

# Silverton Land Use Code

Public Draft – April 2024



Interim Draft #2



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# Article 1 General Provisions<sup>1</sup>

## 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 the full draft of the Code is consolidated. For example, a reference in this draft to the Use Standards will be provided in the Consolidated Draft once the two portions of the document are combined.

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

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- (a) This Chapter of the Town of Silverton Municipal Code is known as the Town of Silverton Land Use Code; short citation references are “this LUC” or “this Code.”
- (b) This LUC shall become effective on <>(Effective Date). The land use code that was effective immediately prior to this Code shall be referred to as the 1996 LUC.
- (c) Two copies of the 1996 LUC shall be maintained and remain of record in the Town Clerk’s Office and the Town Administrator’s Office, either in hard copy or electronically. An unofficial public copy may also be maintained on the Town’s website. All copies of the 1996 LUC that are publicly available shall be clearly identified as outdated.

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## 15-1-20 Authority

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

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## 15-1-30 Purpose<sup>2</sup>

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

- (a) Implement the Silverton Master Plan, including the goals, strategies, and actions of the plan, and the Future Land Use Framework;
- (b) Preserve the history of Silverton;

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<sup>1</sup> Replaces current Section 16-1-10.

<sup>2</sup> New, updated to align with the goals of the Compass Master Plan.

- (c) Reduce the excessive segregation of land uses that increase the costs of provided adequate public facilities and services;
- (d) Establish regulatory options that encourage the incorporation of climate-friendly, sustainable, and, as needed, resilient development design in the Town;
- (e) Manage responsible land use, growth, and development in a way that improves the residents' quality of life;
- (f) Promote compatible land use relationships;
- (g) Encourage housing affordability through the development of a range of housing types to maintain a diversity of residents in the community;
- (h) Protect the Town from natural hazards such as flooding, falling rock, landslides, avalanches, snowslides, debris flow, and unstable soils, while protecting the natural environment and wildlife habitat;
- (i) Promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, and other development interests; and
- (j) Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.

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### **15-1-40      Applicability<sup>3</sup>**

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

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### **15-1-50      Minimum Standards and Private Restrictions<sup>4</sup>**

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

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<sup>3</sup> New.

<sup>4</sup> New, unless otherwise noted.

<sup>5</sup> Replaces current Section 16-1-30(f).

- (c) If any restriction, prohibition, or provision of this LUC conflict with any laws of the State of Colorado, or with regulations of State or Federal regulatory bodies having jurisdiction:
  - (1) If the provision of this LUC is not preempted, the more restrictive restriction, regulation, prohibition, or provision applies.
  - (2) To the extent that State or Federal law preempts a provision of this LUC, the state or federal law applies.
- (d) This Code does not interfere with, abrogate, or annul any private agreement, including but not limited to easements, covenants, or deed restrictions.
  - (1) When the provisions of this Code conflict with private agreements, the stricter provisions shall control.
  - (2) It is not the Town's responsibility to enforce private agreements, nor is the Town obligated to adopt regulations consistent with private agreements .

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### **15-1-60 Schedule of Fees, Charges, and Expenses**

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

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### **15-1-70 Transitional Provisions<sup>6</sup>**

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#### **(a) Existing Development**

No provision of this Code shall require any change in the continued use of any structure for which a Certificate of Occupancy was issued pursuant to the previous Code. Requests for changes to the structure, site, or use or a use that that is discontinued for, or a structure that remains vacant for a period of 180 days, may require compliance with this Code.

#### **(b) Violations Continue**

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

#### **(c) Nonconformities Continue**

Any nonconformity under the previous Code remains a nonconformity unless and until it conforms to the provisions of the current Code. If a nonconformity under the 1996 LUC becomes conforming because of the adoption of this LUC, then the situation will no longer be a nonconformity.

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<sup>6</sup> New.

## **(d) Previous Approvals**

### **(1) Validity**

Except for planned unit developments as provided in Section 15-1-70(e), permits and approvals for new or unfinished projects issued prior to the Effective Date remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid. Where an approval was issued pursuant to the 1996 LUC (“prior approval”) without an expiration date and the same approval has an expiration date in this LUC, the expiration date shall apply to the prior approval, starting as of the Effective Date. For example, if a temporary sign permit was issued without an expiration date pursuant to the 1996 LUC, and temporary sign permits are valid for 180 days pursuant to this LUC, the temporary sign permit will expire 180 days after the Effective Date.

### **(2) Expiration**

If a prior approval expires based on an expiration established in the 1996 LUC, or the project development approval is revoked or otherwise becomes invalid, any subsequent use or development of the property shall comply with this LUC.

### **(3) Extension**

The decision-making body that granted the prior approval may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid and the proposed extension complies with Section <> [Post-decision Actions].

### **(4) Reapplication**

Reapplication is required for any expired or revoked approval. The new application will be considered under the provisions of the LUC in effect at the time of reapplication.

## **(e) Previous Planned Unit Developments**

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

**(f) Applications in Progress**

**(1) Completed Applications**

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

**(2) Resubmission of Incomplete Applications**

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

**(3) Reapplication**

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

**(4) Submission Pursuant to This LUC**

Any application may be submitted for review pursuant to this LUC.

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**15-1-80 Severability<sup>7</sup>**

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

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<sup>7</sup> New.

## Article 2 Zoning Districts

### 15-2-10 Zoning Districts Established

[Drafted in Interim Draft #1]

*This table has been included as reference for standards in this draft applicable within certain proposed zoning districts.*

**Table 15-2-1: Zoning Districts Summary**

Current Zoning District	Proposed Zoning District
<b>R-1-A:</b> Single-Family Residential	<b>R-1:</b> Neighborhood Residential
<b>R-1:</b> Single-Family Residential	
<b>R-2:</b> Multiple-Family Residential	<b>R-2:</b> Mixed Residential
<b>New</b>	<b>R-3:</b> Old Town Residential
<b>New</b>	<b>MU-1:</b> Neighborhood Mixed Use
<b>B-P:</b> Business Pedestrian	<b>MU-2:</b> Downtown Mixed-Use
<b>B-A:</b> Business Automobile	<b>C-1:</b> Gateway Commercial
<b>E-D:</b> Economic Development	<b>C-2:</b> Employment Commercial
<b>P:</b> Public	<b>P:</b> Public

### 15-2-20 Compass Master Plan Implementation

[Drafted in Interim Draft #1]

### 15-2-30 Official Zoning Map

[Drafted in Interim Draft #1]

### 15-2-40 Interpretation of District Boundaries

[Drafted in Interim Draft #1]

### 15-2-50 Base Zoning Districts and Dimensions

[Drafted in Interim Draft #1]

### 15-2-60 Exceptions and Encroachments

[Drafted in Interim Draft #1]

### 15-2-70 Planned Unit Development(PUD)<sup>8</sup>

#### (a) Purpose<sup>9</sup>

- (1) The purpose of this Section is to:

<sup>8</sup> Replaces current Article 8, Chapter 17 and current Sec. 16-4-580.

<sup>9</sup> Replaces current Sec. 17-8-10 and 17-8-30(a).

- a. Provide flexibility in the siting of structures to avoid or mitigate impact from or on any hazardous areas or historic sites while still allowing development where possible;
- b. Encourage development that contains unique or innovative design features;
- c. Enhance unique, natural, resource or scenic features;
- d. Preserve open spaces; and
- e. Allow the negotiation of a specialized zoning district in exchange for development that implements the Master Plan goals and the intent of this LUC.

**(b) Applicability**

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

**(c) Eligibility to Apply for a PUD<sup>10</sup>**

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

- (1) The PUD shall:
  - a. Include a structure with a minimum of 10,000 square feet or the creation of at least three principal structures;
  - b. Address a unique, site-specific situation; or
  - c. Confer a substantial benefit to the Town, representing an improvement in quality over what could have been accomplished through application of the applicable base district or development standards. Improvements in quality may include, but are not limited to:
    - (i) Improvements in open space provision and access;
    - (ii) Environmental protection;
    - (iii) Protection or improvement of a historic structure that would not otherwise be required to preserve or improve;
    - (iv) Efficient provision of streets, roads, and other utilities and services; or
    - (v) Provision of affordable housing.
- (2) Permitted uses may not be changed through the PUD process.

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<sup>10</sup> New.

**(d) Relationship to Zoning and Subdivision<sup>11</sup>**

**(1) Default Zoning District(s)**

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

**(2) Subdivision**

- a. A PUD application may request both zoning and subdivision approval for all or part of the property, in which case:
  - (i) The Overall Development Plan shall be accompanied by a Preliminary Plan for a major subdivision meeting the requirements of Section <> [Preliminary Plan]; and
  - (ii) The review and public hearing requirements for the approval of a PUD shall also constitute review and approval of the Preliminary Plan for the subdivision, and a separate process for review and approval of a major subdivision as described in Section <> [Major Subdivision] shall not be required.
  - (iii) If a PUD application does not request approval of a related subdivision Preliminary Plan, then review and approval of any required subdivision shall be required following approval of a PUD district before development of the property may occur.

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<sup>11</sup> New.

**(3) Post-Approval Actions**

- a. Following approval of a PUD district and related major subdivision Preliminary Plan, no development of the property or sale of any lots may occur without Town approval of a Final Plat pursuant to Section <> [Final Plat].
- b. Following approval of a PUD district, an applicant may request simultaneous approval of a Final Plat and Site Plan for all or part of the property.

**(e) Rezoning to PUD<sup>12</sup>**

**(1) Process**

Zoning Map Amendment (PUD) applications shall follow the review procedures in Section <> [Development Review Procedures] with the following modifications:

- a. Zoning Map Amendments (PUD) may be initiated on lots under single unified ownership or control.
- b. In addition to the general application submittal requirements, the application shall contain an Overall Development Plan that includes 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) General land uses proposed for each portion of the property;
  - (iii) Time schedule for any contemplated new construction or uses;
  - (iv) Hazard areas including slope, flood, and avalanche hazard areas;
  - (v) Conceptual points of connection for any streets, and for on-street bicycle and pedestrian connections through the property and to adjacent properties;
  - (vi) Conceptual open space, trail, and wildlife habitat areas and corridor connections through the property and to adjacent properties; and
  - (vii) Other details as required by the Town Administrator.
- c. Zoning Map Amendments (PUD) must be completed by Ordinance in accordance with Chapter 1, Article 3, Division 2 of the Municipal Code.

**(2) Review Criteria**

In addition to the generally applicable review criteria in Section <> [Generally Applicable Review Criteria], and the review criteria for a Zoning Map

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<sup>12</sup> The rezoning procedure will be updated to include both a Zoning Map Amendment (Standard) and Zoning Map Amendment (PUD) in the full draft.

Amendment (Standard) the following additional criteria shall be met when recommending and deciding on a Zoning Map Amendment (PUD):

- a. The PUD meets the eligibility criteria of Section 15-2-70(c); and
- b. The proposed development cannot be accomplished by the use of any combination of base and overlay zoning districts of this Code.

**(3) Modification of Previous Approval**

- a. PUD amendments are classified as major or minor. Minor amendments do not exceed the criteria of Section (3)(b), below. All other changes are considered major amendments and require the review and approval of a new PUD pursuant to Section <> [Zoning Map Amendment (Rezoning)].
- b. Minor amendments to an approved PUD Overall Development Plan may be approved by the Town Administrator if the proposed amendment complies with the following criteria:
  - (i) The number of residential units shall not be increased by more than 20 percent. The Board of Trustees may approve an increase of up to 40 percent if at least 10 percent of the units provided are workforce housing.
  - (ii) The gross square footage of nonresidential building area shall not be increased by more than 20 percent.
  - (iii) The number or location of vehicular access points shall not be changed in a way that negatively impacts public safety or the flow of traffic onto public streets.
  - (iv) The numeric standards in the PUD shall not be revised by more than would be allowed through the administrative adjustment procedure in Section <> [Administrative Adjustment].

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**15-2-80 Overlay Zoning Districts**

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**(a) Historic District<sup>13</sup>**

**(1) Purpose<sup>14</sup>**

The purpose of the Historic District is to promote the public health, safety, and welfare through:

- a. The protection and preservation of the Town’s architecture, culture, and heritage as embodied in Historic Properties and Historic Districts, by appropriate regulations and incentives;
- b. The enhancement of property values and the stabilization of historic neighborhoods;

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<sup>13</sup> Current Division 5, Article 4, unless otherwise noted. Additional regulations required for the Town as a Certified Local Government will be included in future drafts.

<sup>14</sup> New.

- c. The establishment of the Town’s Historic Register listing Historic Properties and Historic Districts;
- d. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
- e. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
- f. The promotion of thoughtful community planning and design;
- g. The maintenance and improvement of economic and financial benefits through the protection of attractions that bring tourists and visitors to the Town; and
- h. The provision of educational opportunities to increase public appreciation of the Town’s unique heritage.

**(2) Applicability**

This Section shall apply to all development in the Historic District Overlay and to designated historic structures outside of the Historic District Overlay.

**(3) Design Standards for All Development<sup>15</sup>**

**a. Compliance with Design Guidelines**

In addition to the standards set forth in this Section, all development in the Historic District shall comply with the Historic District Design Guidelines.

**b. Mixed-Use Required<sup>16</sup>**

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

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<sup>15</sup> Current Sec. 16-4-760, unless otherwise noted. Additional design standards will be explored and drafted to replace the Builder’s Handbook in future drafts.

<sup>16</sup> Replaces current paragraphs (b)(1) and (2).

**c. Build-to Line (Distance from Property Line)<sup>17</sup>**

- (i) All buildings shall be constructed to a build-to line at the back of the sidewalk. Building facades may be recessed if an arcade or similar structure abuts the front setback.
- (ii) Existing structures may be located at a greater distance from the build-to-line, but may not modify the structure in a way that increases setbacks at the time of renovation or structural alterations.

