

**TOWN OF SILT
 PLANNING AND ZONING COMMISSION AGENDA
 TUESDAY, JUNE 2, 2020 6:30 P.M.
 MUNICIPAL COUNCIL CHAMBERS
 REMOTE MEETING**

ESTIMATED TIME	ELECTRONIC AGENDA ITEM	PUBLIC HEARING/ ACTION	ELECTRONIC LOCATION AND PRESENTOR
	Agenda		Tab 1
6:30 P.M.	Call to Order		Chair Classen
	Roll Call		Chair Classen
	Pledge of Allegiance		Chair Classen
6:32 P.M.	Consent agenda Minutes of the May 5, 2020 P & Z Meeting	Action Item	Tab 2 Chair Classen
6:35 P.M.	Public Comments - A "Sign In Sheet" is available in the Council Chambers. Each speaker will limit comments to no more than three (3) minutes, with a total time of 30 minutes allotted to public comments, pursuant to Section 2.28.020 of the Silt Municipal Code		Chair Classen
6:38 P.M.	Conflicts of Interest		Chair Classen
6:39 P.M.	Agenda Changes		Chair Classen
7:00 P.M.	Arnette Fence Exception for a Proposed Fence Located at 1295 Bedrock Circle that is Contrary to Stoney Ridge Planned Unit Development Zoning Guidelines (2-Rail, Split Rail Fence)	Action Item (Public Hearing)	Tab 3 Director Aluise
7:15 P.M.	Old Business		
7:20 P.M.	New Business		
7:30 P.M.	Future Business		
7:40 P.M.	Commissioner Comments		
7:50 P.M.	Adjourn		

The next regularly scheduled meeting of the Silt Planning & Zoning Commission is tentatively set for Tuesday, July 7, 2020, at 6:30 p.m. Items on the agenda are approximate and intended as a guide for the Planning and Zoning Commission. "Estimated Time" is subject to change, as is the order of the agenda. For deadlines and information required to schedule an item on the agenda, please contact the Town of Silt at 876-2353. Please be aware that this agenda is given to the public and to the Commission in electronic form. If you require a hard-copy, please request one before or after the scheduled meeting. Normal Town copying charges may apply. Thank you.

**TOWN OF SILT
MINUTES FOR
PLANNING & ZONING COMMISSION MEETING
TUESDAY, MAY 5, 2020, 6:30 P.M.
REMOTE MEETING**

Call to Order

Chair Classen called the meeting to order at 6:31 p.m.

Roll Call

Present: Chair Chris Classen
Vice Chair Lindsey Williams
Commissioner Eddie Aragon
Commissioner Marcia Eastlund
Commissioner Joelle Dorsey
Alternate Commissioner Brittany Cocina

Absent: Alternate Commissioner #2

Also present at the meeting was Community Development Director Janet Aluise, Treasurer Amie Tucker, Doug Pratte, and John Reed.

Pledge of Allegiance

At 6:31 p.m., the Commission cited the Pledge of Allegiance.

Public Comments

There were no public comments.

Conflicts of Interest

There were no stated conflicts of interest.

Tab 2 - Consent Agenda

At 6:32 p.m., Commissioner Dorsey made a motion to approve the April 8, 2020 Planning & Zoning Commission meeting minutes, as written. Commissioner Eastlund seconded the motion and the motion carried unanimously.

Agenda Changes

There were no agenda changes.

Tab 3 – Ordinance 5, Series of 2020, AN ORDINANCE ANNEXING THAT CERTAIN PROPERTY KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.743-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

At 6:38 p.m., Director Aluisse reviewed the staff report for the Commission, stating that the annexation was appropriate per the 2017 Comprehensive Plan, as amended, as well as state statutes. She stated that the annexation process will proceed through the board, with a resolution of substantial compliance on the next Board agenda, following by a resolution of findings of fact and conclusions after four consecutive weekly public notices in the newspaper. She stated that staff recommends approval of the annexation, with the following conditions:

- 1) That all statements made by the Applicant both in the its application and in meetings before the Planning & Zoning Commission and the Board of Trustees be considered conditions of approval, unless modified in the following condition:
- 2) That the Applicant pay all fees associated with the Town’s review and approval of the annexation petition and application, including but not limited to attorney, engineering, planning, administrative and public notification costs.

The Commission had the following discussion:

- 1) Will there be parkland dedication in the Highlands at Painted Pastures? (Director Aluisse stated that the Town code does require that the applicant provide both land dedication and a park, and that the Commission will see that proposal at Sketch Plan.)
- 2) What will happen to the old silo on the property? (Mr. Pratte responded that his team has not determined what will happen to the silo at this time, as the condition is not known.)

At 6:48 p.m., Chair Classen opened the public hearing. Hearing no testimony, Chair Classen closed the public hearing at 6:48 p.m.

At 6:49 p.m., Commissioner Aragon made a motion to recommend to the Board of Trustees approval of **Ordinance 5, Series of 2020, AN ORDINANCE ANNEXING THAT CERTAIN PROPERTY KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.743-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO**

Commissioner Eastlund seconded the motion, and the motion carried unanimously with a roll call vote.

Tab 4 – Ordinance 6, Series of 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS R-2, GENERAL RESIDENTIAL DISTRICT, CERTAIN

ANNEXED LAND KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.473-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

Director Aluise stated that her presentation for Ordinance 5, Series of 2020 was complete as to the R-2 Zoning proposed.

The Commission had no questions.

At 6:51 p.m., Chair Classen opened the public hearing. Hearing no testimony, Chair Classen closed the public hearing.

