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# **LAND USE CODE**

## **DOLORES, COLORADO**

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Adopted: March 9, 1998  
Amended: August, 2008  
Amended: June 18, 2012

## CONTENTS

<b>ARTICLE I. GENERAL PROVISIONS</b>		<b>Page</b>
A.	Title.....	1
B.	Authority .....	1
C.	Applicability.....	1
D.	Enactment and repeals .....	1
E.	Purpose .....	1
F.	Minimum standards; conflict with private restrictions .....	2
G.	Municipal services outside of town boundaries .....	2
H.	Fees.....	2
I.	Vested property rights .....	2
J.	Severability .....	4
<b>ARTICLE II. DEFINITIONS AND INTERPRETATIONS</b>		
A.	Rules of construction .....	5
B.	Definitions.....	5
C.	Interpretations.....	13
<b>ARTICLE III. ZONING DISTRICT REGULATIONS</b>		
A.	Districts established.....	14
B.	Official Zoning Map.....	14
C.	Use regulations .....	15
D.	Area regulations .....	30
E.	R-1, Residential district .....	33
F.	LLR, Large lot residential district .....	34
G.	MFR, Multi-family residential district .....	36
H.	MH, Mobile home district.....	38
I.	R-10, Resource-10 district .....	39
J.	R-35, Resource-35 district .....	40
K.	CB-1, CB-2Community business district .....	41
L.	CH, Commercial highway district.....	45
M.	P, Public district .....	47
N.	PUD, Planned unit development district.....	48
<b>ARTICLE IV. SUBDIVISION STANDARDS</b>		
A.	Scope and applicability .....	50
B.	Building lots .....	50
C.	Streets and alleys .....	51
D.	Street lighting.....	53
E.	Easements.....	54
F.	Public land dedication.....	54
G.	Drainage.....	57
H.	Water supply.....	57
I.	Sanitation.....	57
J.	Underground utilities.....	57

**ARTICLE V. SITE DEVELOPMENT STANDARDS**

A. Scope and applicability .....	58
B. Parking and access .....	58
C. Sidewalks and trails .....	60
D. Fences and walls .....	61
E. Trees, landscaping and screening .....	61
F. Tree preservation .....	65
G. Signs .....	67
H. Outdoor lighting .....	72
I. Operational performance standards .....	72
J. Ridgeline hazard standards .....	73

**ARTICLE VI. ADMINISTRATION AND PROCEDURES**

A. Decision-making bodies .....	75
B. Administrative officials .....	78
C. Zoning map and text amendments .....	79
D. Comprehensive Plan amendments .....	82
E. Preliminary plats .....	83
F. Final plats .....	87
G. Improvements agreements and performance guarantees .....	91
H. Acceptance of subdivision improvements .....	91
I. Mandatory homeowners' association .....	94
J. Replats and plat amendments .....	96
K. Conditional use permits .....	97
L. Minor subdivision plats .....	99
M. Condominium subdivisions .....	100
N. Annexations .....	105
O. Areas of state and local interest .....	111
P. Appeals .....	115
Q. Variances .....	116
R. Special exceptions .....	118
S. Historic preservation .....	120
T. Tree removal permits .....	125
U. Sign permits .....	126
V. Temporary use permits .....	127
W. Zoning development permits .....	127
X. Certificates of occupancy .....	128

<b>ARTICLE VII. NON-CONFORMITIES</b> .....	130
--	-----

<b>ARTICLE VIII. ENFORCEMENT AND PENALTIES</b> .....	134
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**APPENDICES**

A-1. Zoning development permit application form .....	135
A-2. Floodplain development ordinance .....	see Zoning Administrator

## ARTICLE I.

### GENERAL PROVISIONS

- A. **Title.** This ordinance shall be known and may be referred to as the “Land Use Code of the Town of Dolores” or simply as this “Code,” or as the “Land Use Code.”
- B. **Authority.** This Land Use Code is adopted pursuant to the powers granted and limitations imposed by Article 23, Section 31 of the Colorado Revised Statutes, 1973, as amended.
- C. **Applicability.** The provisions of this Land Use Code shall apply to the development of all land within Town of Dolores, unless specifically provided otherwise in this Land Use Code.
- D. **Enactment and Repeals.** Upon the adoption of this Code, the following are hereby repealed in their entirety: The *Zoning Ordinance* of the Town of Dolores, Colorado (“Town”) originally adopted July 31, 1979 with Ordinance #316 together with all amendments thereto; and the *An Ordinance Adopting the Dolores Subdivision Regulations and Enacting Penalties for Illegal Subdivision Activities* (“Subdivision Regulations”), passed and approved on May 23, 1984, with Ordinance #333; and the *Flood Damage Prevention Ordinance Statutory Authorization, Findings of Fact, Purpose and Objectives*, passed and approved on August 29, 1989, with Ordinance #360; together with all amendments thereto; and any other ordinance, resolution or regulation inconsistent with this Code. The Land Use Code has been approved through Ordinance #479 adopted on August 11, 2008.
- E. **Purpose.** The Land Use Code is adopted for the purpose of promoting the health, safety and general welfare of the citizens of the Town of Dolores. It is adopted in accordance with, and is intended to implement, *The Dolores Comprehensive Plan*, as adopted [September 8, 1997]. More specifically, this Land Use Code is intended to do the following:
1. Preserve and enhance the integrity, stability and livability of residential neighborhoods;
  2. Extend greater opportunities for traditional community living, working, housing, and recreation to all citizens and residents of Dolores;
  3. Maintain property values by stabilizing expectations and ensuring predictability in development;
  4. Preserve the historic, small town character of the community by directing new development appropriate locations and minimizing the visual impact of development;
  5. Prevent overcrowding of buildings and sites to avoid excessive concentrations of population, to promote energy conservation and facilitate the provision of adequate transportation, water, sewage, schools, businesses, parks and other public facilities and services;
  6. Reduce development sprawl and the excessive segregation of land uses that cause unnecessary traffic congestion and increase the costs of provided adequate public facilities and services.
  7. Encourage a more efficient use of land and public services and to direct new development in a more traditional pattern of mixed- and multiple-use and varied housing types;
  8. Provide a procedure which can relate the type, design and layout of residential development to the particular site, the particular need for housing at a particular time, and to the Town’s goal of encouraging mixed-use development while preserving and protecting existing residential areas.

9. Establish a process that effectively and fairly applies the regulations and standards of this Land use Code, respects the rights of property owners and the interests of citizens.