**d. Architectural Projections**

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

**e. Maximum Building Footprint**

The maximum ground level footprint of any tenant space within a building shall be 5,000 square feet.

**f. Blank Walls<sup>18</sup>**

Where publicly viewable and compliant with adopted building codes, blank, windowless walls are prohibited, except for structures adjacent to undeveloped or vacant lots. If blank walls cannot be avoided, design accents such as pilasters or other façade articulations should be utilized to reduce the overall wall mass.

**g. Facade Treatments**

Each building shall be a minimum of 25 feet in width. If the building is wider than 25 feet, the façade shall be broken up into visually distinct segments of 25 feet each using any of the following techniques:<sup>19</sup>

- (i) Changes in color, pattern, texture, or material;
- (ii) Projections, recesses and reveals;
- (iii) Horizontal or vertical breaks;
- (iv) Pilasters, columns, quoined edges;
- (v) Windows or faux windows; or
- (vi) Other method approved by the Town Administrator.

**h. Architectural Elements**

Elements that should be consistent with the district and adjacent buildings include, but are not limited to:

- (i) Kickplates;

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<sup>17</sup> Updated terminology for clarity.

<sup>18</sup> Second sentence is new.

<sup>19</sup> List of articulation techniques is new.

- (ii) Plate glass commercial windows;
- (iii) Window head and sill details;
- (iv) Oriel windows;
- (v) Paneled entry doors with transom above;
- (vi) Columns with bases and capitals;
- (vii) Belt course elements;
- (viii) Quality of materials and craftsmanship;
- (ix) Sidelights;
- (x) Storefront cornice (denials, brackets, corbels);
- (xi) Upper cornice and parapet detail (corbelled treatments); and
- (xii) Signage.

**i. Entries<sup>20</sup>**

Entrances should be clearly defined to orient customers and give dimensional character to the building. Each primary entrance should have clearly defined features such as canopies, overhangs, arches, or peaked roof forms. Covered, functional front porches or boardwalks are strongly encouraged.

**j. Windows**

Windows on all stories shall be vertically oriented and organized in a symmetrical, balanced, and regular pattern.

**k. Roof Forms**

Roofs may be designed in a variety of forms provided the form is in keeping with the scale of the structure itself, adjacent buildings, and avoid overly large or bold designs.

**l. Screening**

All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be screened from street-front and corner lot view.

## Article 3 Use Standards

[Drafted in Interim Draft #1]

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<sup>20</sup> Replaces current requirement for first floor entries to incorporate glass doors and storefront windows. These details are addressed in the proposed Design Guidelines.

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# Article 4 Subdivision Design and Improvement

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## 15-4-10 General Provisions<sup>21</sup>

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### (a) Purpose

The purpose of this Section is to provide for:

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

### (b) Applicability<sup>22</sup>

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

### (c) Compliance with LUC<sup>23</sup>

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

### (d) Design Standards and Specifications

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

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<sup>21</sup> Current Sec. 17-1-10. Content related to fees (including consultant fees) removed – all cost reimbursement information is located in Common Review Procedures in Interim Draft #1.

<sup>22</sup> Current Sec. 17-1-20.

<sup>23</sup> Replaces current Sec. 17-4-20(a), (b), and (f).

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**(e) Suitability of Land for Development<sup>24</sup>**

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

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**15-4-20 Subdivision Design Standards**

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**(a) Lots and Blocks<sup>25</sup>**

- (1) Lot size, width, depth, shape, and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall conform to the dimensional standards for the zoning district.
- (2) Lots and blocks shall be designed to afford the maximum solar access to each building site.
- (3) Double frontage and reverse frontage lots are prohibited except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantages of topography and orientation.
- (4) A statement dissolving right of access from individual lots to Highway 550 and/or an arterial road shall be included in the Final Plat.
- (5) Side lot lines shall be substantially at right angles to street lines, unless otherwise approved by the Board of Trustees.<sup>26</sup>
- (6) The maximum block length between intersecting streets shall be 600 feet.<sup>27</sup>

**(b) Streets<sup>28</sup>**

**(1) Minimum Design Standards<sup>29</sup>**

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

**(2) Arrangements of Streets<sup>30</sup>**

- a. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots.

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<sup>24</sup> Replaces current Sec. 17-4-20(c) and (e).

<sup>25</sup> Refined current Sec. 17-4-60. Removed provision rated to corner lots. Street side setbacks that match front setbacks are proposed in Interim Draft #1.

<sup>26</sup> Changed from Planning Commission.

<sup>27</sup> Decreased from current 1,500 feet.

<sup>28</sup> Deleted current Sec. 17-4-30 (k), Alleys, Sec. 17-5-40(h), Bridges, and 17-4-30(e), Perimeter Streets.

<sup>29</sup> Replaces current Sec. 17-4-30(f), (g), and (h).

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

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- b. Unless otherwise approved by the Town, new streets and extensions of existing streets must bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. The arrangement of streets in a subdivision shall either:
    - (i) Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
    - (ii) Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.
  - c. Any development requiring access onto a State highway shall obtain a permit for such access from the Colorado Department of Transportation before the issuance of any Town development permit. State or federal highways shall not be intersected by local streets.<sup>31</sup>
  - d. Any development requiring access onto a County road shall obtain a permit for such access from San Juan County before the issuance of any Town development permit.<sup>32</sup>

### **(3) Access Easement or Alley**

- a. Each new lot shall front on a public street where available,<sup>33</sup> except that a maximum of 20 apartment units or 20 townhouse lots may front on a private access driveway at least 25 feet in width.
- b. The use of an easement or alley for principal access to a lot shall be allowed where:
  - 1. Alleys currently exist, or
  - 2. Alleys are part of an overall project design, or
  - 3. An alley can be used to provide access in a manner that corresponds to surrounding site design and allows maneuvering that is safe for vehicles, pedestrians, and bicyclists.

### **(4) Closed-end Streets<sup>34</sup>**

- a. Closed-end streets should only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical. Closed-end streets are prohibited when street connection across adjacent property is possible. Ordinarily, closed-end

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<sup>31</sup> Removed "Collector streets shall not intersect arterial streets at intervals of less than 1,320 feet."

<sup>32</sup> New.

<sup>33</sup> Revised from "be provided with satisfactory access to an existing public street."

<sup>34</sup> Current Sec. 17-4-30, unless otherwise noted.

streets shall be discouraged as they do not result in a continuation or conformance to existing streets or streets pattern.<sup>35</sup>

- b. The maximum allowable length of closed-end streets in a single-unit residential and multiunit residential development shall be 600 feet.
- c. Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of 120 feet and a minimum pavement diameter of 90 feet.

**(5) Intersections<sup>36</sup>**

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

**(6) Half-streets<sup>37</sup>**

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

**(7) Street Names**

Names of new streets shall not duplicate names of existing streets, except for new streets that are extensions of, or that are in alignment with, existing or platted streets.

**(8) Sight Distance<sup>38</sup>**

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

**(c) Utility Easements<sup>39</sup>**

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

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<sup>35</sup> New.

<sup>36</sup> Replaces and simplifies current Sec. 17-4-30(c).

<sup>37</sup> Replaces and simplifies current Sec. 17-4-30(d). Replaces reference to Planning Commission with Board of Trustees

<sup>38</sup> Replaces current Sec. 17-4-30(j).

<sup>39</sup> Current Sec. 17-4-40. Deleted paragraph (b).

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## 15-4-30 Required Improvements<sup>40</sup>

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### (a) Water and Sewer Service Extensions<sup>41</sup>

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

### (b) Storm Drainage System

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

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

### (c) Sanitary Sewerage System

- (1) The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built.
- (2) The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development, utilizing the recommendations contained in the Domestic Services Improvement Plan for the Town of Silverton, dated June 1975.

### (d) Potable Water System

- (1) The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches.
- (2) The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built, utilizing

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<sup>40</sup> Current Article 5, Chapter 17, unless otherwise noted.

<sup>41</sup> Current Sec. 17-1-20(c)(2)c.

the recommendations contained in the Domestic Service Improvement Plan for the Town of Silverton, dated June 1975.

**(e) Fire Hydrants**

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

**(f) Utilities<sup>42</sup>**

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

**(g) Street Lights<sup>43</sup>**

- (1) Ornamental street lighting and associated underground street lighting supply circuits shall be installed. Street lights shall maintain maximum spacing of 400 feet, with lighting at each intersection.
- (2) All street lighting shall meet the requirements of Section 15-6-40, Outdoor Lighting.
- (3) The street lighting plan specifying the number, line and approximate location of street lights must be included on the Final Plat.

**(h) Railroad Signals**

An applicant for a subdivision that increases traffic at vehicular railroad crossings will install electronic railroad signals at such crossing located within the subdivision. Signals will be constructed to the specifications of the Denver and Rio Grande Western Railroad or its successor, or of the duly licensed operator of any other line.

**(i) Arterial Roads<sup>44</sup>**

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

**(j) Street Improvements<sup>45</sup>**

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

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<sup>42</sup> Replaces and expands current Sec. 17-5-40(e).

<sup>43</sup> Removed the requirement referencing 7,000 lamp lumens and replaced with a general cross-reference to the Outdoor Lighting standards.

<sup>44</sup> New.

<sup>45</sup> Replaces current 17-5-30.

## **15-4-40 Public Land Dedication<sup>46</sup>**

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### **(a) Dedication or Cash in-Lieu Requirement<sup>47</sup>**

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

### **(b) Cash in Lieu**

- (1) If the Board of Trustees finds that the park and recreational needs of a proposed development would be better served by a park in a different location or the expansion or improvement of an existing park or recreational area, the Board of Trustees may substitute a cash payment or other equivalent conveyance in lieu of land dedication.
- (2) The amount of cash payment shall be calculated based on the land area that would be required as a dedication. The Board of Trustees shall establish by resolution the per-square foot fee based on the current fair market value for raw lands within the corporate limits of the Town.<sup>48</sup>
- (3) The equivalent cash valuation, when used, shall be based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant. The applicant shall pay one-half the total cost of the services of the appraiser, with payment to be deposited to the General Fund of the Town prior to approval of the Final Plat by the Board of Trustees.<sup>49</sup>

### **(c) Acceptance**

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

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<sup>46</sup> Renamed and replaced current Sec. 17-6-10.

<sup>47</sup> Delete current Sec.

<sup>48</sup> Replaces current "10 percent of the value of the gross land area or \$0.25 per square foot of residential floor area and/or \$0.50 per square foot of commercial or industrial floor area , whichever figure is greater."

<sup>49</sup> Second sentence is from current Sec. 17-1-20(c)(2)b.

**(d) Reservations**

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

## Article 5 Environmentally Sensitive Lands

[Drafted in Interim Draft #1]

## Article 6 Site Development Standards

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### 15-6-10 Mobility, Connectivity, and Parking<sup>50</sup>

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#### (a) Purpose

The purpose of this Section is to:

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

#### (b) Applicability

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

#### (c) Mobility

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

#### (d) Connectivity

##### (1) Driveways

- a. Every mixed-use, commercial, and industrial lot shall have sufficient access providing reasonable means of ingress and egress for emergency

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<sup>50</sup> All content is new, unless otherwise noted.

vehicles, trucks supplying necessary services, and for those needing access to the property for its intended use.

- b. All driveway entrance and other openings onto streets shall be constructed so that:
  - (i) Vehicles may safely enter and exit the property; and
  - (ii) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

**(2) Trails**

Where applicable, the applicant shall construct on-site portions of trails and multi-use paths that are identified in the Silverton Area Trails Plan, provided that any such improvements are directly related to the impacts of the proposed use or development and are roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.<sup>51</sup>

**(e) Recommended Minimum Off-street Vehicle and Bicycle Parking<sup>52</sup>**

- (1) New development and redevelopment shall not be required to provide off-street vehicle or bicycle parking; however, the Town Administrator may require off-street parking spaces when it is determined the use or its location will generate a high volume of vehicular or bicycle activity. The applicant shall refer to <> Table 15-2-1: Use Table to determine which use category to follow.

<b>Table 15-6-1: Recommended Minimum Off-Street Parking Requirements</b>		
<b>Use Category</b>	<b>Vehicle Spaces</b>	<b>Bicycle Spaces (short- or long-term)</b>
Residential Uses	1 space per dwelling unit	1 space per dwelling unit
Civic Uses	1 space per 500 square feet gross floor area	2 spaces
Commercial Uses	1 space per 300 square feet gross floor area	2 spaces
Industrial Uses	0.5 spaces per 500 square feet gross floor area	2 spaces

- (2) When the total number of all required spaces results in a fractional number of parking spaces, one space shall be provided for a fraction of one-half or more, and no space shall be required for a fraction less than one-half.
- (3) The on-street parking spaces directly abutting the tenant’s frontage may count toward off-street parking requirements.

<sup>51</sup> Replaces current Sec. 17-5-40(i).

<sup>52</sup> New. Current Sec. 17-5-40(j) requires a minimum of one space per dwelling unit.

- (4) Where multiple land uses share a parking area, the Town Administrator may approve a reduction in the off-street parking requirements if the shared parking complies with all the following standards:
- a. Shared parking spaces shall not be located more than 600 feet of a primary building entrance.
  - b. The applicant shall submit a shared parking analysis that clearly demonstrates the feasibility of shared parking and that any reduction in parking will not result in the spillover of parking onto other properties or the public right-of-way.
  - c. The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Town Administrator as to form and content. The Town Administrator may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement.