At 6:52 p.m., Vice Chair Williams made a motion to recommend to the Board of Trustees approval of **Ordinance 6, Series of 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS R-2, GENERAL RESIDENTIAL DISTRICT, CERTAIN ANNEXED LAND KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.473-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO**, as written. Commissioner Aragon seconded the motion and the motion carried unanimously with a roll call vote.

Old Business

Chair Classen requested when the Town would have its next draft of the Parks, Recreation, and Culture Master Plan. Director Aluise stated that unfortunately this item has been put on the back burner while staff dealt with land use applications and COVID-19 preparation/business relief tasks, but that she would try to prepare another draft very shortly. She added that the Board of Trustees will offer another quarterly joint BOT/P & Z session shortly after meetings resume in person, and that the Commission should be prepared to speak on marijuana, sign code, and sketch plan requirements.

Chair Classen stated that there was a peaceful show of support for Town businesses urging the Town to petition the County to allow re-opening of economy.

New Business

There was no new business.

Other Business

There was no other business.

Future Business

There was no future business.

Commissioner and Staff Comments

There were no Commissioner or staff comments.

Adjournment

At 7:04 p.m., Vice Chair Williams made a motion to adjourn. Commissioner Aragon seconded the motion, and the motion carried unanimously.

Chairman Chris Classen

Community Development Director Janet Aluise

DRAFT

STAFF REPORT

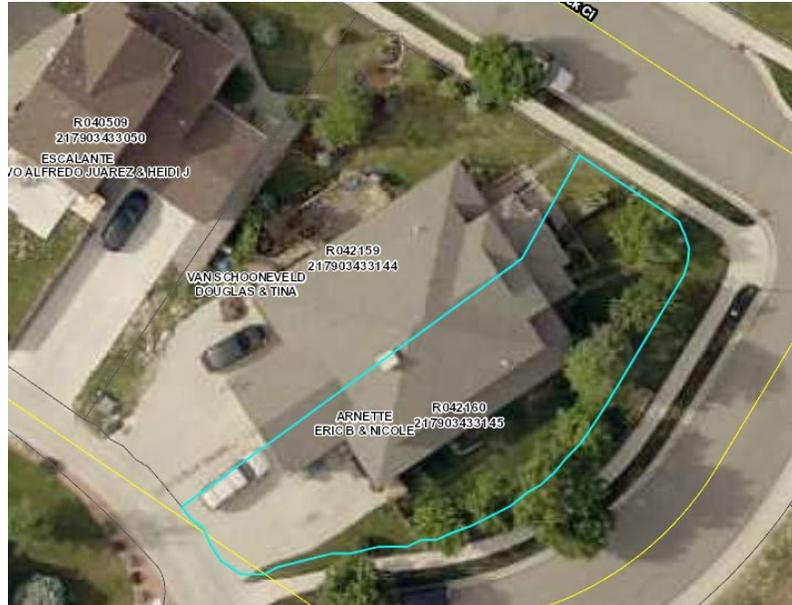
For the Remote Planning & Zoning Commission Meeting of June 2, 2020

- Applicant:** Eric Arnette
- Request:** Fence Exception for three-post wooden fence (contrary to PUD zoning that allows for 2-rail, split rail fence)
- Physical Address:** 1295 Bedrock Circle
- Property Owner:** Eric and Nicole Arnette
1295 Bedrock Circle
Silt, CO 81652
- Date Submitted:** 5/11/20
- Zone District:** Residential Planned Unit Development (Stoney Ridge PUD approved as Ordinance 10, Series of 2003, and recorded as Reception No. 625331 on 4/16/2003).
- Proposed Zoning:** No change is requested.
- Public Notice:** None required.
- PUD Code Allowance:** “Fencing. Front yards may be a two-rail, split rail natural wood not more than three feet high. Corner lots recognize front yards on both streets. Side yards and back yard fences may be a maximum of six (6) feet tall, except where these yards adjoin a street. A two-rail, split rail, natural wood fence with a maximum height of 36 inches is the only type of fence allowed in the front yard. All other fencing must adhere to Town of Silt Municipal Code regarding materials, heights, and locations of fences.”
- Applicant’s Request:** 42” fence in three-post wooden fence



Lot Size: 5,690 square feet

Vicinity Map:



I. Pertinent Silt Municipal Code

[§15.06.010 Purpose and intent \(fence code\).](#) (CTRL + Click to view)

- A. The purpose and intent of this chapter is to regulate the construction and installation of fences, retaining walls and screening devices within town boundaries and to control the design and use of fences, retaining walls and screening devices, in accordance with the regulations contained herein:
1. Promote the effective use of fences, retaining walls and screening devices;
 2. To protect the public, preserve the Town's character, and prevent visual discord and clutter within the Town;
 3. Encourage the development of private property in harmony with the desired character of the Town while providing due regard for the public and private interests involved.

[§15.06.040 Heights of fences, retaining walls or screening devices in all residential zone districts.](#) (CTRL + Click to view)

Except as otherwise provided for in this code, the maximum height of fences, retaining walls, or screening devices, or combination thereof, shall be as follows in all residential zone districts:

- A. Forty-two inches in any yard adjoining a public street;
- B. Forty-two inches for any portion of side yard or rear yard fence that extends into the setback adjoining a public street;

- C. Six feet in rear yards and side yards, where these areas do not adjoin a public street;
- D. The height of fences, retaining walls, or screening devices shall be measured from the top of the curb of the adjoining street or the top of the crown of the adjoining street or alley where no curb exists;
- E. If the elevation of the yard is above or below the elevation of the street, the maximum height of a fence in that yard shall be six feet, except as otherwise stated for yards that adjoin public streets and alleys; &
- F. No property owner may artificially lower or raise his lot, by cutting, filling or other means, in order to avoid the provisions of this section.