**F. Minimum Standards; Conflict with Private Restrictions.** The provisions of the Code are the minimum standards necessary to accomplish its stated purposes. It is not the intent of this Code to interfere with, abrogate or annul any private easement, covenant, deed restriction or other agreement between private parties. When the provisions of this Code impose a greater restriction than imposed by such private agreements, the provisions of this Code shall control. When private agreements impose a greater restriction than imposed by this Code, such private agreements shall control.

**G. Municipal Services Outside of Town Boundaries.** Extension of municipal service to development outside town boundaries shall be subject to applicable rules and regulations of the Town of Dolores. All land uses served shall be consistent with the Dolores Comprehensive Plan and its Future Land Use Map. All such service shall be preceded by property owner(s) execution of a pre-annexation agreement and any required service contract(s).

**H. Fees.**

1. Fees for the processing of land use applications shall be set by resolution of the Board of Trustees commensurate with the costs incurred and the level of service provided. Such fees may include all costs occasioned to the Town, including the cost of publication of notice, public hearing and planning, engineering, legal and other professional review costs.
2. No person or entity owing money to the Town, in any amount or for any purpose, including delinquent taxes certified by the County Treasurer or any land use application fees, may be granted any Development Permit or any other development approval and the Town and any of its boards, commissions, departments, officers or agents will take no action on a Zoning Development Permit or other land use application until all monies owed the Town by an Applicant are paid. This provision shall not prohibit the Town or any of its designees from conducting a pre-application conference or determining application completeness.

**I. Vested Property Rights**

1. **General**
  - a. Pursuant to the provisions of Article 68 of Title 24, Colorado Revised Statutes, a property right shall be deemed vested with respect to any property, following notice and public hearing, when required, upon the approval or conditional approval, of a final plat by the Board of Trustees.
  - b. A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approval.
  - c. The Board of Trustees may approve a subdivision plat or grant other final approval upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.

2. **Vested Property Right Term.** A property right that has been vested as provided in Article I.1. shall remain vested for a period of three (3) years. However, the Board of Trustees may enter into development agreements with land owners specifying that property rights shall be vested for a period exceeding three (3) years when warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, economic cycles and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.
  - a. Issuance of a Building Permit or a Development Permit shall guarantee vested rights to use the property in compliance with the terms and conditions of the final plat, although failure to comply with such terms and conditions shall result in forfeiture of vested property rights.
  - b. Should no Building Permit or Development Permit be issued within said three (3) years, the plan shall be terminated and the vested property right shall automatically expire.
3. **Extension of Vested Property Right Term.** The affected land owner may request that the Board of Trustees grant an extension of the final plat for up to three (3) years, provided that:
  - a. A written request for an extension is submitted by the affected landowner no less than 60 days prior to the date of termination of the vested property right;
  - b. Such extension request shall be considered by the Board in a public hearing, notice of which shall be advertised not less than 30 days prior to such hearing in a newspaper of general circulation within the County;
  - c. There is no conflict with the Land Use Code or that any conflict may be corrected by an amendment to the final plat, which shall be presented with the request for extension;
  - d. The Applicant has demonstrated that the final plat continues to be compatible with adjacent properties and the surrounding area, or that compatibility may be established by an amendment to the final plat, which shall be presented with the request for extension;
  - e. The Applicant has demonstrated that the final plat is consistent with the Comprehensive Plan; and
  - f. Such extension, if granted, shall be valid only for the period approved by the Board of Trustees.
4. **Further Reviews.** Following approval or conditional approval of a subdivision plat or other final approval, nothing in this section shall exempt such a plan or plat from subsequent reviews and approvals, including, but not limited to, construction drawings, drainage plans, Building Permit and Certificate of Occupancy to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval.
5. **New Regulations.** The establishment of a vested property right shall not preclude the application of land use regulations which are general in nature and are applicable to all property subject to land use regulations by the Town, including, but not limited to, building, fire, plumbing, electrical, mechanical codes, and other public health, safety and welfare codes.

6. **Natural or Man-made Hazards.** A vested property right shall automatically terminate upon the discovery on or in the immediate vicinity of the subject property of natural or man-made hazards which could not reasonably have been discovered at the time of site-specific development plan approval, and which, if uncorrected, would pose a serious threat to the public health, safety and welfare.
  7. **Public Improvements.** The vested property rights provided herein shall in no way diminish or alter the requirement for public improvements, or other requirements, as provided in Town regulations.
  8. **Effective Date of Final Plat Approval.** The effective date of the approval of a final plat shall be the date of approval or grant by the Board of Trustees. In the event amendments to a final plat are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of approval or granting of the original final plat, unless the Board of Trustees finds to the contrary and incorporates such finding in its approval of the amendment.
  9. **Vested Rights Language.** Each final plat shall contain the following language: “approval of this plan may create a vested property right pursuant to article 68 of Title 24, C.R.S., as amended.” Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved and the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than 14 days after approval of the final plat, in a newspaper of general circulation within the County.
  10. **Other Town Rules.** Approval of a final plat shall not constitute an exemption from or waiver of any other provisions of the Town’s regulations pertaining to the development and use of property.
- J. Severability.** It is hereby declared to be the intention of Board of Trustees of the Town of Dolores that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code, since the same would have been enacted by the Board of Trustees without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

## ARTICLE II.

### **DEFINITIONS AND INTERPRETATIONS**

#### **A. Rules of Construction**

1. **Text.** In case of any difference of meaning or implication between the text of this Zoning Code and any illustration or figure, the text shall control.
2. **Computation of time.** The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday declared by the Town, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. The following time-related words shall have the meanings ascribed below.
  - a. “Day” means a calendar day unless working day is specified.
  - b. “Week” means seven (7) calendar days.
  - c. “Month” means a calendar month.
  - d. “Year” means a calendar year, unless a fiscal year is indicated.
3. **Delegation of authority.** Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize appropriate subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
4. **Public officials, bodies and agencies.** All public officials, bodies, and agencies to which reference is made are those of the Town of Dolores, Colorado, unless otherwise indicated.

#### **B. Definitions.**

Words defined in this section shall be given the meanings set forth here. All other words shall be given their common, ordinary meanings. In case of dispute over the meaning of a term not defined here, the Zoning Administrator shall give a written interpretation.

**Accessory Use:** A use naturally and normally incidental to the permitted use by right of the land or lot.

**Animal Pound or Kennel (public or private):** Any premise on which four (4) or more dogs over 10 weeks of age are kept or housed for any reason and for any length of time.

**Applicant:** A person who submits an application for development to the local government.

**Application for Development:** An application for a preliminary or final plat for subdivisions, a planned unit development, or any other similar land use. Application for development includes applications for zoning, rezoning, general development plans, and special use permits where such applications are in anticipation of new surface development, but do not include building permit applications.



