

**TOWN OF SILVERTHORNE, COLORADO**  
**ORDINANCE NO. 2025-10**

AN ORDINANCE AMENDING LAND USE REGULATIONS FOR MAINTENANCE AND LANDSCAPING, BY AMENDING SILVERTHORNE TOWN CODE CHAPTER 4, ARTICLE I, GENERAL PROVISIONS, CONCERNING MAINTENANCE OF STRUCTURES AND SITE PLANS; ARTICLE IV, ZONING DISTRICTS AND STANDARDS, CONCERNING GENERAL REQUIREMENTS AND EXCEPTIONS AND TOWN CORE ZONE DISTRICT REGULATIONS; AND ARTICLE VI, SITE PLAN, CONCERNING LANDSCAPING REQUIREMENTS.

WHEREAS, the Town Council wishes to revise the existing landscape regulations to be compatible with fire mitigation requirements; and

WHEREAS, the Town Council adopted the Town of Silverthorne Sustainability Strategic Plan ("Sustainability Strategic Plan") on August 14, 2024; and

WHEREAS, the Sustainability Strategic Plan has a community water goal to reduce per capita service area water consumption below the baseline year 2023 by 2029; and

WHEREAS, Senate Bill 24-005 was signed into law by Colorado Governor Jared Polis on March 15, 2024, which added Article 99 to the Colorado Revised Statutes; and

WHEREAS, Article 99 of the Colorado Revised Statutes prohibits nonfunctional turf, artificial turf, and invasive plant species on commercial, institutional, and industrial property, common interest community property, and street rights-of-way, parking lots, medians, and transportation corridors; and

WHEREAS, Article 99 of the Colorado Revised Statutes permits functional turf, meaning turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes; and

WHEREAS, zoning districts and standards are within the regulatory authority of the Town, acting through the Town Council; and

WHEREAS, Chapter 4, Article I of the Town Code contains general regulations which govern land use; and

WHEREAS, Chapter 4, Article IV of the Town Code contains regulations that govern the land use standards for each zoning district; and

WHEREAS, Chapter 4, Article VI of the Town Code contains regulations that govern site plans and site layout; and

WHEREAS, the Town Council wishes to revise Chapter 4, Article I, Division 1 to reestablish a code section on the maintenance of structures and site plans; and

WHEREAS, the Town Council wishes to revise Chapter 4, Article IV to amend regulations regarding permanent landscape features in utility easements; and

WHEREAS, the Town Council wishes to revise Chapter 4, Article VI to amend the landscape regulations; and

WHEREAS, the Town Council has conducted a public hearing on the proposed revisions and is of the opinion that adoption of the same is in the best interest of the Town.

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

**Section 1.** Chapter 4, Article I, Division 1 of the Silverthorne Town Code is hereby amended by the addition of the following new Section 4-1-14:

**Sec. 4-1-14. -- Maintenance of structures and site plans.**

All structures, elements, and features of any site plan or site development (including, without limitation, buildings, fences, walls, parking areas, driveways, sidewalks, landscaping, utility lines, and irrigation systems) for which structures, site plans, or site development the owner thereof, or their predecessor in interest, obtained approval from the Town for the construction or establishment, shall be maintained in good repair and in substantially the form, condition, location, and nature which was represented at the time they were approved and constructed. It is the intent of this Section that such structures, elements, and features of site plans and site development, shall not be allowed to deteriorate to a condition which is in any respect inferior to the condition or state upon which the original approval for construction or development was based. For purposes of this Section, the owner of the structure or real property shall be considered the responsible party. Any person convicted in the Municipal Court of a violation of this Section shall be subject to the penalties set forth in Chapter 1, Article I of this Code. The Town, after notice to the property owner, may enter upon the property and correct the condition in the event the owner fails to do so. The cost of such correction may be assessed against the property and collected by the Town in any manner permitted by law.

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

- (h) Permanent landscape features and structures are not permitted within utility easements, including trees, retaining walls, hot tubs, and sheds, except on a case-by-case basis, as determined by the Community Development Department. Any landscape feature or structure placed within a utility easement may be removed by the utility provider without replacement.

**Section 3:** Section 4-4-35 (10) of the Silverthorne Town Code is hereby amended to read as follows:

- (10) Development Standards. All development in the Town Core Zone District is subject to the standards in Chapter 4, Article VI, Site Plan, with the following exceptions:
- a. Section 4-6-10(e)4.m. - Parking Requirements, Location. In the Town Core Zone District, parking facilities for commercial and mixed-use buildings shall not be closer to the property line than five (5) feet. Driveways and drive aisles, when not shared with adjacent properties, shall not be closer to the property line than five (5) feet.
  - b. Section 4-6-10(e)4.o. - Snow-stacking space. In the Town Core Zone District, the Community Development Director may allow a reduction in the minimum amount of

required snow stacking space when an adequate snow melt system is constructed for any parking area.