§15.06.055 Exceptions – Special Review. (CTRL + Click to view)

- A. Any person may apply to the Planning and Zoning Commission for an exception to the provisions of Sections 15.06.030 and 15.06.040, regarding type, size, height, and location of fences, retaining walls and screening devices. Additionally, an applicant may appeal a decision or interpretation made by the town administrator or his designee regarding the provisions of the aforementioned sections.
- B. An exception may be granted if the fence, retaining wall or screening device will result in a harmonious addition to the community, otherwise complies with this chapter and is consistent with the following guidelines:
 - 1. Fence, retaining wall or screening device height shall be limited to the lowest possible height in order to achieve the intended result, and in no case shall residential fences, retaining walls or screening devices exceed six (6) feet in height;
 - 2. Fence, retaining wall or screening device shall not negatively detract from the adjacent properties or the surrounding visual corridors;
 - 3. Fence, retaining wall or screening device shall be designed to accommodate the existing topography of the site;
 - 4. Fence, retaining wall or screening device shall be located completely within the applicant's property; and
 - 5. Fence, retaining wall or screening device shall not create a hazard to pedestrian traffic, vehicular traffic, or any use of a public property, including but not limited to pedestrian, access and drainage easements.
- C. An applicant requesting a fence, retaining wall or screening device exception shall submit to the Town a complete fence permit application on a form provided by the Town, and a statement by the applicant detailing the type of exception requested, for consideration by the Planning & Zoning Commission in a regularly scheduled meeting.
 - 1. The applicant for a fence, retaining wall or screening device exception shall submit to the Town a fee equal to the fence permit fee, as established by the Board annually;
 - 2. Submittals shall be in conformance with this chapter;

3. Applicant shall publicly notice the fence exception in a manner of a zoning variance, per this code.
- D. Appeal to Commission's Decision – Process. Any person aggrieved of a decision by the planning and zoning commission regarding a fence exception may appeal to the board of trustees within seven days of the commission's fence exception decision, for consideration at a regularly scheduled meeting.
1. The applicant for a fence exception appeal shall submit to the town a statement as to the reason for the appeal, and any other item as requested by the town in order for the town to review the appeal;
 2. The applicant for a fence exception appeal shall submit to the town a fee equal to the fence permit fee, as established by the board annually, or more often as necessary;
 3. Applicant shall publicly notice the fence exception appeal in a manner of a zoning variance, per this code;
 4. The board shall review the fence exception appeal at the first available regularly scheduled meeting following the commission's decision;
 5. The board, in its sole and final discretion, shall affirm the commission's decision, deny the commission's decision or affirm the commission's decision with additional conditions.

II. Staff Comments

The applicant requests a forty-two-inch tall, three-post wood fence in the front yard. The Stoney Ridge Planned Unit Development Guidelines allow a thirty-six-inch tall two-rail split rail fence in the front yard of his lot. As the Silt Municipal Code allows for a fence exception to a code requirement, the Planning & Zoning Commission must necessarily find that the proposed fence does not substantively deviate from the PUD Guidelines. Enclosed in the packet is an email from Megan Pelky, whom the applicant represents is an officer in the Homeowners' Association, and for which grants acceptance of the proposed fence.

III. Recommendation

Staff recommends approval of the Arnette Fence Exception, with the following conditions:

- 1) That the proposed fence meets all applicable criteria in the Silt Municipal Code Chapter 15.06;
- 2) That the proposed fence be located entirely on the applicant's property; and
- 3) That the fence exception is limited to the exact request as depicted in the applicant's submitted photograph/site plan.

TOWN OF SILT
ORDINANCE NO. 10
SERIES OF 2003

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AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS A PLANNED UNIT DEVELOPMENT CERTAIN NEWLY ANNEXED LAND COMMONLY KNOWN AS STONEY RIDGE P.U.D.

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Silt, Colorado ("Town") to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

WHEREAS, the Town received an annexation application and petition from Kelly and Michael Lyon Family, LLC (hereinafter "Applicant") on or about June 24, 2002, requesting annexation of property commonly known as "Stoney Ridge" within Garfield County, Colorado, and further described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter "the Property"); and

WHEREAS, the Town received a zoning application from Applicant on or about January 21, 2003, requesting that a planned unit development zone district be created for the Property once annexed to the Town; and

WHEREAS, at its regularly scheduled meeting on September 23, 2002, the Board of Trustees of the Town ("Board") passed Resolution 25, Series of 2002 finding that the Applicant's annexation petition substantially complied with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-101, et seq., as amended, and the Board approved the Property's annexation to the Town by Ordinance No. 28, Series of 2002 on January 13, 2003; and

WHEREAS, the Silt Planning and Zoning Commission considered the zoning application for the Property at a duly-noticed public meeting on March 4, 2003, pursuant to the Silt Municipal Code ("Code") and pertinent Colorado Revised Statutes, and did recommend approval of Applicant's zoning request with conditions; and

WHEREAS, the Town has held the required duly-noticed public hearings before the Board, pursuant to the Code and pertinent Colorado Revised Statutes, as necessary for the Town to act on Applicant's zoning request for the Property; and

WHEREAS, at its March 24, 2003, meeting, the Board determined that the proposed zoning for the Property is consistent and in conformity with the existing pattern of zoning within the Town, with the Town's annexation plan, with the Town's Comprehensive Plan, as amended, and that the proposed zoning will allow the Property to be developed in an efficient and economical manner, as required by the Planned Unit Development Act of 1972 set forth in C.R.S. §§24-67-101, et seq.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT:

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Section 1. Findings of Fact. The Board incorporates the foregoing recitals as findings and determinations, and conclusively makes all of the Findings of Fact, Determinations, and Conclusions contained herein.