**Asphalt or Concrete Batching Plant, Temporary:** A temporary facility for producing asphalt or concrete products used in construction activities on the same or nearby sites.

**Assisted Living Facility:** A facility that provides supervision or assistance with activities of daily living, coordination of services outside health care providers and monitors resident activities to help ensure their health, safety and well-being.

**Auto Repair Garage:** A building or place arranged, designed, used or intended to be used for the primary purpose of providing general repair and servicing of motor vehicles. Such repair or servicing may include reconditioning of engines, air conditioning systems and transmissions; wrecker service; collision services including body, frame or fender straightening or repair; painting, undercoating and rust-proofing; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers, or upholstery; and other similar services.

**Bed and Breakfast:** A residence with one or more rooms set aside for guest accommodations which includes breakfast.

**Buildable Area:** For the purposes of subdivision development, buildable area shall mean that portion of a building lot or site not within the required front and rear yard areas. For the purposes of issuing building permits, buildable area shall also mean those areas on a building lot or site, as shown on the required site plan, necessary for the construction of such other improvements as driveways, parking areas, pools, tennis courts and accessory buildings, including sufficient adjacent area to allow the normal operation of construction equipment.

**Building Line:** A line parallel or approximately parallel to the street line at a specified distance there from establishing the minimum distance from the street line that a building may be erected.

**Building:** Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. Building includes yurts, removable sheds, and similar uses, but does not include signs or fences.

**Church or Place of Worship:** A site used primarily or exclusively for religious worship and related religious services operated by a bona fide religious group for religious activities.

**Commercial Development:** Commercial development includes, but is not limited to, the construction or expansion by the addition of square footage of office, retail, wholesale, warehouse, manufacture, commercial recreation, restaurant/bar and/or service commercial operations.

**Common Interest Community:** Real estate described in a declaration with respect to which a person by virtue of such person's ownership of a unit is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvements of other real estate described in a declaration. "Ownership" does not include a leasehold interest of less than forty (40) years, including renewal options, as measured from the commencement date of the initial term.

**Condominium/Townhouse:** Common interest communities in which portions of the real estate is designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions.

**Cooperative:** A common interest community in which the real property is owned by an association, each member of which is entitled by virtue of such member's ownership interest in the association an exclusive possession of a unit.

**Planned Community:** A common interest community that is not a condominium or cooperative.

**Condominium Map:** A printed instrument depicting all or a portion of a common interest community in three dimensions. A condominium map or a condominium plat may be combined in one instrument.

**Condominium Plat:** A printed instrument that is a land survey depicting all or a portion of a common interest community in two dimensions. A condominium plat and condominium map may be combined in one instrument.

**Custom Personal Service:** Barber shop, beauty shop, tailor, dressmaker, shoe shop or similar custom service shop.

**Density:** The maximum number of dwelling units per gross acre of land permitted in a zone district.

**Developer:** Any public or private person, partnership, association or agency that prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, during which preparation the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

**Development Permit:** See "Zoning Development Permit."

**Development:** The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; change in the intensity of use of land; construction, reconstruction, demolition or partial demolition or alteration of buildings, roads, utilities, and other facilities; commencement of drilling (except for a well or to obtain soil samples), mining, or excavation; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover.

**District:** District means a zoning district.

**Dwelling Unit:** A IBC standard constructed structure or portion of such a structure, other than a mobile home, that is designed, occupied or intended to be occupied as living quarters and includes facilities for cooking, sleeping and sanitation; but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraints.

**Accessory Dwelling Unit:** A room or rooms attached to or within a single-family dwelling, or over a garage, arranged, designed or occupied as a residence.

**Apartment:** A room or suite of rooms in a mixed use building (commercial and residential uses) arranged, designed or occupied as a residence.

**Duplex or Two-family Dwelling:** The use of a lot for two (2) dwelling units, other than mobile homes, within a single building and under a single roof.

**Multi-Family Dwelling Unit:** The use of a lot for three (3) or more residential dwellings, other than mobile homes, within a single building and under a single roof, including apartments, townhouses and attached condominiums.

**Single-family Dwelling:** The use of a lot for one (1) dwelling unit that has no physical connection to a building located on any other lot.

**Triplex or Three-Family Dwelling:** The use of a lot for three (3) dwelling units, other than mobile homes, within a single building and under a single roof.

**Essential Services:** The development or maintenance of public utilities or Town-approved underground, surface or overhead gas, electrical, telephone, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, and sewage pump stations.

**Family:** Two (2) or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or not more than four (4) unrelated persons occupying the same dwelling unit.

**Field Office, Temporary:** A structure or shelter used in connection with an approved development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

**Gasoline Service Station:** A building or place arranged, designed, used or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other minor automobile accessories at retail direct to the motor vehicle trade and where other services to motor vehicles can be rendered. such as the following: sales and servicing of parts; tire repair and servicing, but no recapping; automotive services that are considered vehicle maintenance and replacement services and shall never be construed to include any major overhaul or the removal and/or rebuilding of an engine, cylinder head, transmission, differential, radiator, springs, or axles; steam cleaning; body or frame work; painting; upholstering; or replacement of glass. This use may include the incidental sale of meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items to a localized or neighborhood market, for off-premise consumption, provided that in no case shall the floor area devoted to such sales exceed 2,400 square feet.

**Group Home:** An alternative to traditional in-home foster care for children, in which children are housed in an intimate or home-like setting, in which a number of unrelated children live for varying periods of time with a single set of house parents, or with a rotating staff or trained caregivers.

**Home Occupation:** A use customarily carried on in a business establishment that is permitted to be carried on in a residence for financial gain that does not change the residential character

**Industrial:** Denotes industrial or manufacturing enterprises that tend to emit odor, noises, or other ecological pollutants that are least compatible with other uses.

**Improvement:** The addition of street, curb and gutter, sidewalk, storm drainage or utilities facilities or street trees or any other required items on a vacant parcel of land.

**Landscaping:** May include trees, shrubs, grass, ground cover, vines, walkways, ponds, fountains, sculpture, and other organic and inorganic materials used for creating an attractive appearance. Smooth concrete or asphalt surfaces are not considered landscaping.

**Lot:** An undivided tract or parcel of land under one (1) ownership having frontage on a public street and either occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract.

**Lot Area:** The net area of the lot, excluding portions of streets and alleys.

**Lot Coverage:** The percentage of a lot or tract covered by the roof or first floor of buildings.

**Lot of Record:** A lot that is part of a subdivision or the original Town site, the plat of which has been recorded in the office of the County Clerk of Montezuma County or a parcel of land, the deed for which is recorded in the office of the County Clerk of Montezuma County prior to the adoption of the town's original Zoning Ordinance [Oct. 27, 1987].

