

**TOWN OF SILT  
ORDINANCE NO. 2  
SERIES OF 2021**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO (“TOWN”) REMOVING AND REPLACING IN ITS ENTIRETY CHAPTER 17.88 OF THE SILT MUNICIPAL CODE AND REMOVING IN ITS ENTIRETY CHAPTER 16.14 “ZONING AND REZONING “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**, the Board wishes to make amendments to Chapter 17.88 “Amendments to the Town Zoning Map and to the Silt zoning regulations and removing in its entirety Chapter 16.14 “Zoning and Rezoning” in the Silt Municipal; 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**, 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

**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**

Chapter 17.88 of the Silt Municipal Code regarding Zoning Amendments shall be amended and replaced in its entirety. The new text of Chapter 17.88 is attached as Exhibit A.

**Section 2**

Chapter 16.14 "Zoning and Re-zoning" shall be removed from Title 16 Subdivision Regulations in the Silt Municipal Code.

**Section 3**

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.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 4**

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 13<sup>th</sup> day of September, 2021, 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 27<sup>th</sup> day of September, 2021.**

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:

  
Town Clerk Sheila M. McIntyre, CMC

EXHIBIT A

Reception#: 964427  
10/08/2021 09:47:16 AM Jean Alberico  
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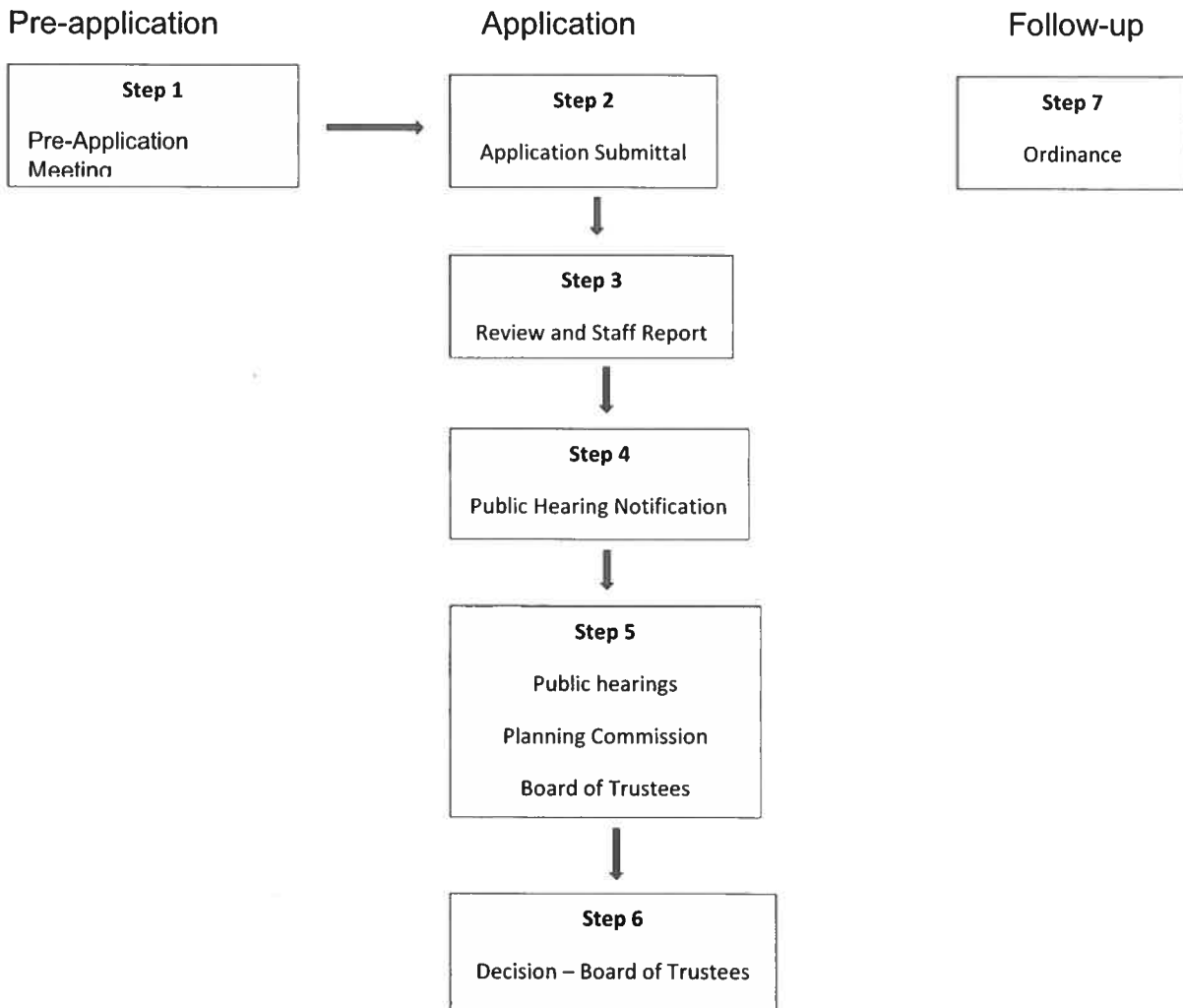
CHAPTER 17.88