Section 2. Planned Unit Development Zoning. The subject property shall be considered, and is hereby zoned, as a planned unit development, and the zone districts created by this ordinance shall be governed in conformity with the regulations contained in this ordinance. The provisions of the future zoning ordinances of the Town of Silt that conflict with the provisions of this ordinance shall not apply to the subject property unless such ordinances specifically apply to planned unit developments.

Section 3. Zone Location and Boundaries. The location and boundaries of the zone districts established by this Ordinance for the subject property are as shown on the final PUD Zoning Plan Map, which shall be as recorded in the office of the Garfield County, Colorado Clerk and Recorder upon satisfaction of the conditions set forth herein. Upon recordation, said map shall be incorporated herein by this reference. Minor modifications of the PUD zone district boundaries may be made as a result of the engineering design associated with the preliminary plat.

Section 4. Annexation and Development Agreement. Such zoning and the Property shall in all respects be subject to the terms and conditions, including restrictions on allowable uses, contained in the Annexation and Development Agreement ("ADA") between the Applicant and the Town, which Agreement was executed MARCH 11TH, 2003, and recorded in the Office of the Garfield County Clerk and Recorder. The ADA is incorporated herein by this reference as though set forth in full.

Section 5. Planned Unit Development Zone District Text. The regulations of the PUD Zone District shall be as follows:

A. Definitions.

1. **Architecturally Compatible** - The physical appearance of a structure in terms of shape, exterior appearance, fenestration and other characteristics that render a structure similar in appearance to, but not identical to, nearby residential structures.
2. **Accessory Dwelling Unit** - An attached or detached building on a lot used as a dwelling unit which is secondary to the main dwelling unit and which may be rented or leased for monetary or other financial consideration.
3. **Building Envelope** - The area on designated lots within the subdivision, determined at Preliminary Plan, and recorded on the Final Plat, within which a structure may be built.
4. **Building Footprint** - The outline formed by the exterior perimeter of a building extending from the ground to the sky not including uncovered walkways, patios or decks no higher than thirty inches from finished grade
5. **Building Height** - The vertical distance measured from the average finished grade four feet perpendicular from the structure foundation to the midpoint between the roof peak and the top plate of the wall.
6. **Customary Accessory Buildings/Structures** - A detached building on the same lot as and subordinate to the main building and used for purposes customarily incidental to the main or principal building including, but not limited to, storage sheds, private garages, non-commercial workshops and non-commercial greenhouses.
7. **Detention Ponds** - A structure designed to store and control water and used in association with storm water management or irrigation systems.

8. **Duplex** - Two (2) residential dwellings, other than manufactured or mobile homes, within a single building and under a single roof.
9. **Dwelling Unit** - A building, or portion thereof, providing complete and prominent living facilities for one family.
10. **Roof Pitch** - Applicable to all roofs including porches, accessory buildings, garages.
11. **Front Yard** - A yard across the full width of the lot, extending from the front line of the building to the front line of the lot.
12. **Home Occupation** - A business, occupation or activity that is operated for compensation on a lot in a residential structure and as further defined under the subparagraph entitled "Home Occupation" in these PUD regulations.
13. **Lot Area** - The net area of a lot.
14. **Lot Coverage** - The percent of a lot covered by the roof of buildings, including roof eaves.
15. **Lot Width** - The distance between side lot lines, measured at the front building line.
16. **Noncommercial greenhouse** - A structure (attached or detached) utilized for growing plant materials for residential purposes and not for compensation.
17. **Noncommercial workshop** - An attached or detached space utilized for homeowner construction or fabrication projects that is clearly incidental to the primary use on a lot and is not used for compensation or commercial purposes, but adheres to §17.49 of SMC.
18. **Permitted Use** - A use by right.
- 19.
20. **Prohibited Use** - A use not allowed under any circumstance in a PUD zone district, even by variances or special use permit
21. **Public Park** - Land within the PUD that is dedicated for public use as a park.
22. **Pumping Facilities** - Piping, pumps, valves, buildings and structures appurtenant thereto used for pressurizing, moving and storing both treated and non-treated water.
23. **Rear Yard** - A yard adjacent to a rear lot line and extending from the lot line into the lot to the structure.
24. **Setback** - Open space at grade between a structure and the property line of the lot on which the structure is located measured by the horizontal distance between the lot line and the closest projection of the principal building or accessory building, which is unoccupied and unobstructed from the ground upward, except for permitted fences, landscaping, and structures not requiring a building permit.
25. **Side Yard** - An open, unoccupied space on the same lot with a building between the building and the sideline of a lot extending from the front of the building line to the rear yard.
26. **Single Family Dwelling** - A building arranged, designed and intended to be occupied by one (1) family.
27. **Special Use** - A use that requires issuance of a Special Use Permit by the Town of Silt.
28. **Storage Sheds** - A structure, not to exceed 120 square feet in footprint and 12 feet in height, used for the storage of personal property belonging to the lot or unit owner, which is Architecturally Compatible to the primary structure.
29. **Office** - A structure intended by the developer to be used for the developer's sale of lots.

- 30. **Utility Building** - A structure located on the public park site used for storage, to house pumps or irrigation facilities that is Architecturally Compatible, subject to review and approval by the homeowners association and the Town of Silt and that meets the requirements of the PUD zone district.
- 31. **Front Porches** - A structure attached to front of house with a permanent Roof - **Construction Trailers** - A modular unit for use by the developer or contractor during infrastructure or construction of homes.