**Manufacturing, Hazardous or Objectionable:** A use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, steel works, slaughterhouses and tanneries.

**Manufacturing, Light:** An establishment or use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, wholesale sales and distribution of such products.

**Mineral Estate:** An interest in real property that is less than full fee title and that includes mineral rights as shown by the real estate records of the county in which the property is situated.

**Mineral Estate Owner:** The owner or lessee of a mineral estate underneath a surface estate that is subject to an application for development.

**Mobile Home:** A HUD Standard approved structure designed as a single family dwelling, built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit or in sections by special permit.

**Mobile Home Park:** A tract of land designed or being used to accommodate two (2) or more mobile home dwelling sites for rental.

**Motel or Hotel:** A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of six (6) individual guestrooms or units and shall furnish customary hotel or motel services.

**Municipal Facilities:** Town owned and operated institutions or facilities including but not limited to a library, museum, park, playground, trails, recreational center, jail or correctional facility, police, fire or utility facilities.

**Office, Business or Professional:** A use where business, professional, or governmental services are made available to the public, including: (1) Business Office - an office for use by persons such as realtors, travel, advertising or insurance agents and property managers providing both products and services, or the home office of a company that sells retail or wholesale products or provides professional services; (2) Professional Office - an office for use by persons such as physicians, dentists, lawyers, architects, engineers, accountants and other professionals who primarily provide services rather than products.

**Open Space:** Area included in any side, rear or front yard or any unoccupied space on the lot or tract that is open and unobstructed to the except for the ordinary projections of cornices, eaves, and plant material.

**Owner:** Any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or other person with sole or with concurrent legal and/or beneficial title to the whole or to part of a building or land.

**Person:** An individual, proprietorship, trust, partnership, corporation, association, or other legal entity.

**Public Land:** Land or interests in land owned by a governmental entity or held in trust for the benefit of the public by a not-for-profit organization.

**Recreational vehicle/travel trailer park:** A place where people with recreational vehicles can stay overnight, or longer, in allotted spaces known as sites. They can also provide for tent camping.

**Repair Services, General:** An establishment engaged in the repair of trucks, buses, agricultural equipment, construction equipment or other heavy equipment.

**Repair Services, Limited:** An establishment engaged in the repair of personal apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, bicycle repair, lawn mower repair, clock and watch repair, and shoe repair shops.

**Restaurant, Fast Food:** An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or method of operation includes any service to a customer in a motor vehicle.

**Restaurant, General:** An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where customers are normally provided with an individual menu, are generally served in non-disposable containers by a restaurant employee at the same table or counter at which said

items are consumed. This use may include take-out service, but excludes any service to a customer in a motor vehicle.

**Retail, General (Indoors):** A retail establishment that does not fit the definition of any other land use classification and that does not entail any outdoors sales, service, display, storage or other activity. Typical uses include but are not limited to apparel and accessory stores, camera and photographic supply stores, clothing stores, rental stores, consumer electronics stores, gift, novelty and souvenir shops, grocery stores, liquor stores, luggage and leather goods stores, jewelry stores, music stores and video tape rental stores.

**Retail, General (Outdoors):** A retail establishment that does not fit the definition of any other land use classification and that entails some outdoors sales, service, display, storage or other activity. Typical uses include but are not limited to boat dealers, hot tub dealers, recreational vehicle dealers, and monument sales.

**Screen:** A fence or wall which is at least four (4) feet in height designed and erected to obstruct and eliminate the public view of a storage or other area.

**Setback:** Unobstructed, unoccupied open space between a structure and the property line of the lot on which the structure is located.

**Severed:** Means that the surface owner does not own 100% of the mineral estate.

**Sign:** Any letter, figure, character, mark, plane, point marquee sign, design poster, pictorial, picture, stroke, stripe, line, trademark, or reading matter of illuminated or non-illuminated surface that shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, that is displayed in any manner whatsoever out of doors.

**Spot Zoning:** Where a particular small tract within a large district is specifically zoned so as to impose upon its restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of any general or comprehensive plan.

**Street:** A public way, other than an alley or driveway, which affords the principal means of access to abutting property.

**Street Line:** A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line or easement line.

**Structural Alterations:** Any change in the supporting member of a building, such as a bearing wall, column, beam or girder.

**Structure:** That which is built or constructed, an edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definitive manner.

**Subdivision:** The division of any parcel of land into two or more parcels, separate interests or interests in common, except when such division: (1) Creates parcels of land each 35 or more acres, none of which is intended for use by multiple owners; (2) Creates parcels of land, such that the land area of each

parcel, when divided by the number of interests therein, results in 35 or more acres per interest; (3) Is caused by order of any court in this state or by operation of law; (4) Is caused by a lien, mortgage, deed of trust or any other security instrument; (5) Is caused by a security or unit of interest in any investment trust regulated under the laws of this state, or any other interest in an investment entity; (6) Creates cemetery lots; (7) Creates an interest or interests in oil, gas, minerals, or water that is now and hereafter severed from the surface ownership of real property; or (8) Is caused by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common.

**Surface Estate:** An interest in real property that is less than full fee title that does not include the mineral rights as shown by the real estate records of the county in which the property is situated.

**Surface Owner:** The owner of the surface estate and any person with rights under a recorded contract to purchase all or part of the surface estate.

**Usable Land:** Land that is free of the 100 year floodplain, wildlife habitat areas and geologic hazards, including slopes greater than 30 percent, landslide areas, potentially unstable slopes, and rock fall hazard areas.

**Weed:** A plant on the Colorado Department of Agriculture's Noxious Weed List.

**Yard:** An open space on the lot that is not obstructed from any point 30 inches above the general ground level of the graded lot to the sky except as authorized obstructions.

**Zoning Administrator:** An officer designated by the Mayor to enforce the provisions of this Code.

**Zoning Development Permit:** A permit issued by the Zoning Administrator that allows a developer to engage in development in compliance with all applicable sections of this Code and further enables the developer to seek a Building Permit that would allow the developer to commence actual development.

