

# Town of Silverton

Post Office Box 250 Silverton, Colorado 81433-0250

TELEPHONE (970) 387-5522 FAX (970) 387-5583

E-MAIL: townhall@ekiva.net



Mountain Boy Sledworks  
Brice Hoskin  
1314 Greene St, Block 13, Lots 10 & 11  
Silverton, CO 81433

October 15, 2009

Re: Town of Silverton zoning

Mr. Hoskin,

Please be advised that we have determined that you have relocated your manufacturing facility previously located at 1810 Cement within the allowed E-D zone to a building located at 1314 Greene St. within the B-P zone. Per town code, sections 7-2-10 and 7-2-12, fabrication, manufacturing and assembly facilities are uses permitted by right in the E-D zone and are not allowed in the B-P zone. As directed by the Stop Work Order posted at said location on October 1, 2009, please cease all operations not permitted by town code at said location immediately. Any and all operations will be considered a violation of said Stop Work Order and town zoning codes. Each day any violation occurs shall be considered a separate offense. Per town code section 7-2-2-D you may appeal any decision or directive made by any enforcing official within 21 days of said decision or directive to the Board of Adjustment. The deadline for any appeal on this matter shall be 21 days from the date of this notification, which is November 5, 2009. The procedures for said appeal can be found in section 7-1-8 of the town codes. Please find enclosed copies of aforementioned town codes and procedures. Feel free to contact my office with any questions or concerns.

A handwritten signature in black ink, appearing to read 'Keith Thompson', written over a horizontal line.

Keith Thompson  
Code Enforcement Officer  
Town of Silverton  
San Juan County

Cc: Paul Zimmerman

## CHAPTER 7 PLANNING and ZONING

2. Garage
3. Greenhouse, tool house, play house, and sheds
4. Fences and Walls
- F. Requirements:
  1. Minimum Lot Area: 5000 Square Feet
  2. Minimum Lot Area per Multi-family Dwelling Unit: 1250 Square Feet
  3. Minimum Lot Width: 50 Feet
  4. Maximum Height of Structure: 30 Feet
  5. Minimum Floor Area of Dwelling Unit:
 

Single Family Unit	750 Square Feet
Multi-family Unit	500 Square Feet
  6. Minimum Setback: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)
 

Front setback	7 Feet
Side setback	7 Feet
Rear setback	5 Feet

(cfl. 12/19/86)

7-2-10

B-P Business Pedestrian District

- A. Purpose: This district is established for the purpose of providing an area for a wide range of retail uses, offices, personal and professional services, places of amusement and restaurants, which are readily accessible to a person on foot.
- B. Uses Permitted by Right:
  1. Retail Shop
  2. Office
  3. Place of recreation or Entertainment
  4. Financial Institution
  5. Personal or Professional Service
  6. Arts and Crafts Studio or Shop
  7. Post Office
  8. Print Shop
9. Hotel/Motel
10. Restaurant/Bar
11. Religious Institution
12. Social or Fraternal Club
13. Transportation Facility
14. Low Impact Repair Shop
15. Single Family or Multi-family Dwelling
16. Manufactured Home
17. Child Care Center or Family Care Home
18. Group Home for the Aged or for the Developmentally Disabled
- C. Uses Subject to Review:
 

Any use or activity not conducted within an enclosed building.
- D. Accessory Uses and Structures:

## CHAPTER 7 PLANNING and ZONING

1. Garage
  2. Greenhouse, tool house, play house, and sheds
  3. Fences and Walls
  4. Service Yards (subject to Section 7-1-9 (A)(1))
- F. Requirements:  
(including dwellings in conjunction with other principal use):
1. Minimum Lot Area: 2500 Square Feet
  2. Minimum Lot Width 25 Feet
  3. Maximum Height of Structure: 40 Feet
  4. Minimum Floor Area:  
Per principal use (other than dwelling): 500 square feet  
Per dwelling unit (single or multi-family) in conjunction with another principal use: 500 square feet
  5. Minimum Setback: Principle and Accessory Structures (walls and fences six (6) feet high or less excluded)
 