B. Residential Single Family District.

- 1. **Intent.** It is the intent of this district to allow for owner occupied and rental low-density larger lot Single Family Dwellings and Home Occupations that are not detrimental to the overall character of the residential neighborhood.
- 2. **Permitted Uses.** Single Family dwellings Accessory Dwelling Units that are self-contained and separate from the main house living quarters, but may be above a detached garage, and that may be used by guests or leased; one Customary Accessory Building or Structure (including private garages noncommercial workshops, storage Sheds not to exceed 120 square feet and 12 feet in height, noncommercial greenhouses) that are architecturally compatible with the main structure, Home Occupations in conformance with the standards set forth in the PUD zoning supplemental regulations, parks, trails, Architecturally Compatible Utility Buildings necessary to house facilities associated with common lands and parks associated with the subdivision, such as a building to house postal boxes, Pumping Facilities, Detention Ponds and drainage facilities.
- 3. **Minimum Alley Frontage** - Full width of lots depicted on the Stoney Ridge Final Plat;
- 4. **Minimum Porch Size** - eighty (80) square feet.
- 5. **Minimum Roof Pitch for all structures** - 5:12.
- 6. **Minimum Lot Area** - 7,500 square feet.
- 7. **Maximum Lot Coverage** - 60%.
- 8. **Minimum Street Frontage** - 20 feet.
- 9. **Maximum Building Height** - 27 feet.

Setbacks

	Not adjacent to alley	Adjacent to alley
A. Front yard (lot line to main structure)	20 feet	20 feet
Porch (attached to main structure)	10 feet	10 feet
Garage (attached to main structure facing street)	5 feet behind front of house	20 feet
B. Rear yard	20 feet *	20 feet*
C. Side yard	5 feet	5 feet

* Setbacks define each lot's rear yard open space. No additional requirements apply.

- 10. **Prohibited Dwelling Uses** - HUD, UBC Modulares, factory built or manufactured dwelling units.
- 11. **Temporary Sales Office** - Any lot in the PUD Subdivision may be used as a office, which use shall terminate within 30 days after the last lot is transferred to a third party by the original owner and developer of the subdivision or its successor. A temporary building (modular, factory built or manufactured) may be used as a sales office until such time as the developer has relinquished ownership of fifty (50) percent of the lots in Phase 3 (or the last phase).



12. Construction Trailers – Any lot in the PUD Subdivision may be used for construction trailers for the infrastructure but shall be removed 30 days after all of the infrastructure in the last phase is completed. Temporary construction trailers may be used during the construction of homes for the conduct of business on the lot, but shall be removed before a Certificate of Occupancy is issued.

C. Residential Duplex District.

1. **Intent.** It is the intent of this district to allow for owner occupied and rental duplex structures up to and including Duplex Dwelling Units, park facilities and associated common space.
2. **Permitted Uses.** Single Family dwellings, Duplex dwellings, one Customary Accessory Buildings and Structures (including private garages storage Sheds not to exceed 120 square feet and 12 feet in height), Home Occupations in conformance with the standards set forth in the PUD zoning supplemental regulations, parks, trails, Architecturally Compatible Utility Buildings necessary to house facilities associated with common lands and parks associated with the subdivision, such as a building to house postal boxes, Pumping Facilities, Detention Ponds and drainage facilities.
3. **Special Use. Additional Customary Accessory Buildings and Structures.**
4. **Minimum Lot Area.**
 - a. Single Family Dwelling – 4,000 square feet.
 - b. Duplex Unit – 5,000 square feet.
 - c. Each Duplex lot is intended to be re-subdivided into fee simple lots, upon application for a subdivision exemption.

5. **Maximum Lot Coverage.** 70%.
6. **Minimum Porch Size** – eighty (80) square feet.
7. **Minimum Roof Pitch on all Structures**– 5:12.
8. **Maximum Building Height.** 27 feet.

9. Setbacks –

A.	Front yard (lot line to main structure)	<i>Not adjacent to alley</i> 20 feet	<i>Adjacent to Alley</i> 20 feet
	Porch (attached to main structure)	10 feet	10 feet
	Garage (attached to main structure facing street)	5 feet behind front of house	20 feet
B.	Rear yard	20 feet*	20 feet*
C.	Side yard	5 feet	5 feet

** setbacks define each lots rear yard open space. No additional requirements apply.*

10. **Prohibited Dwelling Uses** – HUD, UBC Modulares, factory built, or manufactured units.
11. **Temporary Sales Office** – Any lot in the PUD Subdivision may be used as a temporary sales office, which use shall terminate within 30 days after the last lot is transferred to a third party by the original owner and developer of the subdivision or its successor. A temporary building (modular, factory built or manufactured) or house may be used as a sales office until such time as the developer has relinquished ownership of fifty (50) percent of the lots in Phase 3 (or the last phase).

12. Construction Trailers – Any lot in the PUD Subdivision may be used for construction trailers for the infrastructure but shall be removed thirty (30) days after all of the infrastructure in the last phase is completed. Temporary construction trailers may be used during the construction of homes for the



conduct of business on a lot, but shall be removed before a Certificate of Occupancy is issued.

D. Open Space/Parks District.

1. **Intent.** It is the intent of this district to allow Public Park land, trails, developed parks sites, landscaped areas within streets and other facilities associated with open lands. This district is intended to meet the active and passive recreation needs of the subdivision as well as to provide esthetic values to traffic area.
2. **Permitted Uses.** Developed parks, tennis courts, basketball courts, swimming pools, restroom facilities, architecturally compatible utility buildings associated with open space operations and maintenance, water features, trails, associated parking areas, Pumping Facilities, Detention Ponds, Mail Box Facility and Clubhouse.
3. **Minimum Lot Area.** None.
4. **Maximum Lot Coverage.** (buildings only) 10%.
5. **Minimum Lot Width.** None.
6. **Maximum Building Height.** 27 feet.
7. **Setbacks.**
 - a. **Front Yard** - None except that no building shall be built closer than 20 feet to any adjoining residential dwelling.
 - b. **Rear Yard** - None except that no building shall be built closer than 20 feet to any adjoining residential dwelling.
 - c. **Side Yard** - None except that no building shall be built closer than 10 feet to any adjoining residential dwelling.