**Zoning Map:** The certified Official Zoning Map upon which the boundaries of the various zoning districts are drawn.

**INTERPRETATIONS.**

1. **Authority.** The Zoning Administrator shall have the authority to make all interpretations of the text of this Code, and the boundaries of the Official Zoning Map.
2. **Requests for interpretation.** An interpretation may be requested by any affected person, any resident or real property owner in the Town of Dolores, or any person having a contractual interest in real property in the Town of Dolores.
3. **Procedures.**
  - a. **Submission of request for interpretation.** Before an interpretation shall be provided by the Zoning Administrator, a Request for Interpretation shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator.
  - b. **Determination of completeness.** Within a reasonable amount of time after a Request for Interpretation has been received, the Zoning Administrator shall determine whether the request is complete. If the Zoning Administrator determines the request is not complete, he shall serve written notice on the Applicant specifying the deficiencies. The Zoning Administrator shall take no further action on the Request for Interpretation until the deficiencies are remedied.
4. **Rendering of Interpretation.** After the Request for Interpretation has been determined complete, the Zoning Administrator shall render an interpretation within a reasonable amount of time. The Zoning Administrator may consult with the Mayor and the Town Attorney; review this Code and the Official Zoning Map, whichever is applicable, before rendering an interpretation.
5. **Form.** The interpretation shall be in writing and shall be sent to the Applicant by certified mail.
6. **Official Record.** The Zoning Administrator shall maintain an official record of all interpretations in the Town Hall, which shall be available for public inspection during normal business hours.
7. **Appeal.** Any person who has made a Request for Interpretation may appeal interpretation of the Zoning Administrator to the Board of Trustees by filing an application within 30 days of the Zoning Administrator's decision. The date of the decision shall be the postmark date of the certified mail notifying the Applicant of the interpretation. The Board of Trustees shall consider the application within 30 days of its filing, and the interpretation of the Zoning Administrator affirmed or modified.



## ARTICLE III.

### ZONING DISTRICT REGULATIONS

- A. **Districts Established.** In order to implement the Dolores Comprehensive Plan and the other purposes and provisions of this Land Use Code, the Town of Dolores, Colorado, is hereby divided into the following twelve (12) zoning districts:

<u>Designation</u>	<u>Zoning Districts</u>
R-1	Residential District
LLR	Large Lot Residential
MFR	Multi-family Residential District
MH	Mobile Home District
R-10	Resource-10 District
R-35	Resource-35 District
CB-1	Community Business District 1
CB-2	Community Business District 2
CH	Commercial Highway District
P	Public District
LI	Industrial District
PUD	Planned Unit Development District

B. **Official Zoning Map.**

1. **Map adoption.** The boundaries of the zoning districts set out herein are delineated upon the Official Zoning Map of the Town of Dolores, Colorado, an up-to-date copy of which shall be maintained in the office of the Zoning Administrator. Original copies of the official zoning map and all amendments thereto shall be maintained in the Town Clerk's office. In case of any dispute regarding the zoning classification of property subject to this Code, the original map maintained by the Town Clerk shall control.
2. **Zoning map amendment.** No changes or amendments to the district boundaries shown on the official zoning map shall be made except in compliance and conformity with all procedures set forth in Article VI.C. Zoning Map and Land Use Code Amendments. If, in accordance with these procedures, changes or amendments are made to district boundaries, such changes or amendments shall be made promptly after official adoption of the change or amendment as provided for herein. The Zoning Administrator shall be responsible for the physical updating and amendment of the official zoning map.
3. **Map replacement.** In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Trustees may adopt a new official zoning map that shall supersede the prior map. The new official zoning map may correct drafting and clerical errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending this chapter or any subsequent amendment thereto without a duly

land use code

noticed public hearing as provided herein. Unless the prior official zoning map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

4. **Interpretation of district boundaries.** The district boundary lines shown on the Official Zoning Map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply.
- Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
  - Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
  - Boundaries indicated as approximately following town limits shall be construed as following town limits.
  - Boundaries indicated as approximately following the centerline of irrigation ditches or drainage ways shall be construed to follow such centerline.
  - Boundaries indicated as parallel to or extensions of features indicated in this subsection shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the Map.
  - Whenever any street, alley or other public way is vacated by official action of the Board of Trustees the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
  - Where physical features of the ground are at variance with information shown on the Official Zoning Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Article III.B.4. (a) through (f), above, the property shall be considered as classified R-35, Resource-35, temporarily, and subject to Article VI.C.

C. **Use Regulations.** Land and buildings in each district may be used for any of the principal or accessory land uses authorized in the regulations set forth for that district in Article III.E. R-1, Residential through Article III.P, PUD, Planned Unit Development District, but no building or structure shall be erected, converted, enlarged, reconstructed or altered for use, not shall any building, structure or land be used or changed in such a way that it does not comply with all of the district regulations established by this Zoning Ordinance for the district in which the building or structure or land is located.

1. **Schedule of Use Regulations.** The Schedule of Use Regulations of this section provides a tabular summary of the land use types permitted within each zoning district. The table is intended for reference only and does not necessarily reflect all of the regulations that may apply to particular uses or zoning districts. In the event of conflict between the Schedule of Use Regulations and the text of this Code, the text shall control. The Schedule of Use Regulations shall be interpreted as follows:

### Article III: Zoning District Regulations

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- a. **Permitted uses.** Uses identified in a particular district column with a “P” shall be permitted in such district, subject to compliance with any applicable conditions and all other provisions of this Code.
- b. **Conditional uses.** Uses identified in a particular district column with a “C” shall be permitted in such district only upon approval of a Conditional Use Permit by the Board of Trustees in accordance with the procedures and standards of Article VI.K. Conditional use permits.
- c. **Temporary uses.** Uses identified in a particular district column with a “T” shall be permitted in such district only upon approval of a temporary use permit in accordance with the procedures and standards of Article VI.V. Temporary use permits.
- d. **Not permitted.** Uses not identified in a particular district column with a “P,” “C” or “T” are not allowed in such district unless otherwise expressly permitted in this Code.
- e. **Special use conditions.** Numbers occurring in parenthesis after the names of selected use categories refer to conditions applicable to the use in all cases and in any zone district, as set forth in Article III.C.2. Special use conditions.