AMENDMENTS TO THE ZONING MAP, TITLE 17 ZONING TEXT AND REGULATIONS

17.88.010 Amendments to Title 17 - Zoning Regulations, procedures and text

- A. Purpose. The Text of Title 17 may be amended pursuant to this section in response to changing conditions or changes in public policy, or in order to advance the general welfare of the town.
- B. Applicability – Who May Apply. An amendment to the zoning code including the text and development standards may be initiated by the Planning and Zoning Commission or the Board of Trustees. Any person may suggest to the Planning Commission that changes or amendments be given consideration.
- C. Procedure. The figure below shows the steps involved that apply in the consideration of amendments to the text of the Zoning Code

Figure. 17.88.010 A.



1. Step 2 – application submittal

Town staff shall prepare the application at the request of the Planning and Zoning Commission or the Board

2. Step 5 – Town Holds Public Hearings

a. Review and Recommendation by the Planning and Zoning Commission

- i. Following a public hearing, the Planning and Zoning Commission shall review and consider the staff report, public comments and evidence presented at the hearing, and approval criteria below and shall make a recommendation to the Board. That recommendation can be for approval, approval with modifications, or denial of the text amendment, or to continue the hearing to a date certain.
- ii. Staff shall forward the Commission's recommendation to the Board.
- iii. Applications that have been reviewed by the Planning and Zoning Commission shall be scheduled for a public hearing in front of the board following required public hearing notice.

3. Step 6 - Town issues Decision

a. Decision by the Board of Trustees

- i. Following a public hearing, the Board shall review and consider the staff report, public comments and any evidence presented at the hearing as well as the approval criteria noted below and recommendations of the Planning and Zoning Commission. The Board shall then act to approve, approve with modifications or deny the proposed amendment or continue the hearing to a date certain.

b. Approval Criteria

Amendments to this code may be approved by the Board if it finds that all of the following criteria have been met;

- i. The proposed amendment will promote the public health, safety and general welfare;
- ii. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of the Zoning Code;

- iii. the proposed amendment is deemed necessary or desirable due to changing conditions, adopted public policy, new planning concepts, or other social or economic conditions.

## 17.88.020 Amendments to the Zoning Map

### A. Purpose.

1. The boundaries of any zone district may be changed or the zoning classification of any particular parcel may be changed or modified pursuant to this section. The purpose is to make adjustments/changes to the official zoning map that are necessary in light of changing conditions, changing public policy or that may be necessary for the general welfare and safety of the Town and its citizens. The purpose is not to provide relief for particular hardships or to grant particular favors or privileges to any particular person or corporation.
2. Changes to any particular characteristics of the zoning district (such as building height or setback) or particular development standards that apply within districts (e.g. open space requirements) shall be process as amendments to the zoning text as per section 17.88.010
3. Rezoning to PUD's (Plan Unit Developments) are a particular type of zoning amendment or amendment to the zoning map and should be processed under section 16.xxxx

### B. Applicability

1. request for changes to the zoning map may be initiated by person(s) owning at least 50% of the real property within the area proposed for the amendment, the Planning and Zoning Commission or the Board of Trustees. Any citizen of the town may also propose an amendment to the Planning and Zoning Commission for action.

### C. Procedure. The figure below shows the steps involved that apply in the review of an application for an Amendment to the Zoning Map

- iii. the proposed amendment is deemed necessary or desirable due to changing conditions, adopted public policy, new planning concepts, or other social or economic conditions.