**(f) Parking for those Experiencing Disabilities**

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

**(g) Parking Area Design**

**(1) Vehicle Parking**

- a. Each off-street parking space shall consist of an open area measuring at least nine feet wide by 18 feet long and seven feet high; provided, however, parallel parking spaces shall measure at least nine feet wide by 23 feet long and seven feet high.
- b. Off-street parking shall be free of weeds, properly drained, and surfaced with concrete, asphalt, sealed pavers, cobbles, sealed brick, gravel or rock a minimum depth of four inches to ensure a dust-free surface or any other material with similar characteristics and uses and shall be maintained in a usable condition at all times.
- c. The Town Administrator may prohibit the use of gravel or rock for parking areas when deemed necessary for erosion control, drainage, or other ecological considerations.<sup>53</sup>

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<sup>53</sup> From current Sec. 17-5-40(j). Changed Planning Commission approval to Town Administrator.

**(2) Bicycle Parking**

**a. Short-Term Bicycle Spaces**

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

- (i) Are easily accessed from the street and protected from motor vehicles;
- (ii) Are visible to passers-by to promote usage and enhance security;
- (iii) Do not impede or interfere with pedestrian traffic or routine maintenance activities;
- (iv) Do not block access to buildings;
- (v) Allow reasonable clearance for opening of passenger-side doors of parked cars; and
- (vi) Are covered, to the maximum extent practicable, where users will leave their bikes for a longer amount of time.

**b. Long-Term Bicycle Spaces**

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

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**15-6-20 Landscaping and Screening<sup>54</sup>**

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**(a) Purpose**

The purpose of this Section is to:

- (1) Preserve and enhance a well-maintained landscape that preserves the overall quality of the community;
- (2) Conserve water resources;
- (3) Provide visual buffers and screening;
- (4) Encourage the use of native species in landscape design so that native species continue to dominate the Town's high alpine environment; and
- (5) Mitigate the impacts of site development with landscape designs that will buffer the development from abutting properties and from the public right-of-way to the maximum extent practical; and
- (6) Allow residents creativity and flexibility and landscape design.

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<sup>54</sup> Replaces current Sec. 16-4-540 and 17-5-40(k). All content is new unless otherwise noted.

**(b) Applicability**

This Section shall apply to new development or redevelopment of single-unit attached dwellings, triplex dwellings, fourplex dwellings, multiunit dwellings, mixed-use development, and nonresidential development, excluding any use listed as an industrial use in <> [Table 15-3-1: Use Table].

**(c) Landscape Plan Required**

Any proposed building or use shall be shown on a landscape plan, prepared by a landscaping professional, and submitted with a Site Plan, Special Use Permit, or Planned Unit Development application indicating the location of existing and proposed buildings, off-street parking areas, locations and types of landscaped areas, walls and screening devices that comply with this Section, and a list of plant materials.

**(d) Minimum Landscaping Required**

- (1) All undeveloped areas of each lot or tract and the adjacent right-of-way shall be landscaped with trees, shrubs, grasses, ground cover, or other organic and inorganic materials that creates an attractive appearance. Inorganic materials include rock, stone, flower tubs, outdoor plazas or public art.
- (2) Smooth concrete or asphalt surfaces are not considered landscaping.
- (3) Tree canopy is not considered ground cover; landscaping shall also be provided on the ground plane underneath a tree.

**(e) Water Conservation**

All landscaping should be designed to incorporate water conservation materials and techniques through application of water-wise landscape principles including, but not limited to the following:

- (1) The design identifies zones of different water requirements and groups plants with similar water needs together.
- (2) Limit high-hydrozone turf and plantings to appropriate high-use areas with high visibility and functional needs.
- (3) Choose low-water demanding plants and turf where practicable.
- (4) Design, operate and maintain an efficient irrigation system.
- (5) Incorporate soil amendments before planting.
- (6) Add mulch to planting beds to a minimum depth of two inches.

**(f) Plant Selection**

- (1) Native or naturalized trees, shrubs, and grasses, as identified by the Colorado State University Extension Service, shall be used in order to minimize the consumption of water. Existing native and naturalized vegetation within sensitive land and resource areas shall be preserved unless the Town approves an alternative naturalized landscaping plan that preserves significant desirable naturalized vegetation.

- (2) Tree and plant materials shall be selected for:
  - a. Energy efficiency and water efficiency;
  - b. Adaptability and relationship to the native environment;
  - c. Color, form, and pattern;
  - d. Ability to provide shade;
  - e. Soil retention; and
  - f. Resistance to fire.
- (3) If turf areas are included in landscaping, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site. The use of non-naturalized, high water consumptive turf or other monoculture seeding such as Kentucky Blue Grass is prohibited. The use of artificial turf is also prohibited.
- (4) Plants identified as by the Colorado Department of Agriculture as noxious weeds in San Juan County are not permitted for use as planting materials.

**(g) Installation**

- (1) Landscaping, walls and screening structures shall be installed in accordance with the approved landscape or screening plan prior to issuance of a final certificate of occupancy for the building or use. The Town Administrator may waive this requirement during the winter months when installation is impracticable or not feasible.
- (2) Dead or dying plants or trees shall be removed and replaced within one year.

**(h) Maintenance**

Landscaped areas shall be reasonably maintained by the owner or lessee of the property, including pruning, trimming, watering, and other requirements necessary to create an attractive appearance for the development.

**(i) Preservation of Vegetation<sup>55</sup>**

When necessary to ensure preservation of trees or other natural vegetation at a developed site, the Planning Commission or the Board of Trustees may direct a designated official to conduct an on-site inspection and supervise flagging of trees to be preserved or designation of vegetation areas to be preserved, as delineated by the Planning Commission or Board of Trustees.

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<sup>55</sup> Current Sec. 17-5-40(k)

**(j) Buffering and Screening**

**(1) Fences and Walls**

**a. Height Measurement<sup>56</sup>**

- (i) The height of all fences will be measured from finished grade at the base of the fence.
- (ii) The height of all fences built on berms or retaining walls shall include the height of the berm or wall.

**b. Maximum Fence Height**

- (i) No fence or wall erected within a required front yard shall exceed four feet in height above the adjacent grade to the fence.
- (ii) The maximum height for fences or walls in a required side or rear yard shall be six feet in residential and mixed-use districts and eight feet in all other districts.

**c. Setbacks**

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

**d. Building Permit Required**

A building permit is required for all fences over six feet in height.

**e. Wildlife Protection**

- (i) Fencing on sites containing important wildlife habitat cannot exceed four feet high unless the Town Administrator approves the fencing to confine permitted domestic animals or to protect permitted ornamental landscaping or gardens.
- (ii) The Town Administrator will determine the type of fencing (materials, opacity, etc.) appropriate for the wildlife species on the site based on guidance from the Colorado Division of Wildlife's Fencing with Wildlife in Mind.

**(2) Off-Street Parking Areas**

All parking areas shall be screened to a minimum height of three feet above the highest finished grade of the parking area.

**(3) Outdoor Storage Areas**

All unenclosed outdoor storage areas for materials, mechanical equipment (including ground-based satellite dishes), vehicles, or other similar items shall be screened from street view by a minimum six feet of screening consisting either of plant material or a wall constructed of or finished with materials

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<sup>56</sup> This standard may be relocated to Section 15-11-20, Measurements and Associated Terms, in a future draft.

that match or complement the main building of the site. The screening shall not exceed eight feet in height from finished grade.<sup>57</sup>

**(4) Mechanical and Utility Equipment**

- a. Ground-mounted mechanical equipment located within public view shall be integrated into the overall site design and screened from public view using one or a combination of the following:
  - (i) Decorative wall, fence or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or
  - (ii) Landscaping that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment, and that is integrated into the overall landscape plan.
- b. Roof-mounted mechanical and utility equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties using parapet walls or other means of screening. When reviewing the type and amount of screening, the Town Administrator shall consider the following:
  - (i) The proximity of the development to surrounding residential land uses and the visual impact that roof-mounted equipment may have upon those surrounding residential land uses.
  - (ii) The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.
  - (iii) Roof-mounted equipment shall maintain a color and finish that are compatible with the primary building façade.

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**15-6-30 Site and Building Design Standards<sup>58</sup>**

**Commentary**

This Section includes new standards to replace the Town’s Architectural Review Overlay District. These standards regulate the placement of structures on a lot and provide baseline structure design standards. These standards are designed to help new development and redevelopment “fit” with surrounding development and ensure that development is sited in a pedestrian-friendly manner.

**(a) Purpose**

The purpose of this Section is to:

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<sup>57</sup> Last sentence is current Sec. 16-8-10(1).

<sup>58</sup> New, replaces and expands current Sec. 16-4-800(4).

- (1) Establish design and development standards that foster high-quality;
- (2) Protect and enhance the long-term market value of property within Silverton;
- (3) Enhance the human and pedestrian scale of commercial developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;
- (4) Improve the compatibility of infill projects within existing neighborhoods and mitigate negative visual impacts arising from the scale, bulk, and mass of larger or taller buildings;
- (5) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;
- (6) Minimize negative impacts of on-site activities to adjacent uses; and
- (7) Balance the community's economic and aesthetic concerns.

**(b) General Design Standards**

**(1) Roofs, Eaves, and Parapets**

- a. Roofs, eaves, and parapets shall be designed to withstand the Town's variable mountain climate by using appropriate pitch, drainage, and materials. The Director may approve materials not listed but may request manufacturer's specifications and industry studies to ensure maintenance and durability.
- b. Permitted roofing materials include without limitation:
  - (i) Tile;
  - (ii) Slate and equivalent synthetic materials or better;
  - (iii) Metal, shingle or standing seam, equivalent or better;
  - (iv) Dimensional architectural grade composition shingles;
  - (v) Class A asphalt shingles; and
  - (vi) Other materials of equivalent durability as approved by the Town Administrator.
- c. Cornices and soffits may be comprised of wood or metal.
- d. Gutters and downspouts may be vinyl or metal.
- e. Parapet wall materials, exclusive of copings, cornices, or other design accents, shall match the building wall.

**(2) Reflectivity**

All façade and roof materials shall have low reflectivity.

**(3) Climatic Conditions**

- a. Local climatic conditions shall be considered when designing the orientation of new buildings. For example, north-facing facades are

especially susceptible to winter snow and ice accumulation, and entries may require special treatment.

- b. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.

#### **(4) On-Site Snow Storage**

Each application for Site Plan Review or a Special Use Permit that requires a new building or redevelopment of an existing building shall submit a snow storage plan that demonstrates compliance with the following requirements.

- a. Adequate, usable, and accessible space within close or direct proximity to areas subject to snow removal shall be provided for the removal, management, and storage of snow removed from pedestrian and vehicular ways, driveways, parking, and loading spaces.
- b. Snow shall not be stored within any required off-street parking spaces to the maximum extent practicable.
- c. Snow may be stored in required setbacks and open space, including landscaped areas properly designed for snow storage. Snow stored in a required setback or open space shall not restrict access or circulation or to obstruct views of motorists.
- d. Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.
- e. Where snow storage areas cannot be provided on site because of existing buildings or approved building design, an adequate snow hauling plan shall be submitted for and subject to approval by the Planning Commission.

#### **(5) Refuse Containers**

Dumpsters and refuse containers shall be located within the footprint of a building, or shall meet the following standards:

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

**(6) Permitted Façade Materials**

Building materials for walls shall be selected for their appearance and ability to withstand the extremes of the area's mountain climate. Materials with demonstrated durability include without limitation:

- a. Segmented wood siding;
- b. Log, full or milled profile;
- c. Stone, including sandstone, river rock, and moss rock;
- d. Segmented horizontal or vertical siding and cementitious siding;
- e. Brick masonry and dimensional cut stone;
- f. Cast concrete manufactured to simulate natural materials;
- g. Split-face concrete block is allowed for mixed-use and nonresidential structures;
- h. Patinated or color-treated metal may be used on accent wall surfaces; and
- i. Additional materials with similar durability as approved by the Town Administrator.

**(7) Prohibited Façade Materials**

- a. Concrete block; and
- b. Plywood, particle board or Texture 111 (T-111).

**(c) Residential Design Standards**

**(1) Applicability**

- a. In addition to the general design standards in Subsection (b), new development and redevelopment of single-unit detached and attached, duplex, triplex, fourplex, and multiunit dwellings shall meet the follow residential design standards.
- b. Multiunit dwellings within a mixed-use development shall also be subject to the mixed-use and nonresidential standards In Section 15-6-30(c)(4).

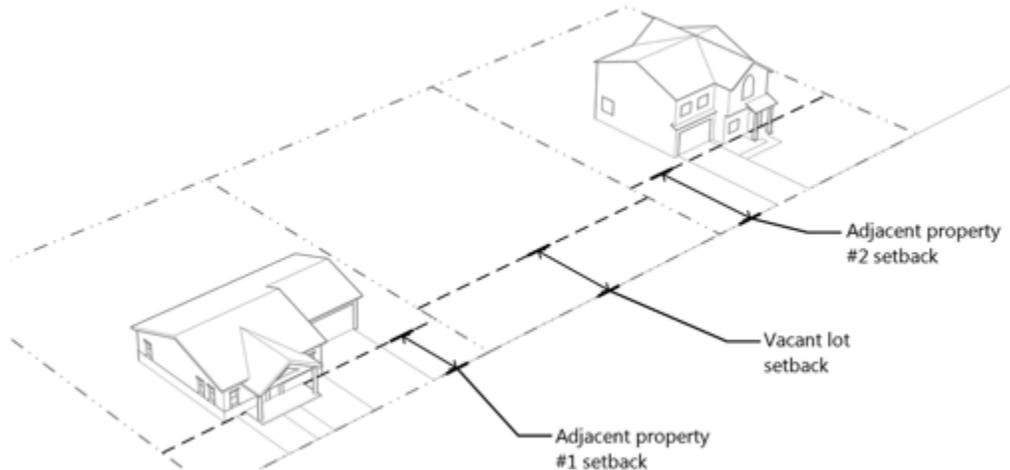
**(2) Single-unit Detached and Duplex Dwellings**

**a. Building Orientation**

- (i) The orientation of the primary entrance and façade of the dwelling shall be consistent with the established pattern along the block face as determined by observing the orientation of the majority of the lots.
- (ii) No residential structure shall be sited diagonally or otherwise skewed on the lot.