land use code

**Article III: Zoning District Regulations**

**SCHEDULE OF USE REGULATIONS**

Use Type	Zoning Districts										
	R-1	LLR	MFR	MH	R-10	R-35	CB-1	CB-2	CH	LI	P
<b>Residential uses</b>											
Apartments (a.)	P		P	P			P	P	P		
Dwelling, single-family	P	P	P	P	P	P	P	P	P		
Dwelling, two-family (b.)	P		P	P					P		
Dwelling, multi-family (c.)			P	P					C		
Dwelling, mobile home (d.)				P							
Mobile home park or subdivision (e.)				P							
<b>Accessory and temporary uses</b>											
Accessory use or structure (f.)	P	P	P	P	P	P	P	P	P	P	P
Asphalt or concrete batch plant, temporary (g.)		T						P		T	
Caretaker or guard residence, accessory										P	P
Dwelling unit, accessory (h.)	P	P			P	P	P	P	P		
Field office, temporary (i.)		T	T	T						T	
Home occupation (j.)	P	P	P	P	P	P	P	P	P	P	
<b>Public and civic uses</b>											
Charitable, civic, youth, social and fraternal organization		C	P	P			P	P	P	P	P
Church or place of worship	P	P	P	P			P	P	P	P	P
Day care center (for more than six (6) children)	C	C	P	P			P	P	P	P	P
Day care home (for up to six (6) children)	P	P	P	P			P	P	P	P	P
Essential facilities (p.)	P	P	P	P	P	P	P	P	P	P	P
Group home and Assisted Living Facility (k. a,b)	P	P	P	P	P	P			P		
Hospital or clinic	C	C	C	C			P	P	P	P	P
Municipal facilities	P	P	P	P	P	P	P	P	P	P	P
Nursing home							P	P	P		
Park maintenance or storage structures										P	P
Post office							P	P	P	P	P
School (elementary or secondary)	C	C	C		C	C			P		P
<b>Retail, commercial and personal service uses</b>											
Animal Pound or Kennel (public or private)											
Bed and breakfast (l.)	P	P	P		P	P	P	P	P		
Boarding or rooming house (l.)	P	P	P					P	P		
Building materials, sales and yard								P	P		
Custom personal services	P	P	P	P	P	P	P	P	P	P	
General retail (indoors) (m.)							P	P	P		
General retail (outdoors)										P	
Hotel or motel						P	P	P			
Office, business or professional							P	P	P	P	P
Recreational vehicle, travel trailer park (n.)		C									

land use code

**Town of Dolores**

Adopted: [March 9, 1998] Amended: (August 9, 2008, June 18, 2012)

**Article III: Zoning District Regulations**

<b>SCHEDULE OF USE REGULATIONS</b>											
<b>Use Type</b>	<b>Zoning Districts</b>										
	<b>R-1</b>	<b>LLR</b>	<b>MFR</b>	<b>MH</b>	<b>R-10</b>	<b>R-35</b>	<b>CB-1</b>	<b>CB-2</b>	<b>CH</b>	<b>LI</b>	<b>P</b>
Restaurant, fast food									P		
Restaurant, general							P	P	P		
Street vendor, temporary							T		T		T
Theater							P	P	P		C
<b>Industrial, communications, transportation and automobile-related uses</b>											
Auto repair garage (o.)				C			P	P	P	P	
Bus station or terminal									P	P	
Car wash									P	P	
Gasoline service station									P	P	
Manufacturing, hazardous/ objectionable										C	
Manufacturing, light							C	C	C	P	
Repair services, general								P	P	P	
Repair services, limited							P	P	P	P	
RV and boat storage									P	P	
Telecommunications towers or facilities (p.)					C	C				P	P
Warehouse, commercial or self-storage									P	P	
<b>Medical marijuana</b>											
Medical marijuana centers, optional premises cultivation operation, medical marijuana infused products manufacturing	P	P	P	P	P	P	P	P	P	P	P
Growing medical marijuana by caregivers and patients											

2. **Special use conditions.** In addition to applicable Article V., Site development standards, the following conditions apply to the listed uses when referenced in the use regulations of a particular zoning district, Article III.E. R-1, Residential District through Article III.N. Planned Unit Development District.

a. **Apartments.**

- (1) Each apartment shall have a minimum of 400 square feet,
- (2) Each apartment complex shall have a balcony or a patio of at least 64 square feet/unit;
- (3) No more than four (4) apartment units shall share a common entrance stairway;

b. **Two-family dwellings.** Two-family dwellings shall comply with the following standards:

- (1) The exterior shall be designed to appear to be large, single-family dwelling;
- (2) Front porches shall be incorporated on all two-family dwellings.
- (3) A single front entrance with secondary entrances of a foyer shall provide interior access from the front porch to the individual dwelling units.

land use code

**Town of Dolores**

Adopted: [March 9, 1998] Amended: (August 9, 2008, June 18, 2012)

- (4) Parking will be accessed from an alley, if alley access is available, or from a single common driveway where such alley access is not available.
  - (5) A storage room of at least 10' by 10' shall be provided for each residential unit.
- c. **Multi-family dwellings.** Multi-family dwellings shall comply with the following standards:
- (1) All required off-street parking shall be provided in the rear of the property (strip parking along street frontages is not permitted).
  - (2) Parking will be accessed from an alley, if alley access is available, or from a single common driveway where such alley access is not available.
  - (3) A storage room of at least 10' by 10' shall be provided for each residential unit.
  - (4) Each multi-family dwelling shall have a balcony or a patio of at least 64 square feet.
  - (5) All multi-family dwellings shall comply with the compatibility standards of Article V.I.
  - (6) Break -up long, flat facades over 40' in length to avoid presenting a "backside" to neighboring properties by incorporating recesses, off-sets, angular forms or recessed windows, display cases, porches, balconies or other features to provide a visually interesting shape.
- d. **Mobile homes.** Mobile homes shall comply with the following standards within 60 days of its placement in a Mobile Home Park or Subdivision:
- (1) Skirting. Mobile home units shall be "skirted" by the affixing thereto of a solid, nonporous screening or skirt between the undersides of the dwelling unit at its outer edge around ground level.
  - (2) Transport Equipment. All mobile home running gear, tongues, axles and wheels must be removed at the time of installation of the home.
  - (3) Anchors and Tie-downs. The mobile home shall be permanently attached to a foundation. Anchors and tie-downs, such as cast-in-place concrete 'dead-men: eyelets embedded in concrete slabs or runways screw augers, arrowhead anchors, or other devices shall be used to stabilize the mobile home.
  - (4) Finished Floor Elevation: Shall comply with the Town of Dolores' FEMA Ordinance.
  - (5) Attached Additions. Any attached addition to a residential-design manufactured housing unit shall comply with building code standards and the design standards of this section.
- e. **Mobile Home Park or Subdivision.** Mobile home parks or subdivisions shall comply with the following standards:
- (1) Existing mobile home parks or mobile home subdivisions shall not be enlarged, expanded or additional mobile homes permitted unless the same shall be brought into compliance with the standards of this subsection and the area regulations of Article III.I.7. MH, Mobile Home Zone District regulations.