## 17.88.020 Amendments to the Zoning Map

### A. Purpose.

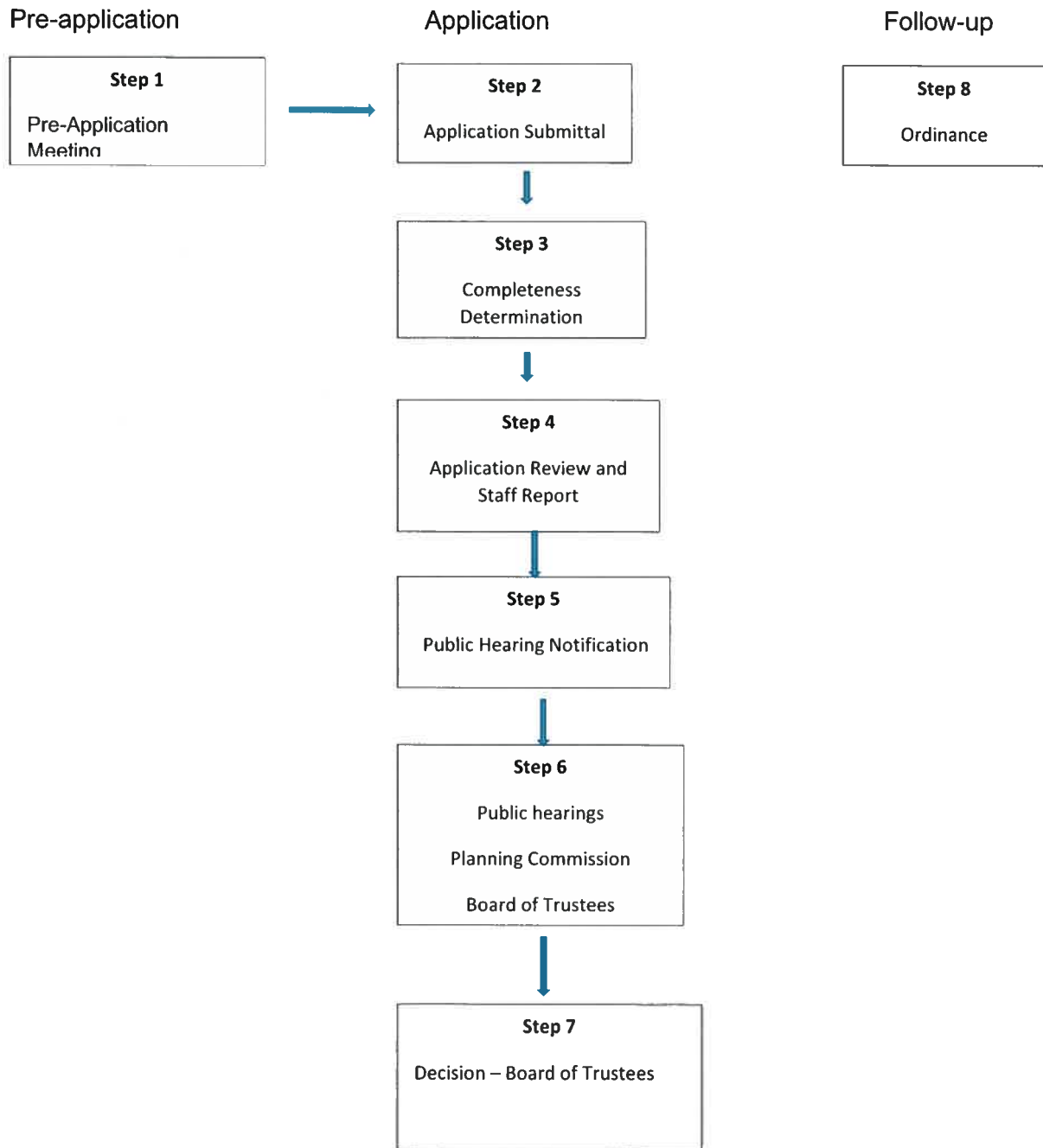
1. The boundaries of any zone district may be changed or the zoning classification of any particular parcel may be changed or modified pursuant to this section. The purpose is to make adjustments/changes to the official zoning map that are necessary in light of changing conditions, changing public policy or that may be necessary for the general welfare and safety of the Town and its citizens. The purpose is not to provide relief for particular hardships or to grant particular favors or privileges to any particular person or corporation.
2. Changes to any particular characteristics of the zoning district (such as building height or setback) or particular development standards that apply within districts (e.g. open space requirements) shall be process as amendments to the zoning text as per section 17.88.010
3. Rezoning to PUD's (Plan Unit Developments) are a particular type of zoning amendment or amendment to the zoning map and should be processed under Chapter 16.12.