Front setback	0 Feet
Side setback	0 Feet
Rear setback	5 Feet
- F. Requirements for Single Family or Multi-family Dwellings not in Conjunction with other Principal Use:
1. Minimum Lot Area: 5000 Square Feet
  2. Minimum Lot Area per Multi-Family Dwelling Unit: 1250 Square Feet
  3. Minimum Lot Width: 50 Feet
  4. Maximum Height of Structure: 30 Feet
  5. Minimum Floor Area of Dwelling Unit:  
Single Family Unit 1000 Square Feet  
Multi-Family Unit 500 Square Feet
  5. Minimum Setback: Principle and Accessory Structures (walls and fences six (6) feet high or less excluded)
 

Front setback	7 Feet
Side setback	7 Feet
Rear setback	5 Feet
- G. Limited "B-P-L" Overlay Districts  
Whenever a "B-P" zone designation has the suffix "L" added thereto (i.e. "B-P-L"), uses therein shall also comply with the regulations in Section 7-2-20. (eff. 12/19/86)

7-2-11 B-A Business Automobile District

- A. Purpose: This district is established for the purpose of providing an area suited to the needs of travelers and tourist arriving by motor vehicle.
- B. Uses Permitted by Right, Subject to Site Plan Review:
  1. Hotel/Motel
  2. Multi-Family Dwelling

## CHAPTER 7 PLANNING and ZONING

3. Service Station
  4. Keeping of horses, asses and mules for private, non commercial use.
- C. Accessory Uses Subject to Review:
1. Restaurant/Bar
  2. Gift Shop
  3. Home Occupation (subject to the procedures established in Section 7-1-9 (c)).
  4. Service Yard (subject to Section 7-1-9 (a)).
- D. Requirements:
1. Minimum Lot Area: 30,000 Square Feet
  2. Minimum Lot Area per Dwelling Unit: 3750 Square Feet
  3. Minimum Lot Width: 200 Feet
  4. Maximum Height of Structure: 30 Feet
  5. Minimum Floor Area per Principal Use or Per Dwelling Unit: 500 Square Feet
  6. Minimum Setbacks: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)
 

Front setback	20 Feet
Side setback	15 Feet
Rear setback	5 Feet
  7. Site Plan: Required for review sixty (60) days prior to issuance of a building permit.
  8. Landscaping: 30% of the area of any lot or parcel must be landscaped.
  9. Accessory Uses: The aggregate square footage of all accessory uses shall not exceed 15% of the gross square footage of the building(s).
- E. Limited "B-A-L" Overlay Zone  
Whenever a "B-A" zone designation has the suffix "L" added thereto (i.e. "B-A-L"), uses therein shall also comply with the regulations in Section 7-2-20.

7-2-12 E-D Economic Development District

- A. Purpose: This district is established for the purpose of creating an area where economic development is encouraged, and where varied business activities can take place.
- B. Uses Permitted by Right:
1. Fabrication, Manufacture and Assembly Facility
  2. High Impact Repair Shop
  3. Warehousing, Storage and Distribution Facility.
  4. Transportation Facility.
  5. Personal Service
  6. Single Family or Multi-family Dwelling
  7. Manufactured Home

## CHAPTER 7 PLANNING and ZONING

### 8. Mobile Home

No building permit for the construction of a residential unit will be issued until the property owner signs an acknowledgement that there are uses permitted by right in the

E-D District that could have an adverse impact upon that property.

#### C. Uses Subject to Review:

1. Mobile Home Park
2. Camper Park
3. Child Care Center or Family Care Home
4. Group Home for the Aged or Developmentally Disabled
5. Kennel
6. Horse Stable or Business
7. Any use or activity not conducted within an enclosed building
8. Keeping of horses, asses and mules for private non-commercial use.

