

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2022-07**

**AN ORDINANCE AMENDING CHAPTER 4, ARTICLE I, ARTICLE II, AND ARTICLE
IV OF THE SILVERTHORNE TOWN CODE CONCERNING SINGLE APARTMENTS**

WHEREAS, Single Apartment regulations are within the regulatory authority of the Town, acting through the Town Council; and

WHEREAS, Chapter 4, Article I, Division 2 of the Town Code contains the Land Use Review Process; and

WHEREAS, Chapter 4, Article II of the Town Code contains definitions; and

WHEREAS, Chapter 4, Article IV of the Town Code contains regulations which govern Single Apartments within the Town; and

WHEREAS, the Town Council wishes to amend Chapter 4, Article I, Division 2, Section 4-1-22 to amend the review process for Conditional Use Permits related to Single Apartments; Article II, Section 4-2-1 to add a definition for Deed Restricted Housing; and Chapter 4, Article IV, Section 4-4-21 to update the Single Apartment regulations; and

WHEREAS, on March 15, 2022, the Planning Commission held a properly noticed public meeting on the revisions to Chapter 4, Articles I, II, and IV proposed in this ordinance; and

WHEREAS, on April 13, 2022, the Town Council held properly noticed public hearing on the revisions to Chapter 4, Articles I, II, and IV proposed in this ordinance; and

WHEREAS, after considering the Staff Report, the Planning Commission recommendation, and the comments of the public, the Town Council finds that the revisions to the Land Use Review Process, Definitions, and Single Apartment regulations prescribed in this ordinance are in the best interest of the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

Section 1. Section 4-1-22 of the Silverthorne Town Code is hereby amended to read as follows:

Sec. 4-1-22. Review process and schedule.

All Subsections shall remain as written. The chart on the following page is amended as follows:

APPROVAL REQUESTED	Pre-app	Preliminary Review			Final Review			Com. Mtg.	Permit Required
	Staff	Staff	PC	TC	Staff	PC	TC		
Miscellaneous:									
Signs	X				X				SP
Comprehensive Sign Plan	X				X				SP
Accessory Use	X				X	X	X		BP
Conditional Use	X				X	H	H		CUP
Single Apartment Conditional Use	X				X				CUP
Variance	X				X		H		VP
Home Occupation					X				BL
Temporary Transient Business					X				BL
Matter of State Interest	X				X		H		MSIP

* A Community Meeting shall be held by the applicant prior to the initial Planning Commission hearing on the application. Refer to chart for specific review process description.

Key

PC: Planning Commission
 TC: Town Council
 X: Step or process required
 H: Requires a Public Hearing (7-day public notice)
 BL: Business License
 BP: Building Permit

PUD: Planned Unit Development
 SP: Sign Permit
 CUP: Conditional Use Permit
 VP: Variance Permit
 SIA: Subdivision Improvements Agreement
 MSIP: Matter of State Interest Permit

Section 2. Section 4-2-1 of the Silverthorne Town Code is hereby amended to include the following:

Deed Restricted Unit means a dwelling unit that is restricted as workforce housing, subject to a Restrictive Housing Covenant approved by the Town.

Section 3. Section 4-4-21 of the Silverthorne Town Code is hereby amended to read as follows:

Sec. 4-4-21. Single apartments.

Single apartments may be allowed as a conditional use after receiving Staff approval of a Single Apartment Conditional Use under Article VII of this Chapter.

(1) In making its decision, Community Development Department Staff shall consider whether the following conditions have been met:

- a. Submission of evidence that the Community Development Department has reviewed the plans for such apartment and that they meet all applicable ordinances, standards, rules and regulations of the Town.

- b. Submission of a site plan, elevations, and floor plan which meet Town zoning, site plan and building permit requirements equal to those required by the Town before the issuance of a building permit.
- c. Evidence that sufficient off-street parking will be available for both the current occupants of the single-family dwelling and the current and future occupants of the apartment. Such parking facilities shall conform to the applicable provisions of this Code.
- d. Submission of letter of approval by the respective Homeowners Association (HOA).
- e. Payment of the prevailing system development fees sufficient to cover the addition of the apartment to the water and sewer system and payment of any past due water and sewer service fees. The system development fee shall be that prevailing at the time of the approval of the apartment. System development fees and building permitting fees may be waived for Single Apartments that meet the definition of Deed Restricted Unit, and which are restricted to the 100% Area Median Income (AMI) rental rate for Summit County, and which are also restricted to tenants whose incomes are at or below 100% AMI (as calculated annually by the Summit Combined Housing Authority (SCHA)). Any owner that wishes to remove the Single Apartment for which fees have been waived will be required to repay to fees in full to the Town prior to removal of the Single Apartment.
- f. Determination that the apartment is apparently necessary in the Town, suitable to the location and not injurious to public health, safety or peace or to the character and value of the surrounding properties.
- g. Compatibility of the proposed use with the Town's Comprehensive Plan.
- h. Compatibility of adjacent uses.