- c. Section 4-6-11 (g)~~22~~17. - Landscaping requirements (~~trees and shrubs~~). The Landscaping requirements in the Town Core Zone District shall be the same as those required for the Mixed Use, Government, Light Commercial Zone District, with a note that, in the Town Core Zone District, each landscape decorative element, including benches, picnic tables, gazebos, art forms or sculptures, shall be deemed to cover three hundred sixty (360) square feet of landscaping area, or the equivalent of three (3) trees, or the equivalent of eighteen (18) shrubs.
- d. Section 4-6-11(g)~~23~~18. - Exceptions to landscaping requirements. In the Town Core Zone District, up to fifty percent (50%) of the required number of trees and shrubs may be substituted with alternative forms of landscaping and decorative elements, including benches, picnic tables, gazebos, art forms, sculptures, larger boulders, and planter boxes.

**Section 4:** Section 4-6-11 of the Silverthorne Town Code is hereby amended to read as follows:

- (a) Purpose. The purpose of this Section is to promote and protect the health, safety and welfare of the public and to enhance and preserve the community's environmental and visual character by promoting public and private landscaping that has aesthetic appeal, that complements the built and natural environment and that utilizes water resources efficiently. This Article is to support the Comprehensive Plan of the Town and help implement the urban design guidelines of the Town. The requirements of this Section shall apply to all new landscaping planted or installed within the Town.
- (b) Conformance required. It is unlawful, after the effective date of this Section, for any site development requiring a building permit, site plan or other development approval by the Town, to install, construct or plant any landscaping except in conformance with the provisions hereof.
- (c) Definitions. As used in this Article, the following terms shall have the meanings indicated:

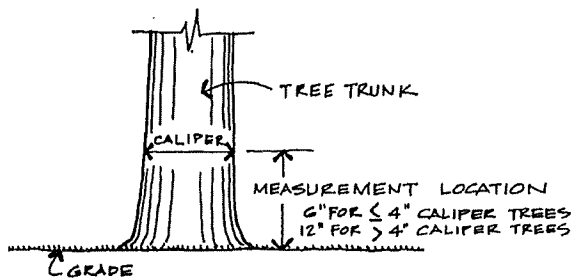
*Berm* means an earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

*Boulder* means a natural rock or stone eighteen (18) inches or greater in diameter.

*Buffer* means an open space or physical element, such as plants, berms, fences or walls, which physically separates or visually screens incompatible or undesirable lands uses and/or views.

*Caliper* means the diameter of a tree trunk. A caliper measurement will be made as shown in Figure 1.

Figure 1



*Deciduous* means a plant or tree which sheds its foliage annually.

*Evergreen* means a plant or tree having green foliage throughout the year; also coniferous.

*Landscaping* includes but is not limited to plants, shrubs, trees, ground cover, vines, rocks, benches, picnic areas, planter boxes, berms, pavers (paving stone), gazebos, art forms, sculpture, water elements (i.e., pools, fountains and waterfalls), terraces and other natural materials.

*Plant* means an organism typically having cellulose wall, manufacturing its own food by photosynthesis and being incapable of self-locomotion.

*Screen* means a method of reducing the impact (both visual and audio) of undesirable elements with less offensive or more harmonious elements, such as plants, berms, fences or any other such element.

*Shrub* means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

*Tree* means a woody plant, usually having one (1) or several self-supporting stems or trunks and numerous branches; may be deciduous or evergreen.

*Vegetated roof* means a roof on a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

*Xeriscape* means landscaping that promotes water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native or drought tolerant vegetation and limiting the amount and type of irrigation.

- (d) Landscape plan. As part of the site plan or development review process, the owner/ applicant of any development except residential developments of three (3) units or less shall submit a properly conforming landscape plan, whose scale shall be one (1) inch to twenty (20) feet or larger if the applicant's project is one-half ( $\frac{1}{2}$ ) acre, or less, or one (1) inch to fifty (50) feet or larger if the applicant's project is larger than one-half ( $\frac{1}{2}$ ) acre, and which shall include or show:

- (1) North - indicating arrow.
- (2) Property lines.
- (3) Locations of the proposed and existing structures on site.
- (4) Locations of all existing and proposed hard surface areas.
- (5) Locations of all existing trees, shrubs, wetlands, etc.
- (6) All proposed plants at mature size and at the same scale as the landscape plan.
- (7) A table listing the botanical names, the common names and the planting sizes and quantities of all plantings. (NOTE: To ensure their viability or be readily adaptable to the climate and soil conditions, a list of conifer and deciduous trees, shrubs, perennials and grass seed mixes suitable to the Silverthorne area is available from the Community Development Department.)
- (8) The owners/developers of the project, their telephone numbers and address.
- (9) The designer/architect and his or her telephone number and address.
- (10) Written descriptions of procedures to be used for revegetation of previously stripped areas and analyses of drainage ways and areas prone to soil erosion and procedures designed to mitigate such erosion. The written description shall include sections and profiles of proposed and existing drainage ways or drainage forces.
- (11) Identify which existing trees will remain and which trees will be removed in accordance with the Tree conservation plan.
- (12) Location and description of landscaping improvements.
- (13) Methods and details for protecting existing vegetation during construction and the approved sediment control plan, if necessary.
- (14) Planting and installation details as necessary to ensure conformance with required standards.
- (15) Irrigation plans which discuss irrigation concepts to be followed for the development, including monthly water use calculation detail (in gallons). This is required for all commercial and large residential developments.
- ~~(16) A statement providing that the owner, heirs, successors and assigns will provide adequate landscape and irrigation system maintenance for all site elements and that the obligation will be joint and several.~~

- (e) Review goals and objectives. In its review of the applicant's landscape plan, the Town shall take into consideration the following goals and objectives:
- (1) Whether the plan provides visual, noise and access barriers between conflicting land uses.
  - (2) Whether the plan takes into account and does not inhibit the exercise of solar access rights of neighboring properties.
  - (3) Whether the plan utilizes plantings to minimize soil erosion and protect sloped areas.
  - (4) Whether the plan interferes with any line of sight of vehicle drivers entering or leaving the site.
  - (5) Whether the plan enhances the architecture of the property; e.g., the landscaping tends to break up large expanses of a wall or other structure.
  - (6) Whether the plan facilitates the movement of pedestrians and vehicles on the site and integrates with and helps to conceal parking facilities on the site.
  - (7) Whether the plan utilizes and preserves existing and native vegetation to the greatest degree possible. Existing mature trees and vegetation shall count towards landscaping requirements.
  - (8) Whether the plan takes into consideration Silverthorne's unique microclimate in the choice and location of proposed landscaping.
  - (9) Whether the plan places an unreasonable burden on the Town water system and supply. The use of automatic irrigation systems is strongly encouraged.
  - (10) Whether the plan enhances visual appearance from adjacent public rights-of-way.
  - (11) Whether the plan promotes pedestrian opportunities to enjoy natural settings.
  - (12) Whether the plan is coordinated with adjacent properties.
  - (13) Whether the proposed landscape and irrigation plan considers water conservation and follows current xeriscape practices.
  - (14) Whether the plan ~~minimizes the amount of area covered by conventional sod or turf grass and/or~~ uses sod only where it has a practical function as described in Sections 4-6-11(f)8 and 4-6-11(g)16.
  - (15) Whether the plan considers defensible space practices in the location and choice of new landscaping.
- (f) Requirements for single-family, duplexes and triplex developments.

- (1) All disturbed areas on the site shall be revegetated or landscaped in a manner approved by the Community Development Department.
- (2) Existing on-site trees and shrubs that remain healthy and undisturbed during the site's development may be credited for required landscaping provided they meet the minimum size and species requirements.
- (32) No landscaping plan shall provide for plantings or construction which may interfere with the sight line of drivers entering or leaving the site. A sight triangle shall be established in accordance with the Town Street Design Standards, in which nothing is erected, placed, planted or allowed to grow in a manner as to limit or obstruct the sight distance of motorists entering or leaving the site.
- (43) All deciduous trees used to meet the landscaping requirements shall be a minimum of one-and-one-half-inch-caliper for single stem trees and a minimum of eight (8) feet in height for multi-stem trees, measured as shown in Figure 1. Minimum size for evergreen trees shall be six (6) feet or greater. All trees (existing and proposed) not meeting the one-and-one-half-inch caliper or six-foot-high standard will not count toward the landscaping requirements.
- (54) All shrubs used to meet the landscaping requirements shall be at least one and one-half (1.5) feet tall and a minimum number five (#5) container when planted.
- (65) The following are per-dwelling-unit minimum requirements for single-family homes, residential duplexes and triplexes:
  - a. Three (3) trees and six (6) shrubs;
  - b. Four (4) trees and three (3) shrubs; or
  - c. Five (5) trees and no shrubs.
- (7) The Community Development Director may reduce the required number of trees and shrubs if fire mitigation requirements cannot be met with the minimum number of trees and shrubs.
- (8) Landscaped areas shall utilize the following xeriscaping practices, in accordance with the proposed landscape and irrigation plan.
  - a. All proposed trees and shrubs shall be drought-tolerant species suited for semi-arid mountain environments, as listed in the Town's Recommended Plant List. Plants native to the Rocky Mountains are preferred. The Community Development Department may approve species that are not on the Town's Recommended Plant List on a case-by-case basis, provided the applicant demonstrates the proposed species are indeed drought-tolerant and capable of thriving in a semi-arid mountain environment.
  - b. All proposed ground cover shall be drought-tolerant species suited for semi-arid mountain environments and preferably Rocky Mountain native, with the following exception. Areas covered by non-native, non-drought-tolerant grass

shall be consolidated and limited to those areas on the site that provide for civic, community, or recreational use.