#### D. Accessory Uses and Structures:

1. Home Occupation
2. Garage
3. Greenhouse, tool house, play house, and sheds
4. Fences and Walls

#### E. Requirements:

1. Minimum Lot Area: 5000 Square Feet
2. Minimum Lot Area per Multi-family Dwelling Unit: 1250 Square Feet
3. Minimum Lot Width: 50 Feet
4. Maximum Height of Structure: 30 Feet
5. Minimum Floor Area of Dwelling Unit:
 

Single Family Unit	750 Square Feet
Multi-family Unit	500 Square Feet
Any Use other than Dwelling	500 Square Feet
6. Minimum Setbacks: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)
 

Front setback	7 Feet
Side setback	7 Feet
Rear setback	5 Feet

#### F. Limited "E-D-L" Overlay District

Whenever an "E-D" zone designation has the suffix "L" added thereto (i.e. "E-D-L"), uses therein shall also comply with the regulations in Section 7-2-20.

(c/f) P Public Use District

12/19/86) A. Purpose: This district is established for the purpose of creating an area where publicly-owned uses are accommodated.  
7-2-13

## CHAPTER 7 PLANNING and ZONING

establishment of land uses on non-conforming tracts of record, as of August 28, 1972, which do not meet the lot area or lot width requirements of the zoning code, may be permitted providing all other relevant zoning district requirements are met. (adopted 04/11/94)

### ARTICLE 2 ZONING ORDINANCE

7-2-1	Authority and Purpose
7-2-2	Administration and Enforcement
7-2-3	Amendments or Changes to the Zoning Ordinance
7-2-4	Uses Subject to Review
7-2-5	Definitions
7-2-6	Establishment of Districts
7-2-7	R-1-A Single Family Residential
7-2-8	R-1 Single Family Residential
7-2-9	R-2 Multiple Family Residential
7-2-10	B-P Business Pedestrian District
7-2-11	B-A Business Automobile District
7-2-12	L-D Economic Development District
7-2-13	P Public Use District
7-2-14	Hazard Overlay District
7-2-14C	Slope Hazard Overlay District
7-2-15	Mobile Homes
7-2-16	Mobile Home Parks
7-2-17	Campers
7-2-18	Camper Parks
7-2-19	Sign and Outdoor Advertising Devices
7-2-20	General Conditions in a "Limited" Overlay District

7-2-1 Authority and Purpose Pursuant to the authority conferred in Title 31, Article 23, Colorado Revised Statutes, there are hereby established various zoning districts and regulations thereof, for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Silverton, Colorado, by lessening congestion in the streets and roads or reducing the waste of excessive amount of roads; securing safety from fire and other dangers; providing adequate light and air; classification of land uses and the distribution of land development and utilization; protection of the tax base; securing economy in governmental expenditures; and the protection of urban and non-urban development.

7-2-2 Administration and Enforcement  
 A. Enforcing Official: The provisions of this zoning ordinance shall be administered and enforced by the officer(s) or department(s) designated by the Town Board.

## CHAPTER 7 PLANNING and ZONING

### B. Enforcement Procedure:

1. All alleged violation of any of the provisions of this zoning ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon receipt of a written complaint from a person or persons who believe a violation exists, or by order of the Town Board.

2. If a violation is found to exist, it shall be corrected in one or more of the following ways:

a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt reasonable period, as ordered by the enforcing official in said notice.

b. The building inspector may issue a stop work order by notice in writing posted on the building or property in or upon which such violation is occurring, as provided by the Uniform Building Code adopted by the Town.

c. Any local law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of the Code of the Town of Silverton, as provided in Section C herein.

d. Upon the failure of any official to act in the case of a violation of this ordinance, the necessary notification of violation or stop order may be issued by the Town Board, 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.