**b. Contextual Setbacks**

The minimum front setback on any vacant lot or redevelopment of an existing lot where the front setbacks of adjacent dwellings do not meet the required front setback for that district may be established as the mean average front setback of the two adjacent dwellings. If there is only one adjacent existing dwelling, then the front setback for the vacant lot shall be established as the mean average of the one existing adjacent dwelling and the required front setback for that district.



**(3) Single-unit Attached, Triplex, Fourplex, and Multiunit Dwellings**

**a. Building Mass and Form**

(i) The following elements shall be used to provide relief and contrast in the façade and delineate individual units. A minimum of three elements shall be incorporated in single-unit attached, triplex, and fourplex structures and a minimum of five elements shall be incorporated in multiunit structures:

1. Balconies;
2. Overhangs;
3. Covered patios;
4. Prominent entry features;
5. Window variations;
6. Door opening variations;
7. Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);
8. Variations in materials;
9. Variations in building height;
10. Variation in roof form;

11. Dormers;
  12. Projected or recessed building walls; or
  13. Another architectural feature as approved by the Town Administrator.
- (ii) Entries and stairwells shall be an integral part of the building design. Exterior stairwells shall be protected from the weather and partially screening or designed with architectural treatments that are integrated into the overall building elevation.
- (iii) Roof forms shall be visually associated with underlying building mass units.
- (iv) Parapet walls shall be interrupted by setbacks or varying heights to provide variety to the roof line.

**b. Building Materials**

- (i) No more than 75 percent of a building façade or other wall facing a public street shall be comprised of a single façade material. The remaining 25 percent of the façade shall incorporate a different material.
- (ii) Stronger and heavier materials such as masonry shall be located below lighter materials such as wood.

**c. Accessory Structures and Storage**

- (i) Non-dwelling structures, such as car ports and storage units, shall be designed with similar details, materials, and design elements as the principal structure.
- (ii) Bulk storage shall be provided as follows:
1. Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, or ski equipment, shall be designed for this purpose. Bulk storage areas shall be separate from water heaters or other types of mechanical or electrical equipment.
  2. Exterior or detached bulk storage areas shall be designed as an integral part of the project. Bulk storage areas shall be incorporated into garages, car ports, and screening walls, using materials and details similar to those of the dwelling unit to achieve an integrated appearance.

**(4) Garage Location and Design**

- a. Alley-loaded garages are required on new dwellings with alley access. Frontloaded garages are prohibited on lots with alley access.

- b. Front-loaded garages are encouraged to be located parallel to or behind the plane of the dwelling entry. Non-recessed, front-loading garages are discouraged.
- c. Street-facing garages are discouraged.
- d. The primary dwelling entrance should be the principal element of the building façade, rather than the garage.

## **(d) Mixed-Use and Nonresidential Design Standards**

### **(1) Building Orientation**

- a. The building façade shall face the same public right-of-way as adjacent structures.
- b. The facade containing the primary entry way shall parallel the street. Building entrances shall be visible and accessible from the pedestrian right-of-way along the building's primary street.
- c. Mixed-use or nonresidential structures adjacent to the R-1 zoning district shall comply with the following standards:
  - (i) Service and utility entrances, mechanical support facilities, and unimproved building "back sides" shall not be located within public view of neighboring residences.
  - (ii) Service and utility courts or alleys may contain these necessary support functions.

### **(2) Mechanical**

- a. Underground utility connection is required unless otherwise provided by the Building Official.
- b. Where the connection meets the building, risers, utility meters, panel boxes, or similar, are encouraged to be covered with the same or compatible material as the siding material unless expressly prohibited by utility company regulations.

### **(3) Building Mass and Form**

#### **a. Horizontal Façade Articulation**

- (i) Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. No individual component shall have a length of more than 50 feet, measured horizontally. Components shall be distinguished from one another through two or more of the following:
  - 1. Variations in roof form or variations in roof height of two feet or more;
  - 2. Changes in wall plane of 12 inches or more;

3. Variations in the arrangement and recessing of windows or doors; or
  4. Ground-floor pedestrian-oriented design features along no less than 60 percent of the horizontal length of the segment. Pedestrian-oriented design features may include arcades, display windows, entryways, awnings, or other features. Shaded sidewalks that are part of the building design may be credited toward this standard.
- (ii) Structures on corner lots shall have similar façade design on both streets that they face.

**b. Vertical Articulation**

Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body shall constitute a minimum of 50 percent of the total building height.

**(4) Parking**

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

**15-6-40 Outdoor Lighting<sup>59</sup>**

**(a) Purpose**

The purpose of this Section is to:

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

**(b) General Provisions**

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

- (1) Outdoor light fixtures are encouraged to:
  - a. Be the minimum necessary to provide for safety and functionality.

<sup>59</sup> New. Informed by the International Dark Sky Community Program Guidelines June 2018, referred to as “Guidelines” in following footnotes. Illustrations to be included for later drafts.

- b. Be turned off when no one is present to use the light.
  - c. Utilize adaptive controls, be low-wattage and high-life, and use photovoltaic or other renewable energy sources.<sup>60</sup>
- (2) Outdoor light fixtures shall be fully shielded.<sup>61</sup>
  - (3) Lighting shall be directed such that illumination is within the property boundary where the outdoor light fixture is located. This provision does not apply to publicly owned outdoor light fixtures.<sup>62</sup>
  - (4) The correlated color temperature of each lamp shall not exceed 3,000 Kelvins.<sup>63</sup>
  - (5) The following lumen per net acre values are an upper limit and not a design goal.
    - a. All uses except single-family residential are limited to 15,000 lumens per net acre and fixtures are limited to 1,600 lumens each.
    - b. Single-family residential uses are limited to 10,000 lumens per net acre and fixtures are limited to 850 lumens each.<sup>64</sup>

### **(c) Specialized Outdoor Lighting**

#### **(1) Canopies**

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

#### **(2) Outdoor Recreational Facilities<sup>65</sup>**

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

- a. Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play.

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<sup>60</sup> Current 16-8-10(2)a and c.

<sup>61</sup> Current 16-8-10(2)a. Required by Guidelines section 1A for all light fixtures over 1000 initial lamp lumens. "Initial lamp lumens" is defined as the number of lumens of light emitted by a lamp when new and not counting any depreciation of output due to the age of the lamp. This information can be found in manufacturer data sheets. The Guidelines section 1C also require a restriction on the total amount of unshielded lighting. To simplify, this provision requires that all fixtures be fully shielded as already required.

<sup>62</sup> Current 16-8-10(2)b. Reworded for clarity.

<sup>63</sup> Required by Guidelines section 1B.

<sup>64</sup> This is aimed at meeting Guidelines section 1D. These limits do not have to apply to publicly owned outdoor lighting, but this proposed language would apply.

<sup>65</sup> Required per Guidelines section 1G.

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- b. Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications.
  - c. Illuminance levels are adjustable based on the task (e.g., active play vs. field maintenance).
  - d. Off-site impacts of the lighting are limited to the greatest practical extent possible.
  - e. Lights are extinguished by 10pm or one hour after the end of play, whichever is later.
  - f. Timers are installed to prevent lights being left on accidentally overnight by automatically extinguishing them.

**(3) Publicly Owned Outdoor Lighting<sup>66</sup>**

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

**(4) Signs<sup>67</sup>**

- a. Electronic signage is not permitted.
- b. Sign illumination shall be extinguished completely one hour after sunset, and remain off until one hour before sunrise.
- c. The luminous/illuminated surface area of an individual sign shall not exceed 200 square feet.

**(d) Exemptions**

- (1) Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- (2) Temporary lighting for events that do not create issues of light trespass or safety as approved by the Town Administrator for a period of up to seven days.
- (3) Temporary holiday decorative lights from November 15 through January 15 and one other seven-day period a year. Lights shall be extinguished by 10pm and remain off until one hour before sunrise. Such holiday decorative lights may blink, so long as the safety of any moving vehicle is not impacted.
- (4) String, bistro, and similar lighting, provided the emission of no individual lamp exceeds 50 lumens and no installation of such lighting exceeds, in the aggregate, 6,000 lumens. These lights must be rated at or below 2,700 Kelvin.

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<sup>66</sup> Required per Guidelines section 1E.

<sup>67</sup> Required per Guidelines section 1F. Modified luminance levels for electronic signs to simply prohibit electronic signs.

Lights shall be extinguished by 10pm and remain off until one hour before sunrise.

- (5) Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed not more than 18 inches above the adjacent ground level.
- (6) Kendall Mountain ski area lighting as necessary for maintenance and night skiing.
- (7) The lighting of artwork that is outdoors and on publicly owned property. Such lighting shall not exceed 850 lumens per artwork nor more than 3000 Kelvin. Lights shall be extinguished by 10pm and remain off until one hour before sunrise.
- (8) The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag.
- (9) Traffic control signals and devices.
- (10) Lighting required by federal, state, county, or town ordinance and regulations.

#### **(e) Prohibited Outdoor Lighting**

- (1) Searchlights, sky beams, and similar lighting except as required by response personnel during emergency conditions.<sup>68</sup>
- (2) Blinking, flashing, rotating, or moving lights, including those used for signage. This does not apply to Christmas-type decorative lights as exempted above.<sup>69</sup>
- (3) Lighting which produces any glare or distraction for any passing motorist.<sup>70</sup>
- (4) Neon or luminous tube lighting including any sign, except "open/closed" or "vacancy/no vacancy" type signs.<sup>71</sup>
- (5) Mercury vapor lighting.

#### **(f) Nonconforming Outdoor Lighting**

- (1) All existing outdoor lighting that was legally installed before the adoption of this Section but does not meet the requirements of this Section shall be considered nonconforming.
- (2) Nonconforming outdoor lighting is allowed to remain in use unless any of the following occurs:
  - a. Replacement of the fixture.
  - b. Non-use of the fixture for a period of six months.

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<sup>68</sup> Current 16-6-40(9). Refined to add more detail.

<sup>69</sup> Current 16-6-40(6). Refined to not just apply to signage.

<sup>70</sup> Current 16-6-40(5).

<sup>71</sup> Current 16-6-40(8). Revised to add "Open" signs.

- c. Damage to the light fixture such that the cost or repair is 50 percent or more of the cost to replace the fixture with a conforming fixture.
- (3) No alteration may be made to outdoor lighting which would increase the amount of degree of the nonconformity.
- (4) After 10 years from the date of adoption of this Section, all nonconforming outdoor light fixtures shall be brought into compliance with this Section.<sup>72</sup>

**(g) Plan Submission and Compliance Review**

- (1) All applications for business permits, building permits, Sign Permits, Site Plan Review, Historic Overlay District Review, Planned Unit Development, Special Use Permit, and Simple and Major Subdivisions shall submit a lighting plan showing compliance with this Section. The lighting plan shall be prepared by a qualified professional and include the following information:
  - a. The manufacture's cut sheet for each proposed outdoor light fixture,
  - b. A site plan with property boundaries including all existing and proposed light fixture locations and their light spill,
  - c. A table showing the total lumens by fixture and a calculation explaining the total lumens per net acre,
  - d. Total Kelvin for each proposed lamp, and
  - e. Other materials necessary to show compliance with this Section.
- (2) Review of lighting plans shall be by the Town Administrator who may refer review to the Planning Commission if that, in their opinion, issues are present that require Planning Commission attention.

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<sup>72</sup> Required per Guidelines section 1H.

## Article 7 Signs

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### **15-7-10 Purpose<sup>73</sup>**

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The purpose of this Section is to:

- (a) Provide signs that do not present a safety hazard to the public;
  - (b) Promote aesthetics in the community by encouraging signs that are compatible with their surroundings;
  - (c) Protect and encourage local tourist-related businesses for the general economic wellbeing of Silverton;
  - (d) Provide a reasonable balance between the need to advertise businesses and the need to protect the public from the effects of unsafe signs; and
  - (e) Establish procedures and regulations that control the location, size, type, and number of signs permitted.
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### **15-7-20 Applicability<sup>74</sup>**

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- (a) This Section shall apply to all signs within the Town of Silverton, unless specifically exempted by Section 15-7-50.
  - (b) No sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this Article.
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### **15-7-30 Permit Required<sup>75</sup>**

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All signs, temporary or permanent, shall require the issuance of a Sign Permit. Application for a Sign Permit shall be made, in writing, to the Town, along with a payment of a nonrefundable application fee as set forth in the Town's Fee Schedule. An application may include all signs to be installed at a single building location, including multiple tenants, but may not include more than one business location at a different building.

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### **15-7-40 Measurement and Calculation<sup>76</sup>**

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#### **(a) Building Frontage<sup>77</sup>**

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

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<sup>73</sup> New.

<sup>74</sup> Replaces current Sec. 16-6-10.

<sup>75</sup> Current Sec. 16-6-20. This content will be replaced with a cross-reference to the Administration and Procedures Article where the Sign Permit process will be listed in the Full Draft.

<sup>76</sup> New.

<sup>77</sup> Replaces current measurement.

**(b) Sign Area<sup>78</sup>**

- (1) The area of a two-dimensional sign is measured by encompassing the advertising display surface area within any combination of geometric figures (e.g., rectangles, squares, triangles, parallelograms, circles, or ellipses), having no more than eight sides, that would enclose all parts of the sign.
- (2) The sign area of three-dimensional free-form or sculptural (non-planar) signs is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.
- (3) If elements of a sign are movable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.
- (4) Only structural components shall be excluded in computing the total allowable area.