### Article III: Zoning District Regulations

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- (2) Mobile home parks or mobile home subdivisions shall have an internal driveway not less than 20' wide and the internal driveway shall have an all-weather, durable dust-free surface.
  - (3) Each mobile home site in mobile home parks and mobile home subdivisions shall be clearly designated and arranged so that all mobile homes have access to the internal driveway.
  - (4) There shall be a minimum of 20' between mobile homes.
  - (5) All parks and individual mobile home sites shall be provided with safe, convenient, all season pedestrian access of adequate width for the intended use.
  - (6) Mobile home parks and mobile home subdivisions shall be improved with adequate and sufficient night lighting to enable persons to walk in such areas at night without difficulty.
  - (7) Mobile home parks and mobile home subdivisions shall be properly graded and well drained, so as to prevent the accumulation of surface water.
  - (8) Each trailer site shall be improved with a four (4) inch concrete or gravel pad. No trailer with a footprint larger than the pad shall be placed on a site.
  - (9) All refuse shall be stored in fly-tight, water-tight, rodent-proof, dog-proof containers, which shall be located no more than 150 feet from each mobile home site. Containers shall be provided in sufficient number and capacity to properly store all refuse generated in the Mobile Home Park or mobile home subdivision.
  - (10) Exposed ground surfaces in all parts of a mobile home park or mobile home subdivision shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
  - (11) A detached, accessory storage building or buildings shall be provided within a mobile home park or mobile home subdivision containing a minimum storage capacity of 10 cubic yards per mobile home site.
  - (12) Exterior boundaries of mobile home parks and mobile home subdivisions shall be developed with a fence, or other acceptable border to create an attractive border. The land between the fence/border and the public street improvements shall be landscaped with street trees and other landscaping materials (sufficient to reasonably screen the park from view off-site) and shall be maintained by the owner of the mobile home park.
  - (13) Mobile home parks and mobile home subdivisions shall connect to the sanitary sewer system.
  - (14) All utility lines shall be installed underground.
  - (15) Each mobile home park or mobile home subdivision shall include a recreational area and facilities for the use and enjoyment of the residents encompassing an area of 10 percent or two (2) acres, whichever-is-less, of the total area of the Mobile Home Park or mobile home subdivision. Lawns, parking, driveways, access way, streets, etc. shall not be considered part of the required recreational area and facilities.
- f. **Accessory use or structure.** Accessory uses or structures may be permitted subject to the following conditions:

land use code

### Article III: Zoning District Regulations

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- (1) Such uses shall be limited to those customarily associated with and appropriate, incidental and subordinate to the principal use.
  - (2) Such uses shall be located on the same lot or tract as the associated principal use.
  - (3) Such uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Code.
  - (4) Accessory structures shall not exceed the total square footage of the principal structure.
  - (5) The maximum height cannot exceed height of principal structure
  - (6) In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located.
  - (7) No accessory use or structure shall be established prior to the principal use or structure to which it is accessory.
  - (8) Notwithstanding other provisions of this Code to the contrary, all accessory structures larger than 200 square feet shall be considered an accessory building. A building from 120 – 200 square feet does not require a building permit or compliance with design standards. All accessory structures regardless of size are subject to setbacks and spacing between buildings.
- g. **Asphalt or concrete batching plant (temporary).** A temporary asphalt or concrete batching plant permit may be approved by the Planning and Zoning Commission subject to the following conditions.
- (1) The batching plant site shall comply with all applicable provisions of Town, State and Federal laws.
  - (2) The batch plant shall not be located within 600 feet of a residence.
  - (3) Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m.
  - (4) The batch plant permit shall be valid for up to six (6) months.
  - (5) No portion of the batch plant or its operation shall be located on a public street.
  - (6) The batch plant shall only furnish concrete, asphalt, or both, to the specific project for which the temporary Zoning Development Permit is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.
  - (7) The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise and odor (as illustrated by, but not limited to, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).
  - (8) The site must be clear of all equipment, material and debris upon completion of the project.
  - (9) All public improvements that are damaged during the operation of the temporary batching plant must be repaired or replaced within 30 days of completion of the project.
  - (10) At termination and/or removal of plant permit, permittee shall have the person responsible walk the site with the Building Official or his/her designee to verify the site meets Town approval.

land use code



h. **Parking Requirements.**

- (1) One (1) additional off-street parking space shall be provided in addition to off-street parking otherwise required pursuant to Article V.B.;
- (2) The additional parking shall be accessed via the alley, if alley access is available;
- (3) Accessory dwelling units shall be limited to up to 100% of main structure and not over 50% of lot coverage ; and
- (4) Accessory dwelling units may not be sold separately.

i. **Field office, temporary.** A temporary field office permit may be approved by the Zoning Administrator for a structure or shelter used in connection with an approved development or building project for housing on the site of temporary administrative and supervisory function for sheltering employees and equipment during the construction phase of a project. Such a structure or shelter shall be promptly removed following the approval of a Certificate of Occupancy.

j. **Home occupation.** The following home occupation standards are intended to permit residents to engage in home occupations that are compatible with residential land uses and to ensure that home occupations do not adversely affect the integrity of residential areas. A home occupation shall be considered an accessory use, subject to the following standards.

- (1) No persons shall be engaged in a home occupation other than persons occupying the subject property as their residence; provided, however that up to a maximum of one (1) person who does not occupy the property as their residence may be employed as part of the home occupation where one (1) additional off-street parking space is provided, in addition to off-street parking otherwise required pursuant to Article V.B.
- (2) There shall be no visible storage of equipment, materials or vehicles that have more than two axles.
- (3) The home occupation shall be conducted entirely within the principal residential building or within a permitted accessory structure; and
- (4) No equipment shall be used that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors. Home occupations shall comply with the operational performance standards of Article V.J.

k. **Group home.** A group home may provide a living arrangement for not more than eight (8) residents per home 60 years of age or older, or for the physically or developmentally disabled, and not more than two (2) supervisory personnel, subject to the following conditions:

(a) Homes for the physically and/or developmentally disabled must be state-licensed.

1. All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.

land use code

### Article III: Zoning District Regulations

2. A group home shall provide one (1) off-street parking spaces for visitors and one (1) for each employee (typical peak staff), in addition to off-street parking otherwise required pursuant to Article V.B.
3. In no case shall the total number of persons residing on premises (including staff) be more than one (1) per 400 square feet of usable floor area.