c. Invasive plant species shall be prohibited. The following specific plant species shall also be prohibited:

- Cottonwood –
  - Populus xberolinensis C. Koch [laurifolia x nigra var. italica]
  - Populus xheimburgeri B. Boivin [alba x tremuloides]
  - Populus xinopina Eckenwalder [fremontii x nigra]
  - Populus xrouleauiana B. Boivin [alba x grandidentata]
  - Populus xsmithii B. Boivin [grandidentata x tremuloides]
- Eastern Cottonwood - Populus deltoides W. Bartram ex Marshall
- Fremont Cottonwood - Populus fremontii S. Watson
- Lanceleaf Cottonwood - Populus xacuminata Rydb. (pro sp.) [angustifolia x deltoides]
- Narrowleaf Cottonwood - Populus angustifolia James
- Parry Cottonwood - Populus xparryi Sarg. [balsamifera x fremontii]
- Swamp Cottonwood - Populus heterophylla L.
- Yew – Taxus spp.

(g) Requirements for projects of four (4) residential units or more; any residential project where the landscaping is owned and/or maintained by a common entity; and all commercial projects. All landscaping plans shall meet the following requirements prior to approval.

- (1) All disturbed areas on the site shall be revegetated or landscaped in accordance with Subsection (k) of this Section. When seed is used to revegetate, mixes must be separated into percentages of grass and/or wildflower species. The species percentages and seed application rate should be noted on the final site plan or landscaping plan on all projects.
- (2) All on-site areas prone to soil erosion shall be defined on the landscape plan and shall be controlled through landscaping.

- (3) If requested by the Town, details must be submitted which show that no proposed landscaping plan shall cause interference with adjacent property owners' solar access rights.
- (4) No landscaping plan shall provide for plantings or construction which interferes with the sight line of drivers entering or leaving the site that would pose a safety hazard. A sight triangle shall be established in which nothing is erected, placed, planted or allowed to grow in a manner as to limit or obstruct the sight distance of motorists entering or leaving the site.
- (5) Where deemed necessary by the Town, the plan must provide for visual, noise and/or access barriers between lots or parcels and/or abutting streets or thoroughfares. In making its decision, the Planning Commission or Town Council will take into consideration the types of land uses on the adjoining lots or parcels.
- (6) To the greatest extent possible, existing healthy trees shall be saved upon development of a property unless it can be demonstrated that site restrictions necessitate their removal.
- ~~(7) Existing trees saved in the development of a site shall be credited for required landscaping based on meeting the minimum size and species requirements.~~
- ~~(8) Existing wetland areas, buffer zones and natural open space areas, which are undisturbed and in good health, shall be credited for required landscaping areas, as described in Paragraph (22) of this Section.~~
- (7) All deciduous trees used to meet the landscaping requirements shall meet the following size requirements:
  - a. Thirty-four percent (34%) of the trees must have a minimum two-and-one-half-inch caliper.
  - b. Thirty-three percent (33%) of the trees must have a minimum two-inch caliper.
  - c. Thirty-three percent (33%) of the trees must have a minimum one-and-one-half-inch caliper.
- (8) All evergreen trees used to meet the landscaping requirements shall meet the following size requirements:
  - a. Thirty-four percent (34%) of the trees must have a minimum height of ten (10) feet.
  - b. Thirty-three percent (33%) of the trees must have a minimum height of eight (8) feet.
  - c. Thirty-three percent (33%) of the trees must have a minimum height of six (6) feet.

(914) All shrubs used to meet the landscaping requirement shall be at least one and one-half (1.5) feet tall and a minimum five-gallon container when planted.

(1042) Landscaped areas may be used for snow storage if the following conditions exist:

- a. The landscaping is so placed so as not to inhibit snow-plowing operations.
- b. Plowing or storage of snow will not damage any of the landscaping.

(1143) The applicant shall submit planting specifications and details with a maintenance plan which must be approved by the Community Development Department.