**(c) Freestanding Sign Height<sup>79</sup>**

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

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**15-7-50 Exempt Signs<sup>80</sup>**

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

**(a) Internal and Integral Signs<sup>81</sup>**

- (1) Signs not intended for view or readily legible from the public right-of-way.
- (2) Integral signs that are carved into stone, concrete, or similar material or made of metal or other permanent-type construction and made an integral part of the structure. Integral signs shall not exceed four square feet in area.

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<sup>78</sup> New.

<sup>79</sup> New.

<sup>80</sup> All provisions related to lighting have been relocated to Sec. 15-6-50, Outdoor Lighting.

<sup>81</sup> Replaces current Sec. 16-6-30(1) and (2).

- (3) Signs that do not exceed two square feet per face or four square feet in total surface area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps/electric vehicle charging units, or utility cabinets.
- (4) Signs or banners on fences and structures within a Town park or recreational area, provided the signs or banners face inward to the Town park or recreational area.

**(b) Flags or Insignia**

- (1) Entryway flags<sup>82</sup> shall not exceed three feet by five feet, or 15 square feet in size. All other flags, crests, or banners shall be 24 square feet or less and affixed to a permanent flagpole or building.
- (2) Entryway flags shall be a minimum of eight feet and a maximum of 20 feet above grade and shall not extend more than six feet over any public right-of-way.
- (3) Each business may display one entryway flag during business hours.
- (4) Each building is limited to two flags.
- (5) When applicable, flags shall comply with Chapter 10 of Title 36 of the United States Code named "The Flag Code," as it pertains to all rules and regulations to the official Flag of the United States of America.

**(c) Public Signs<sup>83</sup>**

- (1) Official public signs or plaques approved by a governmental or quasi-governmental body, Town department, or special district (collectively "governmental organizations") for structures used by the governmental organization and signs related to issues that the governmental organization has jurisdiction over, such as traffic safety, pedestrian safety, construction safety, schools, legal and public notices, railroad crossings, health, historic matters, hazards, parking, swimming, or dumping.
- (2) Signs and notices required to be maintained by law or governmental order, rule, or regulation, provided that the content and size of the sign does not exceed the requirements of such law, order, rule, or regulation.
- (3) Town-sponsored, Town-owned, and Town-maintained signs and temporary banners that are displayed and erected above Greene Street and/or Blair Street, at or near the Visitors Center, on the fence surrounding the ballpark located at Greene Street and 4th Street and at the Kendall Mountain Recreation Center, provided that any sign or banner erected above and over a public right-of-way or thoroughfare shall meet the minimum and maximum height requirement by state or federal law. All banners must be in compliance with the banner standards policy as adopted by the Board of Trustees.

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<sup>82</sup> Replaces "Open" flags to be content neutral.

<sup>83</sup> Combines current Sec. 16-6-30(3),(4), (6), (17),and (18).

**(d) Artwork<sup>84</sup>**

Works of art that in no way identify, advertise, or display, directly or indirectly, a product or business.

**(e) Menu Boxes and "Specials" Boards**

Each restaurant or bar may display one menu box attached to the building in which they are located. Menu boxes may not exceed two feet in height, two feet in width and three inches in depth. Each restaurant and/or bar may display one changeable "Specials" board of chalk, dry-erase or similar nature, attached to the building in which it is located. "Specials" boards may not exceed two feet in height, two feet in width and three inches in depth.

**(f) Residential Signs<sup>85</sup>**

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

**(g) Temporary Signs**

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

**(h) Vehicle Signs<sup>86</sup>**

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

**(i) Window Signs<sup>87</sup>**

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

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<sup>84</sup> Current Sec. 16-6-30(10).

<sup>85</sup> Removed content-related text from current Sec. 16-6-30(19).

<sup>86</sup> Removed content-related text from current Sec. 16-6-30(20).

<sup>87</sup> New.

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## **15-7-60 Prohibited Signs and Sign Locations<sup>88</sup>**

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### **(a) Improper Location<sup>89</sup>**

Signs shall not be installed or located so that they:

- (1) Obstruct the driver's vision of a moving vehicle.<sup>90</sup>
- (2) Create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.<sup>91</sup>
- (3) Create a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.
- (4) Create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.
- (5) Are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting have been verified in writing by a structural engineer licensed to practice in the state.

### **(b) Prohibited Sign Types**

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

- (1) Off-premise signs or signs in the public right-of-way;
- (2) Electronic signs and signs that have blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity, brightness, or color;<sup>92</sup>
- (3) Signs that move in any mechanical manner, have structural moving part(s) powered by a motor, or swing because of their design or by the manner of their suspension or attachment as a result of wind pressure, mechanically-driven apparatus, electrically-driven apparatus, or any combination;<sup>93</sup>
- (4) Neon signs;
- (5) Roof signs; and
- (6) Wind signs (pennants, streamers, balloons, whirligigs, or similar devices) or flutter flags, unless otherwise allowed by this Article.<sup>94</sup>

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<sup>88</sup> Replaces Sec. 16-6-40. Definitions of particular sign types have been relocated to Article 11. All provisions related to lighting have been relocated to Sec. 15-6-50, Outdoor Lighting.

<sup>89</sup> New, unless otherwise noted.

<sup>90</sup> Current Sec. 16-6-40(5).

<sup>91</sup> Replaces Current Sec. 16-6-40(7).

<sup>92</sup> Replaces current Sec. 16-6-40(6).

<sup>93</sup> Replaces current Sec. 16-6-40(6).

<sup>94</sup> Replaces current Sec. 16-6-40(11).

## 15-7-70 Standards for Permanent Signs

### (a) Sign Materials<sup>95</sup>

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

### (b) Requirements by Sign Type<sup>96</sup>

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

**Table 15-7-1: Requirements by Sign Type**

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

**Notes:**

- [1] Signs on awnings shall be considered wall signs for the purpose of measuring sign area.
- [2] No sign part, including cut-out letters, shall extend more than 12 inches from the building wall.
- [3] Any sign that projects over any public pedestrian way shall be located a minimum of eight feet above grade and shall not extend more than six feet over any public right-of-way.
- [4] Signs affixed to or located on the posts or pillars supporting a marquee, or signs affixed to the eaves of the marquee, are allowed, provided that such signs do not project above the eaves.

## 15-7-80 Allowable Signage by Zoning District<sup>97</sup>

### (a) Residential Districts<sup>98</sup>

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

### (b) Mixed-Use, Commercial, and Public Districts<sup>99</sup>

- (1) The total sign area for all signs for which permits are required shall not exceed 1.25 square foot per lineal foot of building frontage along a public street. For buildings with multiple tenants, the calculation shall be based on the length of the leased space of the frontage for each individual tenant.

<sup>95</sup> Current Sec. 16-6-50.

<sup>96</sup> Current Sec. 16-6-60.

<sup>97</sup> Current Sec. 16-6-70.

<sup>98</sup> New. Signs are not currently allowed in Residential zoning districts.

<sup>99</sup> Significantly simplifies current regulations where allowed total sign area is scaled by length of frontage.

- (2) Buildings with more than one frontage on a public street, such as a corner lot, may have the maximum total sign area on each frontage, but only one frontage per lot may include a freestanding sign.
- (3) In addition to the total sign area allowed in Paragraph (1), above, any building or property with multiple lots or multiple tenants shall be allowed one additional sign, not to exceed the maximum limitations for the particular sign type in Table 15-7-1.
- (4) The aggregate sign area square footage allowance may include any desired combination of sign styles and types, but in no event shall any sign or combination of all signs on a building be greater than the maximum aggregate sign area computed using the above restrictions.
- (5) Signs identifying a shopping center or building name (i.e., Old Town Square) are allowed in addition to all other signage at a business location, provided that such signage does not exceed two-thousandths square foot of sign area per square foot of land area and all other provisions of this Article are complied with.
- (6) Buildings or businesses that have no actual frontage on a public street because other buildings or businesses on the same lot capture the allowed frontage shall be entitled to erect signage at the building's location that is equal to the signage allowed if they did have actual street frontage.

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## 15-7-90 Standards for Temporary Signs

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### (a) General Standards for All Temporary Signs

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

### (b) Sandwich Boards and Signboards<sup>100</sup>

- (1) Each building having at least one licensed and authorized business may display one sandwich board or signboard per building entrance and located on the sidewalk within 10 feet of the building entrance and located so that it does not disrupt pedestrian movement. Sandwich boards and signboards shall be removed when the use is closed or during severe weather.<sup>101</sup>
- (2) No sandwich board or signboard shall be greater than two feet in width and four feet in height.

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<sup>100</sup> Current Sec. 16-6-30(13).

<sup>101</sup> The last sentence is new.

- (3) A sandwich board or signboard shall not impede or block pedestrian traffic in any way or be located within any right-of-way.
- (4) Signboards shall not be greater than eight square feet in total sign area.

**(c) Temporary Banner Signs<sup>102</sup>**

**(1) Design Standards**

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

**(2) Construction Site Banners**

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

**(3) All Other Banners**

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

**(d) Temporary Decorations or Displays <sup>103</sup>**

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

**(e) Yard Signs<sup>104</sup>**

- (1) Each yard sign shall not exceed 12 square feet in area (or six square feet per side if double-sided) and four feet in height.
- (2) Yard signs up to an aggregate area of 12 square feet may be displayed for an unlimited amount of time.

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<sup>102</sup> New.

<sup>103</sup> Current Sec. 16-6-30(5). This content will be relocated to the temporary use standards in the full draft.

<sup>104</sup> Replaces current Sec. 16-6-30(15).

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- (3) An aggregate area of up to 48 square feet is allowed 60 days prior to and 15 days following an election.
  - (4) A minimum of four feet of sidewalk width clearance shall be available for pedestrian use.

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### **15-7-100 Nonconforming Signs**

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- (a) Any sign that is permitted to remain in place as a nonconforming use may be continued in use until the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.<sup>105</sup>
- (b) If a nonconforming sign is damaged, destroyed or removed from its current property location for any reason, it may be reconstructed in compliance with its nonconforming status, provided that such reconstruction occurs within six months of its destruction or removal from the subject property. If the sign copy is modified or changed, a sign permit must be obtained prior to reconstructing the nonconforming sign.<sup>106</sup>
- (c) All nonconforming signs shall be subject to the general standards in Section 15-9-30, Regulations Applicable to All Nonconformities.

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### **15-7-110 Coordinated Sign Plan<sup>107</sup>**

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#### **(a) Applicability**

The owner of any building or property with multiple lots or multiple tenants may develop a Coordinated Sign Plan for the property.

#### **(b) Coordinated Sign Plan Requirements**

An application for a Coordinated Sign Plan shall identify all proposed signage for an entire lot or development site and shall include the following information:

- (1) Sign dimensions and approximate locations;
- (2) Materials and colors;
- (3) Proposed illumination, including illumination levels;
- (4) Maximum numbers of tenant signs per sign face;
- (5) A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
- (6) A demonstration that the Coordinated Sign Plan will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of adjacent properties; and
- (7) Other maps, drawings or materials as required by the Town Administrator

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<sup>105</sup> New.

<sup>106</sup> Current Sec. 16-6-40(2).

<sup>107</sup> Replaces and adds more flexibility to current Sec. 16-6-70(7).

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**(c) Standards**

- (1) Prohibited signs and sign elements are not eligible for inclusion in a Coordinated Sign Plan.
- (2) All signs included in the Coordinated Sign Plan shall be architecturally integrated into or complimentary to the design of the building(s) and character of the site, and shall use similar and coordinated design features, materials, and colors.
- (3) The Town Administrator may approve a deviation in one or more dimensional or numerical standards including sign area, sign height, and number of individual signs, based on the following criteria:
  - a. The overall size of the development site and the scale of the use or uses located or anticipated to be located there;
  - b. Access and visibility to the site;
  - c. Intended traffic circulation pattern and the need for wayfinding;
  - d. Relationship between the site and adjacent uses; or
  - e. The desired function of the site.

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**15-7-120 Abandoned Signs<sup>108</sup>**

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

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## **Article 8 Administration and Procedures**

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**15-8-10 Review and Decision-Making Bodies**

[Drafted in Interim Draft #1]

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**15-8-20 Development Review Procedures**

[Drafted in Interim Draft #1]

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<sup>108</sup> Current Sec. 16-4-40(3).

## 15-8-30 Specific Procedures

### (a) Administrative Adjustment<sup>109</sup>

#### (1) Purpose

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

#### (2) Applicability

##### a. Permitted Types of Adjustments

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

**Table 15-8-1: Permitted Administrative Adjustments**

Standard	Allowed Adjustment
Lot Area, Minimum	10%
Lot Coverage, Maximum	10%
Setbacks, Minimum	Lots > 5,000 sq. ft.: 10% Lots ≤ 5,000 sq. ft.: 15%
Building Height	10%
Fence Height	15% (one foot maximum)
Sign Area, Maximum	10%
Sign Height, Maximum	15%

##### b. Limitations on Administrative Adjustment

Administrative adjustment may not be used to:

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

#### (3) Common Review Procedures

Administrative Adjustment applications shall follow the Common Review Procedures in Section <> [15-8-20] with the modifications listed below.

<sup>109</sup> New.

**(4) Application Submittal**

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

**(5) Review and Decision-Making**

**a. Review and Decision**

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

**b. Review Criteria**

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

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

## Article 9 Nonconformities

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### **15-9-10 Purpose<sup>110</sup>**

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The purpose of this Article is to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the Effective Date, but that no longer conform to the requirements of this Code.