(2) The apartment shall remain unoccupied until final inspection by the Town and the issuance of a certificate of occupancy. A certificate of occupancy will only be issued for the single apartment if one has been issued for the principal single family dwelling unit.

(3) The apartment must be built within the footprint of a single family dwelling unit, or as an integral part of a detached building located on the same lot as the single family dwelling unit.

(4) The floor area of the apartment shall not exceed thirty-three percent (33%) of the floor area of the single family dwelling unit. For the purposes of determining the floor area of the single family dwelling unit, an attached garage (sharing a common wall, ceiling or floor with the living area) may be included and the proposed apartment may be built

above an attached garage. A detached garage may not be used as part of the basis for determining the floor area of the single family dwelling unit.

(5) The single apartment must be incidental and subordinate in size and character to the principal single-family dwelling unit.

(6) Mobile homes, recreational vehicles, camper busses, and travel trailers shall not be used as single apartments or accessory residences.

(7) Any single family residence where a single apartment exists or to which a single apartment is added shall not operate a Short Term Rental, as defined by Town Code Article XVI, Short Term Rental Properties.

(8) Single-family dwelling units that contain a single apartment shall be designed so that the exterior resembles a single-family residence. Single apartments shall complement the design and architecture of the primary residence. A single apartment shall not detract from the single-family character of the neighborhood.

(9) Single apartments shall not count as additional units of density. Only one (1) single apartment is allowed on the lot of the associated single family dwelling unit.

(10) The owner of the residence must establish and maintain continuous residency in either the primary residence or the single apartment. *Continuous residency* shall mean that the owner resides in the unit as his or her primary residence, as documented by driver's license and registration, voter registration, utility payments and other relevant indicators.

(11) Lease Term. Any lease of the single apartment shall be for a minimum term of six (6) months. If the owner of the single family dwelling unit resides in the single apartment, any lease of the single family dwelling unit, or portions thereof, shall be for a minimum term of six (6) months.

(12) Single apartments shall not be sold separately from the single family dwelling unit on the same property.

Section 4. Appendix A, Fees, Rates and Charges Imposed Pursuant to the Silverthorne Town Code, Section D, Community Development, subsection b, Application Fees of the Silverthorne Town Code is hereby amended to include the following:

4-1-6	Single Apartment Conditional Use	\$300
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Section 5: Safety Clause

The adoption of this Ordinance will promote the health, safety, and general welfare of the Silverthorne community.

Section 6: Severability

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 7. Effective Date

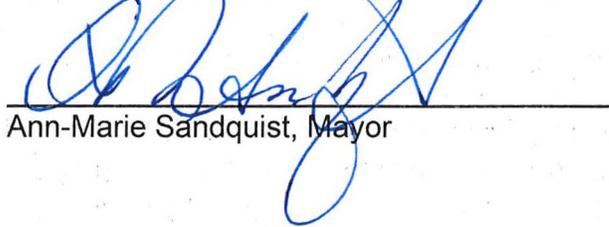
This ordinance shall be effective upon adoption at second reading as provided by the Home Rule Charter.

READ, MOVED, SECONDED, AND PASSED ON FIRST READING, THIS 23rd DAY OF March, 2022.

MOVED, SECONDED, AND PASSED ON THE SECOND AND FINAL READING, THIS 13th DAY OF April, 2022.

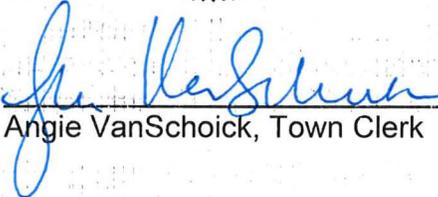


TOWN OF SILVERTHORNE, COLORADO



Ann-Marie Sandquist, Mayor

ATTEST:

By: 

Angie VanSchoick, Town Clerk

Approved on the first reading:	<u>March 23</u>	<u>23</u>	, 2022
Published by title only:	<u>April</u>	<u>1</u>	, 2022
Approved on the second reading:	<u>April</u>	<u>13</u>	, 2022
Published by title only:	<u>April</u>	<u>22</u>	, 2022