### B. Applicability

1. request for changes to the zoning map may be initiated by person(s) owning at least 50% of the real property within the area proposed for the amendment, the Planning and Zoning Commission or the Board of Trustees. Any citizen of the town may also propose an amendment to the Planning and Zoning Commission for action.

### C. Procedure. The figure below shows the steps involved that apply in the review of an application for an Amendment to the Zoning Map

Figure. 17. 88.020 B





1. Step 2 – application submittal

a. An application for an amendment to the zoning map shall include:

- i. a site plan showing the footprint of all buildings, parking configuration, location of easements and utilities, and other detail demonstrating general conformance with regulations and development standards;
- ii. a written statement justifying why the amendment fits in with the surrounding neighborhood and describing why the amendment is more appropriate for the property than the present zoning classification;
- iii. a list of all properties within 200 feet;
- iv. proof of ownership
- v. a map showing the location of the subject property(ies) as well as zone districts within 300 feet

Note: Town Staff can waive the requirement for site plan submittal or indicate on the application form additional materials that should be submitted for the proposed amendment.

- b. If a proposal requires a permit from any County, State or federal agency, the applicant shall submit to Town Staff a duplicate of such permit or approval.

2. Step 6 – Town Holds Public Hearings

a. Review and Recommendation by the Planning and Zoning Commission

- i. Following a public hearing, the Planning and Zoning Commission shall review and consider the staff report, public comments and evidence presented at the hearing, and approval criteria below and shall make a recommendation to the Board. That recommendation can be for approval, approval with modifications, or denial of the text amendment, or to continue the hearing to a date certain.
- ii. Staff shall forward the Commission's recommendation to the Board and the applicant.
- iii. Applications that have been reviewed by the Planning and Zoning Commission shall be scheduled for a public hearing in front of the board following required public hearing notice.



### 3. Step 7 – Town Issues Decision

#### a. Decision by Board of Trustees

- i. Following a public hearing, the Board shall review and consider the staff report, public comments and any evidence presented at the hearing as well as the approval criteria noted below and recommendations of the Planning and Zoning Commission. The Board shall then act to approve, approve with modifications or deny the proposed amendment or continue the hearing to a date certain.
- ii. All exhibits, plans, or elevations – whether detailed or conceptual – that are part of the application approved by the Board shall be part of the approval of the application and will be considered inseparable from the approval. All development shall conform to the plans presented in the application along with modifications or conditions imposed by the board at the time of approval. Major modifications to the plans must be approved by the Board.

#### b. Approval Criteria

Amendments to the Zoning Map may be approved if the Board finds all of the following criteria have been met:

- i. The amendment will promote the public health, safety and general welfare;
- ii. The amendment is consistent with the Comprehensive Plan and the purposes stated in the Unified Development Code;
- iii. The amendment is consistent with the stated purpose of the proposed zone district;
- iv. The amendment will not likely result in significant adverse effects upon the natural environment, including air, water, noise, storm water management, wildlife and vegetation; or such impacts will be substantially mitigated;
- v. the amendment will not likely result in material adverse negative impacts to other properties adjacent to or in the vicinity of the subject property;
- vi. Facilities and services including roads/transportation, water, gas, electricity, police and fire protection or as applicable will be available to serve the subject property after development;

**Note: these criteria shall not apply to amendments that occur as part of a comprehensive revision of the official zoning map accomplished by direct legislative action by the Board of Trustees**



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c. Protests

An amendment to the Zoning Map shall not become effective except by the favorable vote of three fourths of the members of the Board of Trustees is a valid protest against the amendment is presented at or prior to the public hearing in which the proposed amendment is heard. A protest is valid by either:

- i. the owners of 20% or more of the area included in such proposed amendment; or
- ii. the owners of 20% or more of the area of those lots located within 100 feet of the boundary of the area in the amendment, but not including any distance for public rights-of-way including alleys.