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09/16/2022 12:14:26 PM Jean Alberico
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**TOWN OF SILT
ORDINANCE NO. 7
SERIES OF 2022**

AN ORDINANCE OF THE TOWN OF SILT, COLORADO (“TOWN”) AMENDING PORTIONS OF SECTION 17.42.055 (SITE PLAN REVIEW) AND SECTION 17.78.040 (SPECIAL USE PERMIT); CREATING AN OPEN SPACE ZONE DISTRICT AND AMENDING CERTAIN PUBLIC HEARING NOTICE REQUIREMENTS AS PART OF SECTION 16.16.020 (PUBLIC HEARING NOTICES) OF THE SILT MUNICIPAL CODE (“CODE”), TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

WHEREAS, pursuant to C.R.S. Section 31-15-103 and Section 1 of the Town’s Home Rule Charter, the Board of Trustees (“Board”) of the Town has the authority to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order comfort and convenience of such municipality and the inhabitants thereof; and

WHEREAS, Title 17 of the Silt Municipal Code sets forth the Town’s regulations relating to land use, development, and zoning; and

WHEREAS, pursuant to Section 17.88.010 of the Silt Municipal Code, amendments to Title 17 of the Municipal Code must be submitted to the Planning and Zoning Commission for review and recommendations; and

WHEREAS, an amendment to Section 17.42.055 (Site Plan Review) of the Code is being proposed to add a requirement for a public hearing in front of the Planning Commission and defining the time limit for approvals of a Site Plan Review; and

WHEREAS, an amendment to Section 17.78.040 (Special Use Permits) is proposed to require a public hearing in front of the Planning Commission; and

WHEREAS, an amendment is to section 17.12.010 adding an Open Space Zone District to the list of the Towns Established Zone Districts; and

WHEREAS, an amendment to Section 17.12.020 is proposed which would define/describe the purpose of an Open Space Zone District; and

WHEREAS, a modification is being made to the chart in Section 16.16.020 (Schedule of Public Notifications) showing the changes where Public Hearings are now required in front of the Planning Commission; and

WHEREAS, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Planning and Zoning Commission and the Board considered this ordinance; and

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



WHEREAS, the Board finds and determines that the adoption of this ordinance is necessary and proper to provide for the safety, health, prosperity and order of the Town.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, ORDAINS AS FOLLOWS:

Section 1

Paragraph C of section 17.42.055 (Application process for Site Plan Review) shall be amended to read as follows:

- C. *The planning and zoning commission shall review the application for code compliance at a public hearing held at a regularly scheduled meeting and shall approve, approve with conditions or deny the application.*

A new paragraph "G" shall be added to Section 17.42.055 and shall read as follows:

- G. *Approval. An approval for any Commercial or Multi-Family Site Plan review is good for 1 calendar year from date of approval. An applicant must obtain a building permit within that one-year time frame. Two 6- month extensions may be granted. An extension may be obtained upon delivery of a formal letter of request to the Director of Community Development or a staff member designated by the Town Manager. The letter of request must be submitted prior to the lapse and approval. If a building permit is not issued within two years, the approval shall be considered lapsed and null and void. An applicant will have to reapply for a Site to Plan Review application.*

Section 2

Paragraph A of section 17.78.040 (Special Use Permits: Application – Public Hearing – Enforceability) shall be amended to read as follows:

- A. *An applicant desiring a special use permit shall submit a written application on forms supplied by the town and a fee. The board of trustees shall set the fee for special use permit per this chapter annually by resolution, or as often as necessary, in the board's sole discretion. The town administration shall review the application and refer the same, with recommendations, to the planning and zoning commission. The planning and zoning commission shall consider the application and hold a public hearing at a regular meeting. The planning and zoning commission shall cause the application to be referred to the board, with the town administration's recommendations and the recommendations of the planning and zoning commission.*



Section 3

An Open Space Zone District will be added to the Town's list of established zone districts as part of section 17.12.010. This section shall be changed as follows to read in its entirety:

17.12.010 Zone districts established.

For the purpose of this title, the town is divided into twelve zone districts, designated as follows:

- A. Agricultural-rural (AG) district;*
- B. R-1 low-density residential district;*
- C. R-2 general residential district;*
- D. R-3 high density district;*
- E. Planned unit development (PUD) district;*
- F. Public utility zone district;*
- G. B-1 general business district;*
- H. B-2 highway business district;*
- I. B-3 business-3 district;*
- J. Downtown mixed-use overlay (DMD) district; and*
- K. B-1 business-industrial district. P*
- L. OS - Open Space Zone District*

Section 4

A new Paragraph "L" shall be added to Section 17.12.020 (Description of Districts) to provide a definition/description of the intent of the newly created Open Space District. It shall read as follows:

- L. OS- Open Space Zone District. The Open Space Zone District is established to provide adequate lands open to the public for active or passive recreational use as well as to protect those lands that are being used for purposes other than open space. This Open Space District is intended for public and quasi-public open space, parks and other related facilities.*



Section 5

The Chart in Section 16.16.020 (Schedule of Public Notification) is being updated to show the following:

1. A 15-day public hearing notice prior to the public hearing in front of the Planning commission for a Special Use Hearing.
2. A new row in the chart will be added to show a 15-day public hearing notice requirement prior to a public hearing in front of the Planning Commission for a Site Plan Review.

Note: updated chart to be provided or attached as Exhibit A to the ordinance

Section 6

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 7

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 court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections 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, a public hearing, this 9th day of May, 2022, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

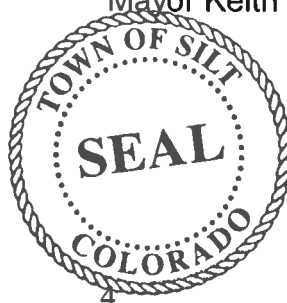
PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED, this 23rd day of May, 2022.

TOWN OF SILT

Mayor Keith B. Richel

ATTEST:

Town Clerk Sheila M. McIntyre, CMC





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EXHIBIT A

16.16.020 Schedule of Public Notification

Prior to a scheduled public hearing, an applicant for a land use application shall submit public notices to adjacent property owners and to the newspaper as required by this chapter, with no fewer than the number of days notice as prescribed below:

Type of Land Use Application	P & Z Recommendation	P & Z Decision	1 st Resolution	2 nd Resolution	1 st Reading Ordinance	2 nd Reading Ordinance
Annexation	15 days	N/A	15 days	4 consecutive weekly	15 days	None (if continued)
Zoning/Rezoning	15 days	N/A	N/A	N/A	15 days	None (if continued)
Major Subdivision						
Sketch	N/A	N/A	15 days	N/A	N/A	N/A
Preliminary	15 days	N/A	15 days	N/A	N/A	N/A
Final	10 days	N/A	10 days	N/A	N/A	N/A
Minor Subdivision						
Sketch	10 days	N/A	N/A	N/A	N/A	N/A
Final	N/A	N/A	10 days	N/A	N/A	N/A
Planned Unit Development (See above for Major Subdivision)	See above	See above	See above	See above	See above	See above
Special Use Permit	N/A	15 Days	15 days	N/A	N/A	N/A
Variance	N/A	10 days	N/A	N/A	N/A	N/A
Vacation of Right-of-Way	N/A	N/A	N/A	N/A	10 days	None (if continued)
Easement Agreement	N/A	N/A	10 days	N/A	N/A	N/A
ADA Amendment	N/A	N/A	10 days	N/A	N/A	N/A
SIA Amendment	N/A	N/A	10 days	N/A	N/A	N/A
Sign Exception	N/A	10 days	N/A	N/A	N/A	N/A
Comprehensive Plan Amendment	N/A	10 days	10 days	N/A	N/A	N/A
Site Plan Review	N/A	15 Days	N/A	N/A	N/A	N/A