the Town; failure to obtain a state license; receipt of a Sheriff's background check that establishes any concern regarding the applicant's ability to operate the marijuana business and/or establishment; and/or failure to receive written consent and/or acknowledgement from the landlord or property owner that the premises will be operated as a marijuana business or establishment.

2. When the proposed licensed premises do not comply with Section, setback and density standards, adopted building, mechanical, electrical, fire and other codes, architectural character and materials and/or neighborhood context.
3. When a licensee violates, does not meet or fails to comply with any of the terms, conditions or provisions of this Article and any rule and regulation promulgated pursuant to this Article or the Colorado Medical Marijuana Code and/or Retail Marijuana Code.
4. When the licensee or applicant has failed to comply with any special terms or conditions that were placed on their license at the time the license was issued, or that were placed on their license pursuant to an order of the Local Licensing Authority or the Colorado Department of Revenue.
5. When the licensed premises have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the medical marijuana business and/or retail marijuana establishment is located. Evidence to support such a finding includes, but is not limited to:
 6. Citizen complaints related to smells, odors, trash, building maintenance, hours of operation, traffic, parking, etc.;
 7. A pattern of disorderly conduct within or immediately adjacent to the premises of the licensee;
 8. A pattern of drug-related criminal conduct within the licensed premises or in the immediate areas surrounding the licensed premises; or
 9. Criminal conduct directly related to or arising from the operation of the licensed premises.

License

A license to operate a medical marijuana business and/or retail marijuana establishment issued pursuant to this Article.

Licensed Premises

The location in the Town from which the licensee will operate. A licensed premises may have one or more retail and/or medical marijuana licenses.

Licensee

A person to whom a license has been issued pursuant to this Article and the Colorado Medical Marijuana and Retail Marijuana Codes.

Local Licensing Authority

The body responsible for granting final approval of, and issuing Town marijuana licenses to, applicants. Such authority shall consist of the Board of Trustees.

Medical Marijuana

Marijuana, including seeds and immature plants, that is grown and sold pursuant to this Article and the Colorado Medical Marijuana Code.

Medical Marijuana Business

A medical marijuana center, a medical marijuana optional premises cultivation facility, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility or a medical marijuana testing facility.

Medical Marijuana Center

A person who is not a primary caregiver and who is licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in Section 12-43.3-402, C.R.S., and sells medical marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14, of the Colorado Constitution.

Medical Marijuana Optional Premises Cultivation Facility

A property licensed pursuant to this Code and the Colorado Medical Marijuana Code for the purpose of growing and cultivating medical marijuana in conjunction with either a licensed medical marijuana center or medical marijuana-infused products manufacturing facility.

Medical Marijuana Product

Concentrated medical marijuana and medical marijuana-infused products that are comprised of medical marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

Medical Marijuana Testing Facility

A person licensed and certified to analyze and certify the safety and potency of medical marijuana.

Medical Marijuana-infused Product

A product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible product, ointments and tinctures. Such products shall not be considered a food or drug for purposes of the Colorado Food and Drug Act, Part 4 of Article 5 of Title 25, C.R.S.

Medical Marijuana-infused Products Manufacturing Facility

A property licensed pursuant to this Code and pursuant to the Colorado Medical Marijuana Code as a business described in Section 12-43.3-404, C.R.S.

Optional Premises

A property or portion thereof individually licensed in conjunction with a licensed medical marijuana center or retail marijuana store, and employed as an ancillary growing facility servicing the latter.

Patient

Any individual permitted to lawfully purchase, receive and use medical marijuana in accordance with the terms of Amendment 20 to the Colorado Constitution.

Person

Any natural person, partnership, association, company, corporation, limited liability company or any manager, agent, owner, director, servant, officer or employee thereof.

Primary Caregiver

A person, other than a patient and the patient's physician, who is 18 years of age or older, who may lawfully engage or assist no more than five such patients at any given time in the provision and use of medical marijuana. When this relationship exists, the primary caregiver shall bear a significant responsibility for managing the well-being of their patients permitted to use medical marijuana by virtue of a debilitating medical condition.

Retail Marijuana

All parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate, that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment. Retail marijuana does not include industrial hemp, nor does it include fiber produced from stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other product.

Retail Marijuana Cultivation Facility

A property licensed pursuant to this Article and the Colorado Retail Marijuana Code to cultivate, prepare, package and sell retail marijuana to retail marijuana establishments, but not to consumers.

Retail Marijuana Establishment

A retail marijuana store, a retail marijuana optional premises cultivation facility, a retail marijuana cultivation facility, a retail marijuana-infused products manufacturing facility or a retail marijuana testing facility.

Retail Marijuana Optional Premises Cultivation Facility

A person operating a lawful, licensed business for the purpose of growing and cultivating retail marijuana in conjunction with either a licensed retail marijuana store or retail marijuana-infused products manufacturing facility.

Retail Marijuana Product

Concentrated retail marijuana and retail marijuana products that are comprised of retail marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

Retail Marijuana Store

An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana product from a retail marijuana-infused products manufacturing facility, and to sell retail marijuana and retail marijuana products to consumers.

Retail Marijuana-infused Products Manufacturing Facility

A property licensed pursuant to this Article and the Colorado Retail Marijuana Code to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities and retail marijuana stores.

State Licensing Authority

The Executive Director of the Colorado Department of Revenue or the Deputy Director of the Department of Revenue if the Executive Director so designates.

Market Garden³⁷⁵

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.

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 such a plan.