(1214) ~~Landscaping requirements exterior to fencing. Percentages required to be located outside a fenced area in all nonresidential zone districts: seventy-five percent (75%) of required landscaping. If opaque fencing or screening is proposed, seventy-five percent (75%) of required landscaping shall be located outside the screened, fenced area in all nonresidential zoning districts.~~

~~(15) All landscape plans are required to have automatic irrigation systems. Landscaping plans must include the layout and design of the irrigation system.~~

(1316) ~~The landscape requirements for~~ Landscaped areas shall which utilize the following xeriscaping practices, in accordance with the proposed landscape and irrigation plan, ~~shall receive a five-percent (5%) reduction in required landscape area.~~

- a. All proposed trees and, shrubs and ground cover shall be Colorado-native or drought-tolerant species suited for semi-arid mountain environments, as listed in the Town's Recommended Plant List. Plants native to the Rocky Mountains are preferred. The Community Development Department may approve species that are not on the Town's Recommended Plant List on a case-by-case basis, provided the applicant demonstrates the proposed species are indeed drought-tolerant and capable of thriving in a semi-arid mountain environment.
- b. All proposed ground cover shall be drought-tolerant species suited for semi-arid mountain environments and preferably Rocky Mountain native, with the following exception. Areas covered by non-native, non-drought-tolerant grasses shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for civic, community, or recreational use, provide soil erosion control (such as on slopes or in swales) and/or where it has a practical use.
- c. Artificial turf and invasive plant species shall be prohibited. The following specific plant species shall also be prohibited:

- Cottonwood –

- Populus xberolinensis C. Koch [laurifolia x nigra var. italica]

- Populus ×heimburgeri B. Boivin [alba × tremuloides]
- Populus ×inopina Eckenwalder [fremontii × nigra]
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- Swamp Cottonwood - Populus heterophylla L.
- Yew – Taxus spp.

de. All landscape plans are required to have automatic irrigation systems. Landscaping plans must include the layout and design of the irrigation system. Efficient irrigation systems shall be equipped with a drip emitter and with a moisture sensing and/or rain shut-off device to avoid irrigation during periods of sufficient soil moisture.

~~(17) At least seventy-five percent (75%) of the area required to be landscaped shall have a ground cover of living plant material, including but not limited to native or no-mow grass, wildflowers and other recognized ground-covering plant materials.~~

~~(18) The remaining percent of the area required to be landscaped may be covered with bark, wood chips, wood shavings, rock, stones or other materials approved during the site plan process.~~

(1419) For all surface parking facilities with a capacity larger than twenty-five (25) cars in more than two (2) aisles, the landscape plan must provide for interior plantings and construction in order to break up the expanse of hard-surface area. Parking facilities shall conform to the following three (3) elements:

a. Along public right-of-way. A minimum of a ten-foot landscape strip shall be required adjacent to rights-of-way. The landscape strip shall buffer the parking facility from the right-of-way.

b. Perimeter of parking. A minimum of a ten-foot landscaping buffer strip shall be provided for all parking facilities which abut the property line.

- c. Interior landscaping. In a parking facility of more than two (2) aisles, the developer shall provide for interior plantings in order to break up the expanse of hard-surface area. No tree-planting area may be less than five (5) feet wide in any dimension.

This Subsection does not abrogate the parking requirements elsewhere established in this Code.

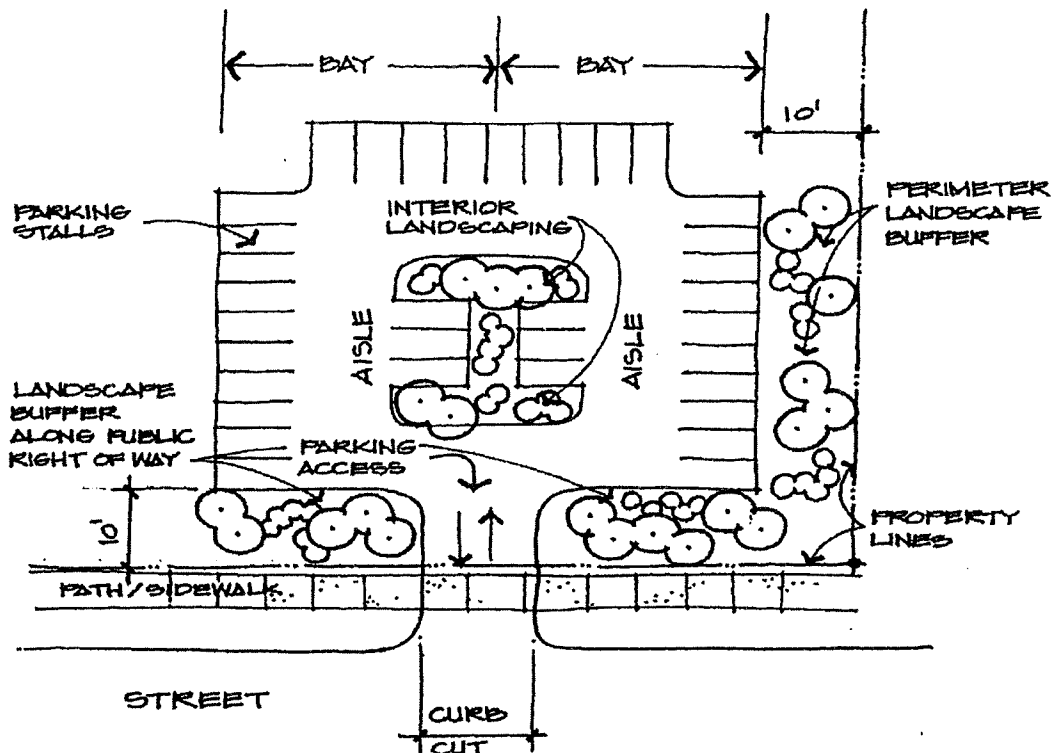
(1520) Landscaped islands within parking lots shall meet the following requirements:

- a. Landscaping within landscaped islands shall not obstruct visibility for vehicles entering, maneuvering in or exiting the parking lot.
- b. Landscaped parking lot islands shall be at least one hundred fifty (150) square feet in area and contain a minimum of six (6) shrubs and one (1) tree per individual island.
- c. Landscaped parking lot islands greater than one hundred fifty (150) square feet in area shall have one (1) additional shrub for each additional fifteen (15) square feet, or fraction thereof, in area.
- d. One (1) tree may be substituted for ten (10) shrubs when approved during the site plan process.
- e. Landscaped parking lot islands shall be dispersed throughout the parking lot in such a manner as to divide and break up the expanses of paving. Landscaped islands shall be a minimum of ten (10) feet in width.

(1624) Where a commercial parking lot boundary adjoins property zoned for any residential use, a minimum landscape buffer between of twenty-five (25) feet from such parking lot boundary and the adjoining residential property shall be required. Within this landscape buffer, an earthen berm, with average side slopes no greater than 3:1, view-obscuring fence, or decorative wall, and groupings of trees and shrubs may be used for screening. The minimum width of the landscape buffer shall be determined by the minimum setback required for the parking lot. a minimum of four (4) feet in height shall be required.

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Figure 2



(1722) Landscaping requirements (trees and shrubs).

Zone	Landscaping Area Requirement	Tree Requirement*	Shrub Requirement	<u>Living Ground Cover Requirement</u>	<u>Non-Living Ground Cover Requirement</u>
Multifamily Residential	30% of lot area*	<u>30%</u> 40% of landscaping area	10% of landscaping area	<u>35% of landscaping area</u>	<u>25% of landscaping area</u>
Mixed Use, Government, Light Commercial (C-1)	20% of lot area*	<u>30%</u> 40% of landscaping area	10% of landscaping area	<u>35% of landscaping area</u>	<u>25% of landscaping area</u>
Heavy Commercial Uses (C-2)	10% of lot area*	<u>30%</u> 40% of landscaping area	10% of landscaping area	<u>35% of landscaping area</u>	<u>25% of landscaping area</u>

\* For the purpose of calculating required landscape area, the lot area may be reduced by the area covered by existing natural vegetation that will remain

undisturbed during development, subject to the approval by the Community Development Department.

- Landscape Reduction Options:

1. For the purposes of calculating required landscape area, the lot area may be reduced by the area covered by existing natural vegetation, wetland areas, buffer zones, and natural open space areas that will remain undisturbed during development, subject to approval by the Community Development Department. The natural vegetation within the area that is used to reduce the landscape area shall not also be counted towards Landscape Reduction Option 2, described below.
  2. Existing on-site trees and shrubs that remain healthy and undisturbed during the site's development may be credited for required landscaping provided that they meet the minimum size and species requirements. If this option is chosen, a survey with the quantity, caliper size, height, and species of trees and shrubs that are to remain undisturbed is required.
- Each deciduous tree and evergreen tree shall be deemed to cover one hundred twenty (120) square feet for the purpose of calculating the tree requirement. A minimum mix of fifty percent (50%) evergreen and fifty percent (50%) deciduous trees is required. Refer to Section 4-6-11(g)(79) and (840) for size requirements.
  - Each shrub shall be deemed to cover twenty (20) square feet for the purpose of calculating the shrub requirement. Refer to Paragraph 4-6-11(g) for size requirements.
  - Each landscape decorative element, including benches, picnic tables, gazebos, art forms or sculptures, shall be deemed to cover one hundred twenty (120) square feet of landscaping area. Landscaping elements shall be located in approved spaces that support their function and use.
  - Each set of three (3) large boulders shall be deemed to cover one hundred twenty (120) square feet of landscaping area.
  - Non-living ground cover within the area to be landscaped may include bark, wood chips, wood shavings, rock, stones or other materials approved during the site plan process. For the purposes of this section, non-living ground cover does not include structures or pavement for vehicle access, parking, or pedestrian walkways. Upon review and approval of the Community Development Director, other impervious landscaping features may be considered non-living ground cover. Any alternative landscape features such as benches or sculptures that are used to meet tree or shrub requirements are excluded from the non-living ground cover requirement.
  - Living ground cover within the landscaping area may include native grasses, wildflowers, or other living plant material including trees or shrubs in excess of the minimum requirement. For purposes of calculating the living ground cover