E. Supplemental Regulations.

1. **Home Occupation.** "Home Occupation" means any use conducted on a lot and carried on by the occupants thereof and up to 1.5 full-time equivalent employees (based upon a 2,080 hour work year). A home occupation use shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof. Home occupation activities must be conducted predominately within the residence and must not create or result in any nuisance or any unreasonable, unwarranted, or unlawful use of or interference with public or private rights, including, but not limited to, interference with streets, rights-of-way, or sidewalks, excessive traffic or parking requirements, or any other offensive or noxious activities. On-site retail sales shall not be associated with any home occupation use and only very limited visits by customers shall be permitted. The home occupation activity shall not involve the bulk delivery or shipment of materials or goods. No signs shall be allowed indicating the home occupation use. Storage associated with a home occupation must take place within a Customary Accessory Building or Storage Shed. A home occupation shall not occupy over twenty percent (20%) of the total floor space of the residential structure. Notwithstanding the foregoing, all business activities associated with the sale of lots or residences constructed thereon shall be allowed.

Fencing. Front yards may be a two rail, split rail natural wood not more than three feet high. Corner lots recognize front yards on both streets. Side yards and back yard fences may be a maximum of six (6) feet tall, except where these yards adjoin a street. A two-rail, split rail, natural wood fence with maximum height of 36 inches is the only



type of fence allowed in the front yard. All other fencing must adhere to Town of Silt Municipal Code regarding materials, heights and locations of fences.”

2. **Signage.** No sign of any kind shall be displayed to the public view from any Lot or any Common Element without the approval of the Association or the Design Review Committee, except for the following: (a) such signs as may be used in connection with the initial development and sale of lots or homes in the Subdivision; (b) such signs as may be required by legal proceedings, or the prohibition of which is precluded by law, (c) such signs as may be required for traffic control and regulation of Common Elements; and (d) one for sale sign per unit which sign shall not exceed two feet by three feet. (e) Such signs at all three entrances for the name of the subdivision, these signs may vary in size from 32 square feet maximum each from the two streets in Eagle View to one hundred (100) square feet from 16th Street. All signs may have bases, post, and additional rock or wood features.
3. **Parking.** All parking spaces shall be a minimum of nine (9) feet by nineteen (19) feet. No vehicle of any type shall be parked on any portion of a lot other than within an enclosed garage, on the driveway appurtenant to the lot, or fully screened by an allowed fence or landscaping. With respect to the Residential Duplex District a maximum of two (2) vehicles may be kept on a permanent basis and no vehicle of any type shall be parked on any portion of a lot other than within designated parking spaces. Trucks with a capacity in excess of one ton, trail bikes, recreational vehicles, motor homes, motor coaches, snowmobiles, campers, trailers of any type, boats or boat trailers, or similar independent or dependent vehicles shall not be parked for more than three (3) consecutive days or in any manner stored, kept or placed on any portion of a lot except within an enclosed garage. Similarly, these aforementioned vehicles or trailers shall not be stored upon any street for more than three (3) consecutive days. These restrictions, however, shall not be deemed to prohibit commercial and construction vehicles, in the ordinary course of business, from making deliveries or otherwise providing service to a lot or for construction of improvements on a lot. Minimum parking standard shall conform to the following schedule:
 - a. **On Street Parking** - One side of street as per signage approved with the Final Plat. 72 hours maximum.
 - b. **Residential Single-family District** – a minimum of four (4) off-street parking spaces per dwelling unit, except where a two-car garage per unit is proposed, in which case, only two (2) off-street parking spaces per dwelling unit is required
 - c. **Residential Duplex District** – Two (2) off-street parking spaces per dwelling unit.
 - d. **All Lots Adjacent To An Alley** – Shall access garage and off-street parking spaces from alleys only. Access to lot may be the full width of lot.
 - e. **All Lots Not Adjacent To An Alley** – Shall access garage and off-street parking spaces from street.
 - f. **Parking in Alley Right of Way** – Prohibited.



4. **Animals and Pets.** No animal, livestock, or poultry of any kind shall be kept, raised, or bred in any zone district except in those zone districts containing residential dwelling units not more than two (2) dogs and two (2) cats and other typical small household pets, such as birds and fish, may be allowed per dwelling unit; provided that any dog shall be contained within the boundaries of a Dwelling Unit's lot. The following special requirements apply to any dogs permitted:
 - a. Each dog shall be kept under the control of the lot owner at all times and shall not be permitted to run free or to cause a nuisance in the PUD or elsewhere.
 - b. No dog shall be allowed to bark excessively, which is defined as barking more or less continuously during any 15-minute period.
 - c. Each dog shall be leashed or kept in a humane kennel with shade and/or shelter from the elements, run, or physically or invisibly fenced yard at all times.
5. **Side Yard Setbacks for Duplex Units.** Side yard setbacks are not applicable to common walls in attached duplex units.
6. **Noxious Weeds and Trash.** If a lot owner fails to maintain any lot in a condition free of noxious weeds and trash, the Town may take such reasonable action as is necessary to remove such noxious weeds and trash and shall have a special assessment and lien against the lot for the cost of such action. Such special assessment and lien may be certified to Garfield County as an additional assessment to be collected in conjunction with ad valorem taxes or the Town may take such other action at law as may be available.