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### **15-9-20 Applicability<sup>111</sup>**

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- (a) This Article applies to buildings, structures, lands, and uses that become nonconforming as a result of adoption, revision, or amendment to this Code.
  - (b) Any legal nonconformity existing as of the Effective Date of this Code will also be a legal nonconformity under this Code, as long as the situation that resulted in the nonconforming status under the previous Code continues to exist.
  - (c) If a nonconformity under the previous Code becomes conforming because of the adoption of this Code, then the situation will no longer be a nonconformity.
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### **15-9-30 Regulations Applicable to All Nonconformities<sup>112</sup>**

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#### **(a) Nonconforming Status**

- (1) It is the owner's burden to establish that a nonconforming use, lot, sign, or structure exists lawfully under this Code.
- (2) The use of land, use of a structure, lot, sign, outdoor lighting fixture, or structure may be determined to have a nonconforming status when each of the following conditions is satisfied:
  - a. The use, lot, sign, outdoor lighting fixture or structure was in existence and lawfully constructed, located and operating prior to, and at the time of, the event that made it nonconforming.
  - b. The nonconforming status was caused by one of the following:
    - (i) Annexation into the Town;
    - (ii) Adoption of this Code or a previous zoning ordinance; or
    - (iii) Amendment of this Code or a previous zoning ordinance.
  - c. The nonconforming use, lot, sign, outdoor lighting fixture, or structure has been operating since the time that it first became nonconforming without abandonment, as defined in Section 15-9-30(e).
- (3) Nonconforming outdoor lighting fixtures are regulated in Section 15-6-40(f) and nonconforming signs are regulated in 15-7-90(e).

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<sup>110</sup> New.

<sup>111</sup> New.

<sup>112</sup> New.

- (4) Nothing in this Section shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of the regulations in effect at the time of the effective date of this LUC.

**(b) Authority to Continue**

Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this Section, or unless such nonconformity is terminated as provided in this Section.

**(c) Ordinary Repair and Maintenance**

Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the minor repairs and maintenance do not increase the extent of nonconformity. For purposes of this Section, “maintenance or minor repair” shall mean:

- (1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or exterior or interior appearance of a building or structure without expanding the building or structure;
- (2) Maintenance of land areas to protect against health and environmental hazards; and
- (3) Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

**(d) Change of Ownership or Tenancy**

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the provisions of this Article.

**(e) Discontinuance and Abandonment**

- (1) When a nonconforming use is replaced with a conforming use, the nonconforming use is considered terminated and may not be resumed.
- (2) Any nonconforming use that is discontinued for, or a structure that remains vacant for a period of 180 days, shall be considered to have been abandoned.
  - a. Maintaining connection to or payment of public services or utilities is not evidence of continuing operations.
  - b. All nonconforming rights shall cease and the use of the premises shall be brought into conformance with this Code.
  - c. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation.
- (3) Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

**(f) Destruction<sup>113</sup>**

- (1) If a nonconforming structure or structure specifically designed to be occupied by a nonconforming use is substantially damaged or destroyed, the owner of the damaged or destroyed structure shall have one year from the date of damage or destruction to reconstruct the building. Reconstruction of the nonconforming structure may take place and the nonconforming status retained if all the following conditions are met:
  - a. No less than the total gross floor area of the original nonconforming structure or the minimum requirements of the applicable zoning district shall be included in the new building.
  - b. Setback distances of the new building are no less than those of the original structure or the minimum requirements of the applicable zoning district.
  - c. Substantial completion of the new structure takes place within one year of the removal, damage, or destruction of the original building.
  - d. Compliance with all applicable building and fire codes adopted by the Town.
- (2) Failure to meet the above conditions for reconstruction shall require that the nonconforming structure be brought into full compliance with all the provisions of this Article and the zoning district within which the structure is located.

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**15-9-40 Nonconforming Uses<sup>114</sup>**

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**(a) Expansion**

- (1) A nonconforming use that is not in a category of uses permitted in the zoning district may be expanded or increased to occupy the structure in which it is located, but not any land outside of the structure.
- (2) No existing structure or portion of a building that contains a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in any manner that increases existing nonconformities.

**(b) Change of Use**

- (1) Any nonconforming use may be changed to a conforming use and once the change is made, the use shall not be changed back to a nonconforming use in the future.
- (2) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use.

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<sup>113</sup> Current Sec. 16-8-50.

<sup>114</sup> Replaces and expands current Sec. 16-8-40.

**(c) Manufactured Home**

Within a period of one year or less from its removal from a lot of record, a nonconforming manufactured home used for residential purposes may be replaced by another manufactured home for residential purposes, so long as the new home is not more than 50% larger in GFA than the manufactured home that it replaced and can be placed on the lot in compliance with the applicable zoning district standards.

**(d) Obsolete Structure**

The right to operate and maintain any nonconforming use in a nonresidential structure shall terminate if the structure becomes obsolete or substandard under any applicable state or Town code and the cost of bringing the structure into lawful compliance with the applicable regulation exceeds 50 percent of the replacement cost of such structure on the date it is determined to be obsolete or substandard; provided, however, that determining the replacement cost of any structure shall not include the cost of land or any factors other than the structure itself.

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**15-9-50 Nonconforming Structures<sup>115</sup>**

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A nonconforming structure may not be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration is required by law.

- (a) Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses that occupy the building.
- (b) Any enlargement greater than 10 percent of the gross floor that is necessary to adapt to new technologies shall be authorized only by a Variance.

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**15-9-60 Nonconforming Lots<sup>116</sup>**

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A residential dwelling unit(s) and customary accessory buildings may be erected on any nonconforming lot in a residential zoning district as follows:

- (a) The lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership.
- (b) This provision shall apply even though such lot fails to meet the applicable requirements for lot width or area, as applicable, provided the setback dimensions, lot coverage, and other requirements not involving lot width or area of the lot shall conform to the regulations of the district in which such lot is located.
- (c) Either Section <>, [Administrative Adjustment], or Section <>, [Variance] may be used to make requests for adjustments to area and setback requirements.

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<sup>115</sup> New.

<sup>116</sup> Replaces current Sec. 16-8-60.

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## Article 10 Enforcement and Penalties

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### 15-10-10 Purpose<sup>117</sup>

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The purpose of this Section is to establish the procedures through which the Town of Silverton seeks to ensure compliance with the provisions of this Code and obtain corrections for violations of this Code. This Section also sets forth the remedies and penalties that apply to violations of this Code.

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### 15-10-20 Compliance Required<sup>118</sup>

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It is unlawful for any person to erect, construct, reconstruct, use, or alter any building or structure or to use any land in violation of this Code or the terms and conditions of permits or other approvals or entitlements issued under this Code.

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### 15-10-30 Authority<sup>119</sup>

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The provisions of this Article shall be administered and enforced by the officers or departments designated by the Board of Trustees.

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### 15-10-40 Violations<sup>120</sup>

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- (a) A violation shall be defined as violation or failure to comply with:
    - (1) Any provision or requirement of this Code; or
    - (2) Any condition, requirement or commitment established with the approval of a Variance, Special Use Permit, Site Plan, Planned Unit Development, subdivision, or other development approval under this Code.
  - (b) Each day that a violation is permitted to exist shall constitute a separate offense.
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### 15-10-50 Enforcement<sup>121</sup>

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- (a) All alleged violations of any of the provisions of this Code shall be investigated by the enforcing official either on their own initiative, upon receipt of a written complaint from a person who believes that a violation exists, or by order of the Board of Trustees.
- (b) To enforce the terms and provisions of this Code, the enforcing official shall conduct inspections of buildings, structures, and use of land to determine compliance with this Code.<sup>122</sup>
- (c) If a violation is found to exist, it shall be corrected in one or more of the following ways:

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<sup>117</sup> New.

<sup>118</sup> New.

<sup>119</sup> Current Sec. 16-1-30(a).

<sup>120</sup> New.

<sup>121</sup> Current Sec. 16-1-30(b), unless otherwise noted.

<sup>122</sup> New.

- 
- (1) The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction.
  - (2) The Building Official may issue a stop-work order by notice in writing posted on the building or property in or upon which a violation is occurring, as provided by the building code adopted by the Town.
  - (3) Any local law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of this Code, as provided in Subsection (e) below.
- (d) Unless otherwise provided by this Code or otherwise required by state or federal law, a period of 15 calendar days after the date of notice shall be allowed for response to a notice of violation. In order to avoid further enforcement proceedings by the Town or the imposition of financial penalties under this Code, within the 15-day period:<sup>123</sup>
- (1) The alleged violator shall respond by providing evidence satisfactory to the Town to show that the determination is in error and that a violation of this Code has not occurred;
  - (2) The alleged violator shall restore the site, structure, or use of the property to compliance with this Code, and shall allow the Town to inspect the property to confirm compliance; or
  - (3) The alleged violator shall obtain approval from the Town for an extension of time to attain compliance, showing good cause for extension, with such extension limited to 60 days unless a longer period is approved due to extenuating circumstances, and shall allow the Town to inspect the property at the end of the extension period to confirm compliance.
- (e) Upon the failure of any official to act in the case of a violation of this Chapter, the necessary notification of violation or stop-work order may be issued by the Board of Trustees, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or a group of individuals.

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## **15-10-60 Violation and Penalties**

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### **(a) General**

Failure to comply with any of the provisions of this Code, unless a Variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor, and, upon conviction, is punishable as set forth in Section 1-4-20 of the Municipal Code.<sup>124</sup>

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<sup>123</sup> New.

<sup>124</sup> Current Sec. 16-130(c). Section 1-4-20 of the Municipal Code covers the fine/imprisonment details listed in current Sec. 17-1-80(1).

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**(b) Forfeiture for Sales in Unapproved Subdivisions<sup>125</sup>**

Any party selling, agreeing, contracting or negotiating to sell any parcel of land in a subdivision for which a Final Plat has not been properly filed or recorded shall be liable for forfeiture of a penalty of \$100.00 per lot or parcel involved, as specified and further detailed in Section 31-23-166, C.R.S.

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**15-10-70 Mandatory Demolition<sup>126</sup>**

In the event a structure, building, unit or improvement, either permanent or mobile, is substantially damaged, destroyed or deteriorated by any means, the owner of the property where structure or facility is located shall obtain a building permit for either the repair or the demolition of said facility no later than 15 days after said damage occurs. If the permit is for demolition, said demolition shall be completed and the land cleared and leveled to the satisfaction of the Building Official no later than 180 days<sup>127</sup> after said damage occurs.

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**15-10-80 Building and Property Appearance and Maintenance<sup>128</sup>**

The following items set forth the building and property appearance and maintenance regulations in the C-2 district.

**(a) Boarding Up**

After June 1, 2015, all buildings in the C-2 district shall be prohibited from boarding up.

**(b) Damaged Buildings**

A building that has been damaged by fire, storm, vandalism, or accident may be boarded up, pending repair or demolition, with written permission from the Town Administrator for a period not to exceed 30 days.

**(c) Drainage and Snow Storage Impacted Buildings**

A building that is impacted by surface drainage, snow storage, and/or snow drifts within the public right-of-way, such as Lots 12 and 24 at the northerly end of blocks adjoining numbered streets, may be boarded up with written permission from the Town Administrator such time as the situation is repaired or abated.

**(d) Maintenance and Appearance**

Minimum standards for the maintenance and appearance of structures and property are:

- (1) Exterior siding and roofing shall be properly maintained and provide the building with a weather-resistant walled envelope.
- (2) Window frames and glass shall be reasonably weather-tight and shall have panes without cracks or holes, and the sash shall fit properly. Missing or

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<sup>125</sup> Current Sec. 17-1-80(3).

<sup>126</sup> Current Sec. 16-8-30.

<sup>127</sup> Increased from 90.

<sup>128</sup> Current Sec. 16-8-70, broadened to apply to all.

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broken panes shall be promptly repaired. Windows and any other structural openings in the building shall not be boarded up for a period exceeding 30 calendar days in any given calendar year.

- (3) Doors providing entrance and exits for any structure shall fit properly and have locking devices capable of being operated from the inside and outside of the building. Barrel bolts and hasps with padlocks are not adequate for primary doors.
- (4) Fences, walls, and accessory buildings shall be maintained in a reasonably good condition, free of excess amounts of missing, broken, dilapidated or nonfunctional elements or safety hazards.
- (5) Platforms, landings, decks, and steps shall be provided, where appropriate, to serve as exits and shall be maintained in a safe condition.
- (6) Exterior awnings, shutters, and other architectural features shall be maintained in reasonably good condition, free of excess amounts of missing, broken, dilapidated or nonfunctional elements or safety hazards.
- (7) Vacant lots shall be maintained in a clean and orderly manner, free of noxious weeds, grass or weeds over one foot in height, litter, rubbish, graffiti, storage of any type of vehicle, trailer and/or materials, or any objectionable, unsanitary or unsightly matter of whatever nature on such real property.
- (8) Sidewalks, curbs and gutters are the duty and responsibility of any owner with property fronting any street within the Town. Sidewalks, curbs and/or gutters shall be constructed, maintained, repaired or replaced in such a manner that they are in good repair, in conformity with the established grade of the adjacent street, in accordance with Chapter 11, Article 2 of the Silverton Municipal Code, consistent with the Town's Development Standards and Specifications, in compliance with any other applicable Town policies, and free from snow, ice, mud, dirt, debris, rubbish, refuse, obstacles, encroachments or obstructions.

### **(e) Enforcement**

Responsibility for the administration of this Section shall be with the Building Official and the Code Enforcement Officer.

- (1) The Building Official and Code Enforcement Officer shall provide the property owner, via hand-delivery or certified mail, a detailed account of the nature and extent of the deficiencies of any structure in violation of this Subsection. The property owner shall have not more than 60 days from the receipt of the written notice to correct all such deficiencies. In the event that the certified letter is not accepted, the 60-day period shall commence on the date of the U.S. Postal Service's last failed attempt at delivery. Failure to remedy the deficient conditions shall be deemed a violation of this Subsection.
- (2) Upon the failure, neglect or refusal of any such owner to correct the deficiencies identified by the Building Official and Code Enforcement Officer,

the Town Administrator may, by order in writing, direct such condition to be abated. The order may be served upon the property owner in person or by certified mail.