requirement, the minimum quantity of required trees and shrubs shall be excluded from the living ground cover minimum requirement.

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(1823) Exceptions to requirements.

- a. Up to ten percent (10%) of the required number of trees may be substituted for alternative forms of landscaping and decorative elements, including benches, picnic tables, gazebos, art forms, sculptures, larger boulders and planter boxes.
- b. Vegetated roofs may count towards required landscape area on a 1:1 square foot ratio, up to a maximum of fifty percent (50%) of the required landscape area.
- c. Upon review and approval of the Community Development Director, the required number of trees and shrubs may be reduced if fire mitigation requirements cannot be met with the minimum number of trees and shrubs.
- de. In order to avoid landscaping requirements that are inconsistent with the a site's natural environment and/or fire mitigation requirements, and Silverthorne's microclimate, applicants may propose, and the Community Development Department may approve, alternative methods for landscaping a site, provided that the applicant can demonstrate, and the Community Development Department determines, that there are unique and unusual physical characteristics on the site related to microclimate, aspect, defensible space, and/or soil conditions and that the alternative will meet or exceed the level of design that is expressed in the objectives in Subsection (e) of this Section.

(h) Completion.

- (1) All approved landscaping must be completed prior to the issuance of certificates of occupancy generally in the months of May through October. Certificates of occupancy will be issued during the remainder of the year prior to completion of approved landscaping only if the applicant provides a guaranty of improvements which is acceptable to the Town.
- (2) In the case of a drought, as determined by the Town, the property owner may request from the Community Development Department an extension on the landscape installation time frame. If approved, the owner will be required to submit a bid from a local landscape contractor, along with one hundred fifty percent (150%) of the estimated cost of materials and labor, to be completed by the date given by the Community Development Department.

(i) Guaranty of landscaping. Generally, in- In the months of November through April, prior to the issuance of a certificate of occupancy, the applicant shall provide security for not

less than one hundred fifty percent (150%) of the then-current written estimated cost of the landscaping improvements (including materials and labor) approved by the Community Development Department. The written estimate shall be obtained from an independent landscaping contractor, and the security shall be in a form acceptable to the Town.

(j) Maintenance of landscaping.

- (1) On single-family, duplex and triplex units, the landscaping shall be maintained in the amount and location required by the approved site plan.
- (2) Landscaping maintenance shall include water, fertilization, pruning and weed control. Nonliving elements in landscaping also need maintenance to avoid being in violation of this Section.
- (3) Prior to issuance of a certificate of occupancy on all multifamily and commercial projects, in accordance with Section 4-6-9, the applicant shall also submit a guaranty, in a form acceptable to the Town, of twenty-five percent (25%) of the estimated cost of live plant material provided as part of the landscaping requirement. This amount shall be retained by the Town until the plant materials have been maintained in a satisfactory condition for two (2) years after installation. The Town may during that time draw upon the twenty-five-percent guaranty to replace plant materials which have died. The remainder of the guaranty, if any, shall be returned to the owner of record upon the expiration of the two-year period. Funds shall only be returned during the months of April through October when survival of landscaping can be verified.
- (4) After the expiration of the security guaranty, the landscaping must be maintained in perpetuity.
- (5) All plantings shall be maintained in a healthy and attractive manner by the property owner of record, the property owner's agent or tenant, or a homeowners' association which has assumed landscape maintenance responsibility. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating.
- (6) Dead plant materials shall be removed and replaced within one (1) month with plant materials that meet the original intent of the approved landscape design. Dead, diseased and/or beetle-infested trees must be removed within ten (10) days of receipt of written notice to the property owner or an acceptable plan and schedule for removal must be submitted to the Community Development Department within ten (10) days, pursuant to Section 4-8-42 of this Chapter.
- (7) Natural landscape materials, such as rock, stone, bark chips and shavings which no longer cover the area in which they were originally deposited, shall be replenished so that they again achieve full coverage to a minimum depth of three (3) inches.
- (8) Landscaping structural features, such as fencing, planter boxes, etc., shall be maintained in a sound structural and attractive condition.