F. **Uses Not Enumerated.** Uses not specifically enumerated in the PUD districts are not allowed, even by special use or variance procedures.

Section 6. **Zone District Maps.** By the adoption of this Ordinance, the Town has brought the Property under the Town's zoning ordinance and, by the adoption of this Ordinance, has authorized the amendment of the Town's zone district maps to include the Property. The Town's zone district maps are currently on file at the Town Hall, in accordance with the Colorado Revised Statutes.

Section 7. **Severability.** If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a courts of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ AND APPROVED ON FIRST READING upon a public hearing the 10th day of March 2003 in the Municipal Building of the Town of Silt, Colorado.



625331 04/16/2003 04:42P B1459 P348 M ALSDORF
9 of 12 R 61.00 D 0.00 GARFIELD COUNTY CO

PASSED, APPROVED ON SECOND READING, ADOPTED AND ORDERED
PUBLISHED FOLLOWING A PUBLIC HEARING, this 24th day of March 2003.



TOWN OF SILT

Mayor John Evans

ATTEST:

Town Clerk Sheila M. McIntyre



625331 04/16/2003 04:42P B1459 P349 M ALSDORF
10 of 12 R 61.00 D 0.00 GARFIELD COUNTY CO

LEGAL DESCRIPTION

A Parcel of land defined as Lot 1, in the Mazuchi Subdivision Exemption as Amended According to the Plat recorded January 11, 1994 as Reception No. 457860 in the office of the Garfield County Clerk and Recorder together with parcels described in Book 541, Page 07, Reception No. 300259, recorded December 14, 1979, and Book 769, Page 914, Reception No. 408646 recorded December 26, 1989 also in the office of the Garfield County Clerk and Recorder, but excluding that portion of said Lot 1 conveyed out by Deed recorded May 13, 1997, Book 1018, Page 401, Reception No. 508168 and included within the Annexation Plat of First Mesa No. 2 Addition Town of Silt, Colorado; recorded March 16, 1995, as Reception No. 475592; said Parcel being located in Section 3, Township 6 South, Range 92 West of the Sixth Principal Meridian, County of Garfield, State of Colorado being further described as follows:

Beginning at the Southeast Corner of said Lot 1 whence the Southwest Corner of said Section 3 bears S 71°26'47"W, 4523.73 feet; thence S 89°34'01"W, 25.13 feet along the south line of said Lot 1 to a point on the east edge of said parcel described in Book 769 at Page 914; thence S05°36'03"W, 26.06 feet along said east line; thence S 89°06'47"W, 393.04 feet along the south line of said parcel described in Book 769 at Page 914, to the southeast corner of said parcel of land described in Book 541 at Page 07, said point also being the northeast corner of the Sixth E&J Addition to the Town of Silt; thence S89°06'47"W 358.13 feet along the north line of said Sixth E&J Addition; thence N89°07'13"W, 350.99 feet along said north line to the northwest corner of the Sixth E&J Addition; thence N00°01'13"W, 23.83 feet along the west boundary of parcel described in Book 541 at Page 7; thence S89°34'01"W 38.43 feet; thence S00°52'55"E, 100.00 feet to a point on the south line of the northwest quarter of the southeast quarter of said section 3 also being the northerly line of a parcel described in Book 320 at Page 252; thence S89°32'39"W, 495.84 feet, along said line; thence S89°31'39"W 80.94 feet, along the south line of the northeast quarter of the southwest quarter of said section 3 also being said northerly line of the parcel described in Book 320 at Page 252 to the southeast corner of Eagle's View Subdivision; thence N31°51'49"E, 683.62 feet along the easterly boundary of Eagle's View Subdivision; thence N53°47'09"E, 493.43 along the easterly boundary of Eagle's View Subdivision; thence N06°07'29"E, 1291.56 feet along the easterly boundary of Eagle's View Subdivision, to a point on the southerly boundary of Tract 19 of Antlers Orchard Development Plat; thence N89°14'19"E, 472.14 feet to the southeast corner of Tract 19, said point also being along the westerly boundary of Tract 18 of said Antlers Orchard Development; thence S00°53'31"E, 497.37 feet along the westerly boundary of Tract 18 and 31 of said Antlers Orchard Development to the southwest corner of said Tract 31; thence N89°15'42"E, 660.61 feet along the southerly boundary of Tract 31 to the northwest corner of Lot 2 Mazuchi Subdivision Exemption; thence S00°53'51"E, 333.11 feet along the westerly boundary of said Lot 2 to the southwest corner of said Lot 2, also being the northwest corner of Lot 3 Mazuchi Subdivision Exemption; thence S29°59'31"W, 516.06 feet along the westerly boundary of Lot 3 and Lot 4 of the Mazuchi Subdivision Exemption to the southwest corner of said Lot 4; thence S58°20'20"E, 202.99 feet, along the southerly boundary of said Lot 4; thence S67°08'42"E 98.78 feet along the southerly boundary of said Lot 4, to a point on the westerly boundary of Mesa View Estates Filing 1; thence S47°36'25"W 43.00 feet along said westerly boundary; thence S23°51'00"W, 174.59 feet along said westerly boundary; thence S46°50'14"W, 195.88 feet along said westerly boundary; thence S25°29'07"W, 114.10 feet along said westerly boundary; thence S35°58'46"W, 88.68 feet along said westerly boundary; thence S16°45'36"E, 144.11 feet to the point of beginning, containing 55.39 acres, more or less.