- (3) Failure to comply with any of the provisions of this Section shall constitute a misdemeanor in accordance with Section 15-10-40, Violations.

# Article 11 Definitions and Measurements

## 15-11-10 Rules of Construction<sup>129</sup>

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 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.

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<sup>129</sup> 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.

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**15-11-20 Measurements and Associated Terms<sup>130</sup>**

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**(a) Building Footprint Measurement<sup>131</sup>**

The total gross area of the ground level footprint of a building measured to the exterior faces of the building, including any enclosed projection as well as porches, decks, and balconies.

**(b) 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.

**(c) 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.<sup>132</sup>

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<sup>130</sup> Supporting graphics to be added in the Full Draft of the LUC.

<sup>131</sup> New.

<sup>132</sup> Clarified measurements to be taken at corners of the subject structure.

**(d) Lot Terms and Measurements****(1) Lot**

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

**(2) Lot Line**

- a. A line marking the boundary of a lot or parcel.
- b. Front lot line means a boundary line separating a lot or parcel of land from any front street.
- c. Rear lot line means a boundary line opposite the front lot line.
- d. Side lot line means any lot line that is not a front, street-side, or a rear lot line abutting an interior lot.<sup>133</sup>
- e. Street side lot line means the lot line abutting any non-front street.<sup>134</sup>

**(3) Lot Area<sup>135</sup>**

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

**(4) Lot Coverage<sup>136</sup>**

The percentage of a lot area occupied by the footprint of principal and accessory buildings or structures.

**(5) Lot Width<sup>137</sup>**

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

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

<sup>133</sup> Replaces and simplifies current definition.

<sup>134</sup> New.

<sup>135</sup> New.

<sup>136</sup> New.

<sup>137</sup> New.

**Adaptive Controls<sup>138</sup>**

Devices such as timers, motion-sensors, and light-sensitive switches used to actively regulate the emission of light from light fixtures.

**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.<sup>139</sup>

**Animal Services<sup>140</sup>**

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 Industrial<sup>141</sup>**

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, Avalanche Hazard Areas], the following terms shall have the following meanings:

**Afforestation**

The act or process of planting and establishing a dense timber forest stand on a tract of land.

**Avalanche**

A mass of snow, ice and debris flowing and sliding across mountainous terrain and also includes the design avalanche, which is an avalanche of potential size and destructive force so as to have one percent mathematical probability of occurring in any one year.

**Avalanche Path**

The terrain boundaries of known or potential avalanches, to include the starting zone, the avalanche track and the runout zone.

<sup>138</sup> New. From International Dark Sky Community Program Guidelines June 2018.

<sup>139</sup> 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.

<sup>140</sup> New.

<sup>141</sup> New.

**Catching Structure**

An earthen berm or other physical structure built perpendicular to the direction of avalanche flow for the purpose of stopping the avalanche and thereby reducing the avalanche runout distance.

**Deflecting Structure**

An earthen berm or other physical structure built at an angle to the direction of avalanche flow for the purpose of directing the avalanche away from areas to be protected.

**Deforestation**

The act or process of cutting and removing a dense timber forest stand from a tract of land.

**Direct-Protection Structure**

Detached or internal splitting wedges and walls; direct reinforcement of structures; and avalanche sheds for the purpose of protecting individual structures or areas by diverting avalanches around or over the objects or areas to be protected.

**High Hazard Red Zone**

A geographical land area impacted by snow avalanche activity producing a total avalanche impact pressure in excess of 600 pounds per square foot on a flat surface normal to the direction of avalanche flow and/or having a return interval of less than 30 years.

**Moderate Hazard Blue Zone**

A geographical land area impacted by snow avalanche activity, producing a total avalanche impact pressure of less than 600 pounds per square foot on a flat surface normal to the direction of avalanche flow and having a return interval in excess of 30 years.

**Retarding Structure**

Earthen mounds or other physical structures built in an avalanche path to create additional friction between the avalanche and the ground, spread the avalanche laterally and reduce the effective flow height and runout distance of the avalanche.

**Snow Drift Fence**

Wind fences installed in and adjacent to avalanche starting zones to reduce the amount of snow blowing into the starting zone or to distribute snow lower on the slope, thus reducing the frequency and size of avalanches.

**Snow Support Structure**

Continuous or closely spaced fences, vertical rakes, wire-rope nets or other structures built in rows across avalanche slopes to anchor the snow in the starting zone, thereby preventing release.

## B

### **Bar or Tavern**<sup>142</sup>

An establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products is secondary.

### **Bed and Breakfast**

A single-unit 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 alley.

## C

### **Car Wash**<sup>143</sup>

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

### **Cemetery**<sup>144</sup>

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.

### **Common Open Space**<sup>145</sup>

A type of open space reserved for the use of the residents of a development and their guests for passive and/or active recreation.

### **Community Center**<sup>146</sup>

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.

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<sup>142</sup> New.

<sup>143</sup> Replaces current definition.

<sup>144</sup> New.

<sup>145</sup> New.

<sup>146</sup> Expands current definition of community center and consolidates with public recreation facilities.

**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 Facility<sup>147</sup>**

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 Industry<sup>148</sup>**

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 Alcohol<sup>149</sup>**

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

**D****Day Care Center, Adult<sup>150</sup>**

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, Child<sup>151</sup>**

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

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<sup>147</sup> New.

<sup>148</sup> New.

<sup>149</sup> New.

<sup>150</sup> New.

<sup>151</sup> Replaces child care center.

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 Facility<sup>152</sup>**

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 Facility<sup>153</sup>**

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 Facility<sup>154</sup>**

A site design or site feature that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their vehicles. This use includes but is not limited to drive-by and drive-up pickup facilities for parcels, goods, food, or beverages.

**Dwelling, Duplex<sup>155</sup>**

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, Fourplex<sup>156</sup>**

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.

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<sup>152</sup> Replaces 'jail.'

<sup>153</sup> New.

<sup>154</sup> New.

<sup>155</sup> New.

<sup>156</sup> New.

**Dwelling, Single-Unit Attached<sup>157</sup>**

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 Detached<sup>158</sup>**

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

**Dwelling, Triplex<sup>159</sup>**

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.

**Dwelling Unit<sup>160</sup>**

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.

**Electric Vehicle Charging Station<sup>161</sup>**

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 Operation<sup>162</sup>**

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

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<sup>157</sup> New.

<sup>158</sup> New.

<sup>159</sup> New.

<sup>160</sup> New, replaces current definition.

<sup>161</sup> New.

<sup>162</sup> Replaces “horse stables or businesses.”

## F

### **Family Child Care Home<sup>163</sup>**

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 Stand<sup>164</sup>**

A temporary structure used for the sale and display of agricultural or horticultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool.

### **Farmer's Market<sup>165</sup>**

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 Institution<sup>166</sup>**

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.

### **Finished Grade<sup>167</sup>**

The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

## **Flood Hazard-Related Definitions**

When used in the context of flood hazard regulations in Section <> [15-5-20], Flood Hazard Areas] the following terms shall have the following meanings:

### **Area of Special Flood Hazard**

The land in the floodplain within a community subject to a one-percent or greater change of flooding in any given year; i.e., the 100-year floodplain.

### **Base Flood**

A flood having a one-percent change of being equaled or exceeded in any given year.

### **Base Flood Elevation (BFE)**

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE that indicates the water

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<sup>163</sup> Replaces definition for 'Family Care Home.'

<sup>164</sup> New.

<sup>165</sup> New.

<sup>166</sup> New.

<sup>167</sup> New.

surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

**Basement**

Any area of a building having its floor sub-grade (below ground level) on all sides.

**Conditional Letter of Map Revision (CLOMR)**

FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Critical Facility**

A structure or related infrastructure, but not the land on which it is situated, as specified in Section <> [15-5-20(f), Standards for Critical Facilities], that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

**Critical Feature**

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Development**

Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**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.

**Fully Shielded<sup>168</sup>**

A light source screened, and its light directed in such a way that none is emitted above the horizontal plane passing through its lowest light-emitting part.

**G**

**Government or Public Facility<sup>169</sup>**

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.

**Greenhouse<sup>170</sup>**

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 Home<sup>171</sup>**

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.

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<sup>168</sup> New. From International Dark Sky Community Program Guidelines June 2018.

<sup>169</sup> Replaces 'Public Offices.'

<sup>170</sup> New.

<sup>171</sup> New.

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**Historic Review-Related Definitions<sup>172</sup>**

**Alteration or Alter**

Any act or process that changes one or more of the exterior architectural or landscape features of a building, structure, site, object, or district.

**Certificate of Appropriateness**

Certificate issued by the Committee authorizing any proposed repair, restoration, Alteration, Construction, Relocation, or Demolition of a Historic Property or element within a Historic District pursuant to Section 15-2-80(a).

**Certificate of Economic Hardship**

A certificate issued by the Committee authorizing the repair, restoration, Alteration, Construction, Relocation, or Demolition of a designated Building, Structure, Object, Site, or element within a designated Historic District in accordance with the provisions of Section 15-2-80(a), even though a Certificate of Appropriateness has previously been denied.

**Colorado State Register of Historic Properties**

The official listing of state designated cultural resources.

**Compatible or Compatibility**

Consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual Building, Structure, Object, or Site or of surrounding Properties.

**Contributing Property**

A Building, Structure, Site, or Object that reflects the historic or architectural character within a Historic District.

**Demolition or Demolish**

Any act or process that destroys in part or in whole a Building, Structure, Object, or Site.

**Design Guidelines**

A standard of appropriate activity that will preserve the historic and architectural character of a Historic Property, Property, or Historic District.

**Historic Property**

A Building, Structure, Site, or Object which is designated by the Board of Trustees pursuant to Section 15-2-80(a).

**Historic Register**

The register established pursuant to Section 15-2-80(a).

**Historic Significance**

The meaning or value ascribed to a Building, Structure, Object, Site, or district based on criteria for evaluation as defined by Section 15-2-80(a).

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<sup>172</sup> New. Aligns with the State's requirements to become a Certified Local Government.

**Infill**

Construction on vacant or under-used parcels within existing areas that are largely developed.

**Integrity**

The ability of a property to convey its Historic Significance through its physical features.

**Inventory**

Catalog of Buildings, Structures, Objects, and Sites within the Town, listed, eligible for listing, or non-eligible for listing in the Town's Historic Register.

**National Register of Historic Places**

The list of significant Buildings, Structures, Sites, Objects, or districts in American history, architecture, archaeology, engineering, or culture maintained by the U.S. Secretary of the Interior.

**Non-Contributing Property**

A Building, Structure, Object, or Site that does not reflect the historic or architectural character within a Historic District because of age or lack of Integrity.

**Object**

A material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**Period of Significance**

Span of time during which significant events and activities occurred.

**Secretary of the Interior's Standards for the Treatment of Historic Properties**

The preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.

**Section 106 Review**

Process required of federal agencies under 54 U.S.C. 306108 to consult local governments and other parties in consideration of the effects of projects carried out, permitted, licensed, or funded by that agency on properties listed in the National Register of Historic Places.

**Site**

Location of a significant event; a prehistoric or historic occupation or activity; or a Building, Structure, or Object, whether standing or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing Building, Structure, or Object.

**Structure**

A Construction for purposes other than shelter for humans, animals, or chattel (such as a road, bridge, canal, or fence).

**Year-Round Resident of the Town**

A Resident of the Town of Silverton who resides in the Town or San Juan County at least 9 months per calendar year, and that such residence must be the primary residence and usual place of return of the person, as documented by the following documents: driver's license or Colorado State Identification Card and voter registration. "Person" shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.

**Home Occupation<sup>173</sup>**

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.

**Hospital<sup>174</sup>**

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 Motel<sup>175</sup>**

An establishment in which lodging is provided and offered to the public for compensation for periods of time not exceeding thirty 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.

**Household<sup>176</sup>**

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 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**

**K**

**Horse and Livestock Keeping<sup>177</sup>**

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

<sup>173</sup> Replaces current definition.

<sup>174</sup> New definition.

<sup>175</sup> Deleted "A commercial building that is approved or allowed through variance for a designated zoning district" from definition and replaced current definition.

<sup>176</sup> New.

<sup>177</sup>

**Kennel<sup>178</sup>**

A facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding, or training or selling of animals occurs.

**L**

**Landscaping Professional<sup>179</sup>**

An individual employed by a company that engages in landscaping activities as a primary or substantial source of revenue.

**Library<sup>180</sup>**

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 Home<sup>181</sup>**

A factory-built structure that is manufactured or constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, that became effective July 15, 1976 (HUD Code).

**Manufactured Home Park<sup>182</sup>**

Any parcel of land designed for the placement of two or more manufactured homes or tiny homes, located and maintained for dwelling purposes on a permanent or semi-permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

**Manufacturing and Assembly, Heavy<sup>183</sup>**

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

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<sup>178</sup> Replaces current definition.

<sup>179</sup> New.

<sup>180</sup> New definition for currently undefined term.

<sup>181</sup> New. Removed size and other design standards in current definition.

<sup>182</sup> New.

<sup>183</sup> New.

waste disposal site, or a yard waste compost facility, and does not include any use that constitutes a public nuisance.

### **Manufacturing and Assembly, Light<sup>184</sup>**

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 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 his or her license at the time the license was issued, or that were placed on his or her 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:

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<sup>184</sup> New.

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.

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**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 his or her 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 Garden<sup>185</sup>**

The commercial (for profit) production of vegetables, fruits, flowers, and other plants on an area of land not more than one acre. This may be accomplished using one or more greenhouses. Any greenhouse on properties zoned residential shall be considered an accessory use.