C. **Violation and Penalty:** Failure to comply with any of the provisions of this ordinance, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than \$10.00 or more than \$300.00, or by imprisonment for a period of not less than ten (10) days nor more than three (3) months, and cessation of the violation. Each day that such violation continues to exist shall be considered as a separate offense.

D. **Appeals of Administrative Decisions:** Appeals of any decision or directive of an enforcing official shall be made to the Board of Adjustment, in writing, and by such procedures as are outline in Section 7-1-8 of this Code, provided that such appeal is made within 21 days following issuance of the official's decision or directive.

E. **Appeals of Board of Adjustment Decisions:** Appeals of any decision of the Board of Adjustment may be made to the district court, as provided by state statute, provided, however, that such appeal is made within sixty (60) days following the date of notification of the Board of Adjustment's decision.

F. **Conflict:** Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive, or which requires the highest standard, shall apply.

## CHAPTER 7 PLANNING and ZONING

question considered (C.R.S. 30-28-105 (2) (8)).

- 7-1-5 Staff and Finances The Commission shall have all the powers and perform each and all of the duties specified by said Title 30, Article 23, Colorado Revised Statutes, together with any other duties or authority conferred upon it by the laws of the State of Colorado. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments.
- 7-1-6 Powers of Commission The Commission shall have all the powers and perform each and all of the duties specified by said Title 30, Article 28, and Title 31, Article 23, Colorado Revised Statutes, together with any other duties or authority conferred upon it by the laws of the State of Colorado. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments.
- 7-1-7 Purpose of Commission The purpose of the Commission shall be as established in Sections 30-28-106, 30-28-107, 31-23-206, 31-23-207, and 31-23-306, Colorado Revised Statutes: To make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof. In the preparation of a master plan, the Commission shall make careful and comprehensive studies of the existing conditions and probable future growth of the territory within its jurisdiction. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, as well as efficiency and economy in the process of development.

The Commission shall also recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, floodwaters, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote energy conservation; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. (31-23-303 (1) C.R.S.)

- 7-1-8 Board of Adjustment  
A. Creation and Members: The Board of Adjustment created in Section 7-

## CHAPTER 7 PLANNING and ZONING

1-1 herein, pursuant to Section 31-23-307 C.R.S., shall consist of five members (5) as follows: Two members (2) of the Board of Trustees, appointed by the Board of Trustees, who are not also members of the San Juan Regional Planning Commission, two members (2) serving as representatives-at-large on the Planning Commission, appointed by the Planning Commission, and one member (1) of the San Juan County Board of Commissioners, appointed by the Board of Commissioners, who is not also a member of the Planning Commission. One (1) alternate representative each shall be appointed by the Board of Trustees, the San Juan Regional Planning Commission, and the San Juan County Board of Commissioners to serve in place of the regularly appointed member of that body should that member be unable to attend a scheduled meeting. The alternate appointed by the Board of Trustees shall not be a member of the Planning Commission. All appointments to the Board of Adjustment shall serve during their respective official terms of office. (effective 4-11-86)

B. Organization and Records: The Board of Adjustment shall elect a chairman, vice-chairman, and a secretary from among the members, whose terms shall be for one year (1), with eligibility for re-election. The chairman shall preside at all meetings and perform such other duties as may be necessary, the vice-chairman shall act in the absence of the chairman, and the secretary shall keep a record of the Board meetings showing the action of the Board and the vote of each member upon each question considered, which record shall be a public record.

C. Purpose and Powers: The Board of Adjustment shall be empowered and required to:

1. Meet at the call of the chairman, by his request, or by petition from an aggrieved party or an applicant for variance or by order of the Town Board.
2. Hear and decide appeals from and review any order, requirement, decision or determination made by any administration official charged with the enforcement of this zoning ordinance. (C.R.S. 31-23-307 (1))
3. Hear and decide upon granting of adjustments, variances, reviews of variances, modifications to exceptions to the regulations and alteration of buildings or structures, or the use of land, so that the spirit of the Ordinance is observed, public safety and welfare secured, and substantial justice done. (C.R.S. 31-23-307 (1))
4. Interpret the zoning ordinance, including any uncertainty as to boundary location or meaning of words, provided such interpretation is not contrary to the purpose and intent of this ordinance.