TOWN OF SILT
P.O. BOX 70
SILT, CO 81652

10/12

MISC BUILDING PERMIT APPLICATION

(sheds, roofs, decks, fences, sprinkler systems, etc)

231 North 7th Street - P.O. Box 70

Silt, CO 81652

Phone (970) 876-2353 Fax (970) 876-2937

PERMIT NO. MP-20-059

ZONE DISTRICT Res. PUD

Use of Property SFD

Job address: 1295 Bedrock Circle

Legal Description: _____

Lot No. _____ Block _____ Subdivision Stoney Ridge

Owner: Eric Arnette

Phone No. (970) 987-0223

Mailing address: 1295 Bedrock Circle Silt, Co 81652

Contractor: Self

License: _____

Phone No. _____

Describe Work: Extend and replace fence in front yard. See attached.

New Repair _____

Sq ft of Lot (s): _____ Lot Coverage (Include Overhangs): _____

Total Sq ft or Linear ft of project: 125 linear

Notice - READ AND INITIAL BEFORE SIGNING

This permit expires 180 days from the date of issuance. I certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**** REMEMBER** You MUST call for utility locates at 1-800-922-1987 at least 3 business days prior to digging for your project to prevent possible fines.****

Signature of Contractor / Date

Signature of Owner / Date

[Handwritten Signature] 4-24-2020

Valuation: _____

Total Due: _____

Permit Fee: _____

Date Paid: _____

Plan Ck Fee: _____

Receipt #: _____

Use Tax: _____

Plumbing Permit: _____

Bldg Dept Approval: _____

Mechanical Permit: _____

Planning Dept Approval: _____

Flood Plain: Yes () No ()
(If yes, see attached comments)

RECEIVED APR 29 2020



RECEIVED APR 29 2020

8/2013

FENCE EXCEPTION APPLICATION

Town of Silt
231 N. 7th Street - P.O. Box 70
Silt, CO 81652
Phone: 970/876-2353 Fax: 970/876-2937

PERMIT NO. _____

ZONE DISTRICT Res PUD

DATE 5-11-2020

NAME OF APPLICANT Eric Arnette PHONE 970 9870223

MAILING ADDRESS 1295 Bedrock Circle

NAME OF PROPERTY OWNER Eric Arnette PHONE _____

MAILING ADDRESS Somer

ADDRESS OF PROPOSED FENCE 1295 Bedrock Circle

NATURE OF BUSINESS _____

APPLICATION FEE \$35.00 DATE PAID _____ RECEIPT NO. _____

APPLICATION FEE IS \$70.00 IF FENCE IS INSTALLED PRIOR TO OBTAINING A PERMIT

BY SIGNING THIS APPLICATION, THE UNDERSIGNED CERTIFIES AND AFFIRMS THAT ALL OF THE SUBMITTED INFORMATION IS TRUE AND ACCURATE TO THE BEST OF THEIR KNOWLEDGE. SUBMISSION OF FALSE OR MISLEADING INFORMATION MAY RESULT IN REVOCATION OF ANY PERMIT ISSUED.

SIGNATURE OF APPLICANT 

DATE 5-11-2020 CONTACT NUMBER 9709870223

SIGNATURE OF PROPERTY OWNER 

DATE 5-11-2020 CONTACT NUMBER _____

15.06.055 Exceptions – Special Review.

A. Any person may apply to the Planning and Zoning Commission for an exception to the provisions of Sections 15.06.030 and 15.06.040, regarding type, size, height, and location of fences, retaining walls and screening devices. Additionally, an applicant may appeal a decision or interpretation made by the Town Administrator or his designee regarding the provisions of the aforementioned sections.

B. An exception may be granted if the fence, retaining wall or screening device will result in a harmonious addition to the community, otherwise complies with this chapter and is consistent with the following guidelines:

1. Fence, retaining wall or screening device height shall be limited to the lowest possible height in order to achieve the intended result, and in no case shall residential fences, retaining walls or screening devices exceed six (6) feet in height;
2. Fence, retaining wall or screening device shall not negatively detract from the adjacent properties or the surrounding visual corridors;

3. Fence, retaining wall or screening device shall be designed to accommodate the existing topography of the site;

4. Fence, retaining wall or screening device shall be located completely within the applicant's property; and

5. Fence, retaining wall or screening device shall not create a hazard to pedestrian traffic, vehicular traffic, or any use of a public property, including but not limited to pedestrian, access and drainage easements.

C. An applicant requesting a fence, retaining wall or screening device exception shall submit to the Town a complete fence permit application on a form provided by the Town, and a statement by the applicant detailing the type of exception requested, for consideration by the Planning and Zoning Commission in a regularly scheduled meeting.

- 1. The applicant for a fence, retaining wall or screening device exception shall submit to the Town a fee equal to the fence permit fee, as established by the Board annually;
- 2. Submittals shall be in conformance with Chapter 15.06.

For Office Use Only:

RECORD OF DECISION OF FENCE EXCEPTION APPLICATION
PLANNING & ZONING COMMISSION

_____ APPROVED

_____ APPROVED WITH CONDITIONS

CONDITIONS OF APPROVAL _____

_____ DENIED

BASIS OF DENIAL _____

AFFIRMED BY _____

TITLE _____

DATE _____

ADDITIONAL COMMENTS _____



From: [Eric Arnette](#)
To: [Janet](#)
Subject: Fwd: Approved
Date: Friday, May 29, 2020 10:03:58 AM

Please let me know if this is sufficient. I can get something more formal if needed.

Begin forwarded message:

From: Megan Pelky <meganmpelky@gmail.com>
Date: April 18, 2020 at 10:05:00 AM MDT
To: Eric Arnette <e.arnette@gmail.com>
Subject: **Approved**

Your fence is approved but make sure you check with the town. :)