**Master Plan**

A plan for guiding and controlling the physical development of land use and circulation facilities in the Town and any amendment or extension of such a plan.

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<sup>185</sup> New.

**Maximum Extent Practicable<sup>186</sup>**

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 Clinic<sup>187</sup>**

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 Club<sup>188</sup>**

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 Home<sup>189</sup>**

Any vehicle or similar portable structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Mobile home includes any structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured.

**Museum<sup>190</sup>**

A facility open to the public, with or without charge, for the collection of nature, scientific, or literary objects of interest or works of art, not including the regular sale or distribution of the objects collected. Museums may include incidental retail and food and beverage sales.

**N**

**Nonconforming Lot<sup>191</sup>**

A lot, the area, dimensions, or location of which was lawful when the lot was created but that was rendered noncompliant with this LUC by its adoption or the adoption of an amendment to it.

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<sup>186</sup> New.

<sup>187</sup> New.

<sup>188</sup> New.

<sup>189</sup> Replaces current definition.

<sup>190</sup> New definition for currently undefined term.

<sup>191</sup> New.

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**Nonconforming Structure**

A structure or building that was lawful prior to the adoption, revision, or amendment of this Code, but that fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming or compliant structure in the zone district in which such structure or building is located.

**Nonconforming Use**

A use or activity that was lawful prior to the adoption, revision, or amendment of this Code, but that by reason of such adoption, revision, or amendment, is no longer permitted in the zoning district in which such use or activity is located.

**O**

**Office<sup>192</sup>**

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

**Outdoor Commercial Storage<sup>193</sup>**

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 Light Fixture<sup>194</sup>**

An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking areas, pathways, sidewalks, streets, alleys, service canopies, recreational areas, signs, or other similar outdoor lighting uses.

**Outdoor Residential Storage<sup>195</sup>**

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 Space<sup>196</sup>**

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

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<sup>192</sup> New

<sup>193</sup> New.

<sup>194</sup> New.

<sup>195</sup> New.

<sup>196</sup> New.

trails, open fields, arboreta, botanical gardens, sports fields, dog parks, skate parks, plazas, splash pads, playgrounds, picnic areas, and similar amenities.

### **Person**

An individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership.

The word person also means a municipality or state agency.

### **Personal Services<sup>197</sup>**

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 Unit<sup>198</sup>**

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 Facilities<sup>199</sup>**

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.<sup>200</sup>

### **Recreation and Entertainment, Indoor<sup>201</sup>**

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,

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<sup>197</sup> Replaces current definition.

<sup>198</sup> New.

<sup>199</sup> New definition for currently undefined term.

<sup>200</sup> Current 16-1-20 (Ord 2023-03)

<sup>201</sup> Consolidation of 'Places/Venues for Public Entertainment/Recreation' and 'Centers for the performing, visual or literary arts.'

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

**Recreation and Entertainment, Outdoor<sup>202</sup>**

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 Vehicle<sup>203</sup>**

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 Park<sup>204</sup>**

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.

**Redevelopment<sup>205</sup>**

Redevelopment of 75 percent or more of the gross building square footage of an existing primary structure.

**Religious Assembly<sup>206</sup>**

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

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<sup>202</sup> Consolidation of 'Places/Venues for Public Entertainment and Recreation.'

<sup>203</sup> Replaces 'Camper.'

<sup>204</sup> Replaces 'Camper Park.'

<sup>205</sup> New.

<sup>206</sup> New.

**Repair, High Impact<sup>207</sup>**

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 Impact<sup>208</sup>**

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.

**Restaurant<sup>209</sup>**

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 Sales<sup>210</sup>**

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.

**S**

**School, Elementary or Secondary<sup>211</sup>**

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.

<sup>207</sup> Replaces current definition.

<sup>208</sup> Replaces current definition.

<sup>209</sup> New definition.

<sup>210</sup> New.

<sup>211</sup> New.

**School, University or College<sup>212</sup>**

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, Vocational<sup>213</sup>**

A vocational or technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities.

**Seasonal Housing<sup>214</sup>**

The temporary residential occupancy (no more than six months) of temporary structures including tents, yurts, huts, cabins, manufactured dwellings including pallet shelters, recreational vehicles, and other similar structures are placed for use as a shelter for employees working for local Silverton establishments.

**Service Station<sup>215</sup>**

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas, or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory use may include restaurants, and convenience food and beverage sales.

**Sign-Related Definitions<sup>216</sup>**

**Flag**

Any fabric or bunting containing distinctive colors, patterns, symbols or graphic depictions or text that is attached to a pole or similar staff.

**Sign**

Any identification, illustration, means of communication, or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that is intended to direct attention, advertise, announce, communicate, declare, demonstrate, or display a particular use, product, service, idea, interest, or message.

**Sign, Awning**

A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**Sign, Electronic**

A sign that is internally lit to display messages and images that are changed electronically. The lit sign area may be of various types, including but not limited to

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<sup>212</sup> New.

<sup>213</sup> New.

<sup>214</sup> New.

<sup>215</sup> Re places current definition.

<sup>216</sup> New.

flat screen, active display matrix, or a board with a single or multiple lines of text or graphics. The light source may vary but is typically Light Emitting Diodes (LED).

**Sign, Freestanding**

A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports; and not attached to or dependent for support from any building.

**Sign, Nonconforming**

Any sign lawfully constructed prior to the Effective Date that fails to conform to the provisions of this Code.

**Sign, Off-Premises**

A sign that carries a message of any kind or directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

**Sign, Projecting**

A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

**Sign, Public**

A sign erected by or on the order of a public officer in the performance of a public duty, such as signs to promote safety or traffic signs; signs to indicate transit stops; memorial plaques; or signs of historic interest.

**Sign, Roof**

A business sign erected upon or above a roof or parapet of a building or structure. Mansard roof signs shall be considered wall signs.

**Sign, Sandwich Board**

A movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

**Sign, Temporary**

A sign that is placed for display during a limited period of time only. A temporary sign is generally constructed of lightweight materials and installed in a manner so as to be easily removed.

**Sign, Temporary Banner**

A temporary sign composed of lightweight material secured or mounted so as to allow movement caused by wind.

**Sign, Vehicle**

A sign or other advertising device painted on or otherwise permanently affixed to a car, truck, trailer, or other similar vehicle.

**Sign, Wall**

A sign painted on or attached flat and parallel to the exterior wall or surface of a building or other structure, and that projects not more than 12 inches from that wall or surface.

**Sign, Wind**

Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

**Sign, Window**

Any sign or advertising device affixed to the interior or exterior of a window or placed immediately behind a window frame so as to be seen from persons outside the building.

**Sign, Yard**

A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

**Solar Energy System, Ground- or Roof-Mounted (Accessory)<sup>217</sup>**

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.
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.

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<sup>217</sup> New.

**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.

**Substantial Damage<sup>218</sup>**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred

**T**

**Tiny Home<sup>219</sup>**

A structure that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;
3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
4. Is not self-propelled; and
5. Has a square footage of not more than 400 square feet.

In order to meet this definition, a tiny home must be built to the International Residential Code as adopted by the Building Codes and Standards program within the Division of Housing. Colorado tiny homes will receive a metal plate insignia that certifies the tiny home is built to the codes and standards of the program. This use does not include manufactured homes, recreational park trailers, or recreational vehicles.

**Transportation Facilities<sup>220</sup>**

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.

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<sup>218</sup> New.

<sup>219</sup> New definition to align with Colorado HB22-1242.

<sup>220</sup> Definition from Mooresville, NC.

**U****Utility, Major<sup>221</sup>**

A facility providing an important regional utility service, such as water, sewer, or drainage, that normally entails construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include but are not limited to: utility-scale solar, water works, sewage treatment plants, reservoirs, regional storm water detention ponds and other similar facilities.

**Utility, Minor<sup>222</sup>**

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 Rental<sup>223</sup>**

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<sup>224</sup>**

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)<sup>225</sup>**

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

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<sup>221</sup> New.

<sup>222</sup> New.

<sup>223</sup> New.

<sup>224</sup> Replaces current definition of 'Warehouse.'

<sup>225</sup> New.

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 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**

# Article 12 Drafting Conventions & Document Template

## 15-12-10 Drafting Conventions

### (a) Naming Conventions

- **What is the formal name for the Code?**  
Land Use Code (LUC)
- **Is there an additional term that can be used in the document?**  
Code, this Code (main reference), this LUC
- **What is the format for page numbering?**  
Roman in TOC, numerical in order 1-xxx for main document, starting at 1

### (b) Cross-References, Table & Figure Format

- **What is the cross-references format for intertext references to other sections of the Code?**
  - Prior section/later section = link to full heading number: e.g., “and the standards in Section 15-9-10(a) also apply.”
  - Add section title if x-ref is remote or in another article e.g. “and the standards in Article 2, Base Districts shall apply.”
  - Don’t add “of this Code” (or similar) to a reference.
- **Capitalization/use of Section, subsection, paragraph, etc.:**
  - Chapter is capitalized
  - “Section” and “Subsection” with AND without a section number (e.g., “this Section”) is capitalized
  - Use the full title in a cross-reference: Section, not Sec.
  - Only use Subsection when citing certain paragraphs in the same heading level – otherwise should be Section

For example: this should be “Section”

  - (6) Violation and penalty: Failure to comply with any of the provisions of this Section shall constitute a misdemeanor in accordance with **Subsection** 16-1-30(c) of this Chapter.
  - (7) Appeals: Appeals of the Building Official and Code Enforcement Officer's decision regarding this Section shall be pursuant to **Subsection** 16-1-30(d) of this Chapter.

And this is the correct use of “Subsection”

- (c) The subdivider may, with approval of the Planning Commission, satisfy the requirements of this Section by providing the land area specified in **Subsection** (a) above for recreation, complete with recreational facilities and lands that are available to the general public on an equitable basis. If such facilities are subsequently restricted from public use, the fees specified in this Section shall become due and payable to the Town by the owner of record at the time, based on current market value of the land.

- Don't use term paragraph or subparagraph – “lowest” level is Subsection
- **What is the format for referencing sections of the Code in future drafts:**
  - Section <>[new/current code heading]
  - Example: Section <>[Nonconforming Buildings or Structures]
- **How are figures titled/formatted?**
  - Large graphic centered, top/bottom alignment
  - Caption centered under graphic (bold). Figure 15-Main Article.1 (continue counting up until new article) Figure Title
- **How are table titles formatted?**
  - Table 15-Main Article Number-Number(Table 20-1-1): Table Title

**(c) Drafting Commentaries and Footnotes:**

- Commentary at the beginning of each article and any major changes
- Footnotes: Include “Current 16-x-xx” and be specific about what has changed.

**(d) Terms, Titles, and Other Text**

- **How to reference Comprehensive Plan/Master Plan:**
  - Master Plan
- **How to reference elected bodies, boards, and commissions:**
  - Board of Trustees
  - Planning Commission
  - Board of Adjustment
  - Town Administrator
  - Historic Review Committee
- **How to reference the Planning Department and Staff?**
  - Planning Department, Town Staff
  - Capitalize titles.
  - Town Administrator and all titles should be defined to include designees.
- **Pronouns**
  - They/their
- **Zone district or zoning district:**
  - Zoning district
- **Zoning District Categories – capitalize?**
  - No.
- **Names of Procedures/Permits – Capitalize:**
  - Yes, e.g., Special Use Permit or Final Plat.

- **Names of Uses – Capitalize:**

No.

**(e) Miscellaneous**

- Capitalize Town when referring to governmental agency, lower case when referring to geography
- **Principal vs. primary**
  - Use: Principal
  - Structure: Primary
  - Building: Primary
- **Numbering**
  - 1-9 written out
  - 10+ Arabic (e.g., 10), don't double number: NOT ten (10)
- Symbols in table, written out in text (e.g., % in table, percent in text)

**(f) Questions for Staff**

Ask in comment boxes, beginning with "Staff: ..."

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**15-12-20 Document Template (Heading 2)**

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Body Text 2

**(a) Heading 3<sup>226</sup>**

Body Text 3

**(1) Heading 4**

Body Text 4

**a. Heading 5**

Body Text 5

**(i) Heading 6**

Body Text 6

**1. Heading 7**

Body Text 7

**a. Heading 8**

Body Text 8

**i. Heading 9**

Body Text 9

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<sup>226</sup> Footnote.

## 15-12-30 Heading 2

- (a) List 2
  - (1) List 3
    - a. List 4
      - (i) List 5
        - 1. List 6
          - a. List 7
            - i. List 8

### Definition Letter Heading

#### Definition Header

Definition Text

#### Definition Header Indent

Definition Text Indent

### Document Commentary

Commentary Text

Table Title		
Column Heading Left	Column Heading Center	Column Heading Left
Row Heading		
Row Heading 2		
Table Text Left	Table Text Center	Table Text Right

#### Table Notes:

[1] Table Notes Text

### Full Table

Interior Borders, ½ weight, Grey  
(#BFBFBF)

### Title Row

Style: Table Title  
Color: Purple Navy (#253858)  
Row height: 0.35  
Alignment: Left

### Column Heading

Style: Table Column Heading  
Color: Tan (#E8DDCA)  
Row height: 0.2  
Alignment:  
Left most column = Left  
Columns with text = Left  
Columns with numbers = Center

### Row Heading

Style: Table Row Heading  
Color: Light Purple (#766AAB)

Row height: 0.2

Alignment:

Left most column = Left

Columns with text = Left

Columns with numbers = Center

### **Table Text**

Style: Table Text Left, Center, or Right

Color: None

Row height: 0.2

Alignment:

Left most column = Left

Columns with text = Left

Columns with numbers = Center

\*align with column heading

### **Table Notes**

Style: Table Notes Title and Table Notes

Text

Color: None

Row height: 0.2

Alignment: Left