- (9) Failure to replace dead landscape materials within a reasonable period of time shall be considered a violation of the site plan approval and is subject to the provisions of Appendix A.

(k) Grading and revegetation requirements:

- (1) All areas disturbed by construction, grading or any other impact left in an unimproved state must be revegetated predominantly free of weeds.
- (2) Required plant materials: Due to the limitations of growing conditions in the area, the use of a native mix is required at a minimum of 2 lb./1000 SF (list available at Community Development Department), and fertilizing shall be done at a minimum of 5 lb./1000 SF.
- (3) To guarantee growth and soil contact:
  - a. Disturbed slopes require grading subterrain, including the removal of rocks larger than two (2) inches, to provide proper drainage.
  - b. Topsoil, if not sufficient for growth, requires an addition of a minimum of two (2) inches topsoil or to a depth deemed necessary by the Community Development Department.
  - c. After application of topsoil and seed, increased soil contact is done by hand rake or machine.
  - d. Slopes less than 3:1 shall be seeded, fertilized and raked in. It is encouraged that slopes be hayed and tackified to prevent erosion.
  - e. Slopes 3:1 and greater shall be cat-tracked, seeded and fertilized, hayed and netted or tackified. If the potential of runoff and drainage problems exist, soil stabilization blankets or retention walls may be required which the Community Development Department will determine.
  - f. These requirements must be met, planned and submitted to the Community Development Department, along with the landscape plan.

(l) Screening standards.

- (1) Required screening, unless otherwise specifically provided for in this Chapter, shall be constructed and maintained in accordance with the regulations in this Section.
- (2) Required screening shall not be less than six (6) feet in height.
- (3) The Town Council may permit screening with different standards during the development review process when the Town Council finds:
  - a. A different standard meets the purposes of screening; and

- b. A different standard does not adversely affect neighboring property.
- (4) In the event a development is approved with a screening standard different from the standards in this Section, the standards established in the development review process shall control.
- (5) Required screening shall be constructed of:
  - a. Brick, stone or concrete masonry, stucco, concrete or wood unless a different but equivalent material is specifically approved by the Community Development Department.
  - b. Earthen berm planted with turf-grass or ground cover generally recognized by landscape architects and horticulturists for local area use.
- (6) Access through the required screening may be provided by a solid gate or other site planning provision which preserves the integrity of the screening.
- (7) An owner shall provide screening in accordance with this Section for the rear or service side of a nonresidential building if:
  - a. The nonresidential building is in a residential district and is exposed to a residential use, or
  - b. The nonresidential building is in a nonresidential district and is exposed to and closer than one hundred fifty (150) feet to the boundary line of a residential district.
- (m) Plant materials used for required screening shall be maintained in a healthy growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all plantings as needed. Any plant that dies shall be replaced with another living plant within one hundred twenty (120) days after notification by the Town.
- (n) All required screening with plant materials shall be irrigated by an automatic irrigation system installed to comply with the Town's standards and specifications.
- (o) In the Open Space District, all screening and/or fencing shall be consistent with the purpose of maintaining the open space values of the property and the screening standards found in this Section.

#### **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: Conflicts**

All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Silverthorne in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

**Section 8: Effective Date**

This ordinance shall be effective upon adoption at second reading as provided by the Home Rule Charter, with the exception of Sections 4-6-11 (f) (8) (c) and 4-6-11 (g) (13) (c), which shall have an effective date of January 1, 2026.

READ, MOVED, AND PASSED ON FIRST READING ON THE 23rd DAY OF APRIL 2025.

MOVED, SECONDED, AND PASSED ON SECOND AND FINAL READING, ON THE 14<sup>th</sup> DAY OF MAY 2025.



TOWN OF SILVERTHORNE, COLORADO

By: \_\_\_\_\_

Ann-Marie Sandquist, Mayor

ATTEST:

By: \_\_\_\_\_

Joy Rosales, Town Clerk

Approved on the first reading: \_\_\_\_\_

Published by title only: \_\_\_\_\_

Approved on the second reading: \_\_\_\_\_

Published by title only: \_\_\_\_\_

(with amendments, if amended  
on second reading): \_\_\_\_\_

2025

_____	<u>April</u>	<u>23rd</u>	2025
_____	<u>May</u>	<u>2nd</u>	2025
_____	<u>May</u>	<u>14th</u>	2025
_____	<u>May</u>	<u>23rd</u>	2025