Maximum Extent Practicable³⁷⁶

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 Clinic³⁷⁷

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 Club³⁷⁸

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.

Mobile Home³⁷⁹

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

³⁷⁵ New.

³⁷⁶ New.

³⁷⁷ New.

³⁷⁸ New.

³⁷⁹ Replaces current definition.

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.

Museum³⁸⁰

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

O

Office³⁸¹

Establishments providing executive, management, administrative, professional services, consulting, record keeping, or a headquarters of an enterprise or organization.

Outdoor Commercial Storage³⁸²

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 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.

The keeping, in an unroofed area or structure open to view on its sides, of any goods, material, or merchandise in the same place for more than 24 hours and including adjacent land area improved and necessary to provide access to such goods.

Outdoor Residential Storage³⁸³

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 Space³⁸⁴

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.

³⁸⁰ New definition for currently undefined term.

³⁸¹ New

³⁸² New.

³⁸³ New.

³⁸⁴ New.

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 Services³⁸⁵

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.

Portable Storage Unit³⁸⁶

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.

Public Safety Facilities³⁸⁷

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.³⁸⁸

Recreation and Entertainment, Indoor³⁸⁹

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, escape rooms, archery and axe-throwing, trampolines, and similar indoor activities taking place inside an enclosed building.

³⁸⁵ Replaces current definition.

³⁸⁶ New.

³⁸⁷ New definition for currently undefined term.

³⁸⁸ Current 16-1-20 (Ord 2023-03)

³⁸⁹ Consolidation of 'Places/Venues for Public Entertainment/Recreation' and 'Centers for the performing, visual or literary arts.'

Recreation and Entertainment, Outdoor³⁹⁰

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Such 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 Vehicle³⁹¹

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 Camper: A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.
3. Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:
 - a. Slide-in camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
 - b. Chassis-mount camper - 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 Park³⁹²

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.

Recycling or Composting Facility³⁹³

A facility where:

5. Organic matter that is derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost; and/or
6. Recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. Processing includes but is not

³⁹⁰ Consolidation of 'Places/Venues for Public Entertainment and Recreation.'

³⁹¹ Replaces 'Camper.'

³⁹² Replaces 'Camper Park.'

³⁹³ New.

limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

Religious Assembly³⁹⁴

A building that is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

Repair, High Impact³⁹⁵

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 Impact³⁹⁶

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.

Restaurant³⁹⁷

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 Sales³⁹⁸

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, retail (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.

³⁹⁴ New.

³⁹⁵ Replaces current definition.

³⁹⁶ Replaces current definition.

³⁹⁷ New definition.

³⁹⁸ New.

S**School, Elementary or Secondary³⁹⁹**

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.

School, University or College⁴⁰⁰

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, Vocational⁴⁰¹

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 Station⁴⁰²

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.

Solar Energy System, Ground- or Roof-Mounted (Accessory)⁴⁰³

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.

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 residential development, those linking such adjacent developments and those streets providing circulation within such developments.

³⁹⁹ New.

⁴⁰⁰ New.

⁴⁰¹ New.

⁴⁰² Replaces current definition.

⁴⁰³ New.

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.

T

Temporary Event or Sales⁴⁰⁴

A temporary outdoor use of land for the purposes of an event or sale including but not limited to: a sporting event, fair, party, or celebration that reasonably may be expected to attract more than 100 persons at any one time; or any sale made by a person, firm or corporation engaging in the temporary business of selling goods, wares or merchandise from a tent, truck, vending cart or other area outside of a permanent structure on property owned or leased by the person, firm or corporation or with the permission of the owner of the property. This use may include the seasonal sales of products associated with the season or a cultural event, including but not limited to the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands, pumpkins, and fireworks.

Tiny Home, Movable⁴⁰⁵

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.

⁴⁰⁴ New.

⁴⁰⁵ New definition to align with Colorado HB22-1242.

In order to meet this definition, a movable 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 movable tiny homes will receive a metal plate insignia that certifies the movable 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.

Tiny Home Park, Movable⁴⁰⁶

A zoning lot held under single ownership or unified control upon which two or more movable tiny homes, occupied for residential purposes, are located. This use includes any structures used or intended for use as a part of such park to provide amenities or services to its residents.

Tiny House⁴⁰⁷

A tiny house is a modular factory built residential structure that is:

6. 400 square feet or less;
7. Designed for long-term occupancy;
8. Built to the International Residential Code as adopted by the Building Codes and Standards program within the Division of Housing; and
9. Attached to a permanent foundation (not built on a permanent chassis).

Colorado tiny houses will receive a metal plate insignia that certifies the tiny house is built to the codes and standards of the program.

Town Administrator⁴⁰⁸

The Town Administrator of the Town of Silverton and their authorized designees.

Transportation Facilities

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, Major⁴⁰⁹

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.

⁴⁰⁶ New.

⁴⁰⁷ New.

⁴⁰⁸ New.

⁴⁰⁹ New.

Utility, Minor⁴¹⁰

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 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. Bedrooms within a single-unit dwelling or multiunit dwelling are prohibited from being used as vacation rentals.

Vehicle and Equipment Sales, Leasing, and Rental⁴¹¹

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 Facility**⁴¹²

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)⁴¹³

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 such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional, and parabolic antennas, support equipment, alternative tower structures and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the principal use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or

⁴¹⁰ New.

⁴¹¹ New.

⁴¹² Replaces current definition of 'Warehouse.'

⁴¹³ New.

hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Code.

X

Y

Z