D. Variance and Appeal Procedure:

1. All request for appeal of an administrative decision or variance to the zoning ordinance shall be submitted in writing to the Board of Trustee's designated agent, along with the applicable fee as set by Resolution of the Town Board. Such applications shall contain the following information, as applicable:
  - a. It shall cite Chapter, Article and Section of the ordinance which is involved, state what relief is being sought, and the grounds and justification upon which the application is being made.

## CHAPTER 7 PLANNING and ZONING

- b. Vicinity Sketch Plan (drawn to a scale not less than 1"=200') that shows the following within 300 feet of the subject property for which the application is filed:
    - i. Location and identification of all existing and proposed public and private easements and right-of-ways;
    - ii. The location and boundaries of the subject property;
    - iii. The location of existing buildings, telephone, power, water and sewer lines located adjacent to the subject property; and
    - iv. The boundaries and classifications of all zoning districts situated within 300 feet of the subject property.
  - c. A Site Plan (drawn to a scale not less than 1" = 20') that shows the following on the subject property for which the application is filed:
    - i. The boundaries of the subject parcel;
    - ii. Existing buildings and improvements including setbacks, on the subject parcel;
    - iii. The boundaries of areas, including square footage; and
    - iv. A description of the subject land parcel by lot and block number(s) for which the application is filed.
  - d. Proof of ownership of the subject parcel, or a signed letter from the property owner authorizing the applicant to submit application and to represent the land owner throughout the application review process.
  - e. A complete list of all property owners and mailing addresses of all properties located within 150 feet of the boundaries of the subject parcel, including a pre-addressed, stamped envelope (measuring not less than 4" by 9") for each property owner listed.
  - f. An implementation time schedule for any contemplated new construction.
  - g. Any other information as reasonably required by the planning staff as being necessary for the proper review and consideration of the variance(s) being requested by the applicant.
2. Upon receipt of the completed application planning staff shall examine the application to determine that it is complete and adequate for review. Planning staff shall make this determination within 30 days of receipt of application and payment of fees. Should it be determined that the application is not complete or adequate for review, planning staff shall request the submittal of supplemental information. Failure of the applicant to provide the necessary supplemental information within 60 days of the request shall be cause for the application to be rejected without refund of fees. Upon determination that the application is complete and adequate for review staff shall schedule a public hearing to be held with at least fifteen (15) days advanced notice of the date, time and place of such hearing to be published in a newspaper of general circulation in the town.

## CHAPTER 7 PLANNING and ZONING

Additionally, notice shall be posted by staff on the subject property. Such notice shall list the name of the applicant, the requested variance, and the date and time of the public hearing and shall be constructed to withstand adverse weather conditions and shall be no smaller than 11 inches by 17 inches.

3. Where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with the Standards contained within these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, the Board of Adjustment may grant variances from the Standards so that substantial justice may be done and the public interest secured, provided the Board of Adjustment shall make findings based upon the evidence presented to it in each specific case that:
  - a. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
  - b. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property;
  - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished by a mere inconvenience, if the strict letter of these regulations are enforced;
  - d. The applicant can demonstrate that without a variance there can be no reasonable use of the property;
  - e. The variance is the minimum necessary to allow reasonable use of the property.
  - f. The variance is not based solely on economic reasons; and
  - g. The necessity for the variance was not created by the property owner.
4. Special conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Each variance shall be transferable and shall run with the land.
5. Any variance that has not been commenced within one year of its final approval shall be deemed expired unless an extension is authorized by the Board of Adjustment. A request for an extension must demonstrate due cause and must be submitted prior to the expiration of the variance.
6. Four (4) members of the Board of Adjustment shall constitute a quorum, and a concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any