(b) An assisted living facility may provide living arrangements subject to the following conditions:

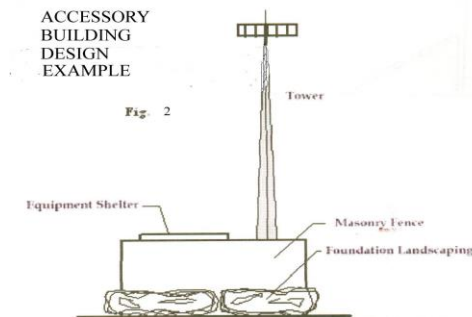
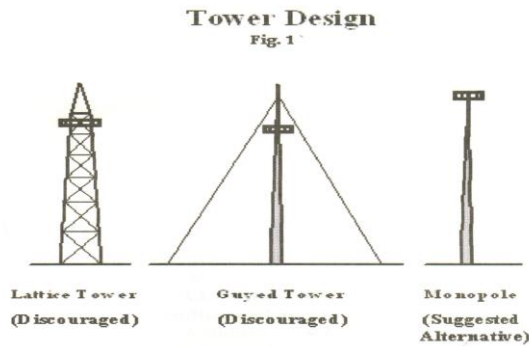
1. Such facility must be state licensed.
  2. All exterior aspects of an assisted living facility, including its scale and off street parking configuration shall not disrupt the residential character of the area.
  3. An assisted living facility shall provide one (1) off street parking space for visitors and one (1) for each employee (typical peak staff), in addition of off-street parking otherwise required pursuant to Article V.B of the Land Use Code.
  4. In no case should the total number of persons residing on premises (including staff) be more than one (1) per 400 square feet of usable floor area.
- l. **Bed and breakfast, or boarding or rooming house.** A bed and breakfast or boarding or rooming establishment may provide lodging and breakfast for temporary overnight occupants in no more than three (3) separate bedrooms for compensation. One (1) off-street parking space per bedroom offered for use for temporary overnight accommodations, in addition to off-street parking otherwise required pursuant to Article V.B.
- m. **General retail (Indoors).** The footprint of each general retail (indoor) structure shall be limited to 10,000 square feet.
- n. **Recreational vehicle/travel trailer park.** Recreational vehicle/travel trailer park and incidental facilities shall comply with the standards in this section.
- (1) Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight and short duration camping (4-month maximum);
  - (2) Each space shall be at least 1500 sq. ft. in area;
  - (3) Each space shall be at least 22 ft. in width;
  - (4) Each park shall be served by central town water and sewer facilities;
  - (5) No dependent recreational vehicle, travel trailer, truck camper or tent shall be located more than 200 ft. from a water and sewage service building; and
  - (6) Provisions shall be made for adequate all-weather walkways to each space.
- o. **Auto repair garage.** Motor vehicles without valid registration or a work order shall be classified as salvage and junk, and may not be kept, stored or worked on in an auto repair shop.

land use code

- p. **Telecommunications tower or facilities.** Telecommunication tower or facilities related to the provision of wireless telecommunication services may be permitted, subject to the following requirements:
- (1) Co-Location requirement.
- (a) It is the express intent of this ordinance to minimize the number of towers built to accommodate antennas and other appurtenances to telecommunications facilities. Therefore, a proposal for a new Tower shall not be approved unless by resolution the Board of Trustees determines that the telecommunications Facilities for the proposed Town cannot be accommodated on an existing or approved tower or antenna support structure as follows:
- Within a one-mile search radius for proposed towers over 60 feet;
  - Within a half-mile search radius for proposed towers under 60 feet; or
  - Within a quarter-mile search radius for proposed towers under 60 feet.
- (b) In all cases, the applicant shall demonstrate that at least one of the following conditions is present:
- The planned equipment and antenna would exceed the structural capacity of the existing or approved tower or antenna support structure as documented by a qualified and Colorado licensed engineer; or in the alternative, that the existing or approved tower or antenna support structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost;
  - Existing or approved towers and antenna support structures within the search area accommodate the planned telecommunications facilities at a height necessary to function reasonable as documented by a qualified and Colorado licensed engineer; or
  - Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- (2) Tower height:
- (a) The maximum height of all commercial wireless antennas and supporting towers shall not exceed the distance to the nearest lot or parcel boundary on the subject lot or parcel or 120 feet, whichever is less
- (b) No tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line, less five (5) feet.
- (c) Notwithstanding the above provision to the contrary, the maximum height of all commercial wireless antennas and supporting towers shall not

exceed the minimum that is technically necessary to serve the design purpose.

- (3) Design. Proposed or modified towers, antennas, accessory structures and buildings shall meet the following design requirements:
- (a) Towers and antennas shall utilize a stealth design, as defined in Sec. 2.2., in order to blend into the surrounding environment through the use of color and camouflaging architectural treatment.
  - (b) Towers shall be of monopole design unless the Town Board determines that an alternative design would be more appropriate to or better blend in with the surrounding land uses and environment.
  - (c) Accessory structure and building design. The design of accessory or related structures or control buildings shall be architecturally designed to blend in with the surrounding buildings and environment, and they shall meet the minimum underlying zoning district. (See Fig. 2)
  - (d) All proposed telecommunications facilities shall be engineered and designed structurally in all respects to accommodate both the applicant's antennas and equipment and comparable antennas and equipment for a minimum of two additional uses if the tower is over 60 feet tall and four additional users if the tower is over 100 feet tall.



- (4) **Landscaping and screening.** Ground- and rooftop-mounted mechanical equipment shall be screened from view off-site in accordance with the requirements of Article V.F.5. of this Code.
- (5) **Tower siting.** Towers shall not be located between a principal or accessory structure and a public road or street
- (6) **Tower setbacks.** All towers shall conform to the minimum setback requirements of the underlying zoning district, or as modified below:
  - (a) The minimum setback for a tower not rigidly attached to a building shall be equal to the combined height of the tower plus the antenna attached to the tower.
  - (b) The minimum setback for a Tower that is rigidly attached to a building and with the Tower base on the ground may exceed this setback by an amount equal to the distance from the point of attachment to the ground.
  - (c) Notwithstanding other provisions to the contrary, a tower's setback may be reduced or its location in relation to a public street varied, as necessary to mitigate visual impacts or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard power line support device or similar structure.
- (7) **Lights and other attachments.**
  - (a) Towers shall not be artificially illuminated or display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting when incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
  - (b) No tower shall have constructed on, or attached to, any additional platform, catwalk, crow's nest, or like structure (other than those required by industry standards or Federal Regulations), except during periods of construction or repair.
- (8) **Signs and advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (9) **Interference with public safety telecommunications.** No telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an inter-modulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Town Board at least 10 calendar days in advance of such changes and allow the Town Board to monitor interference levels during the testing process. The Town Board may require a new conditional use permit for such new services or changes.
- (10) **Performance standards.** All towers must conform to the applicable performance standards in Sec. 5.9. of this Code.

land use code

- (11) **Tower construction requirements.** All towers erected, constructed or located within the Town, and all wiring therefore, shall comply with the requirements of all current construction codes.
- (12) **Additional submittal requirements.** In addition to the information required elsewhere in the Code, development applications for towers shall include a report from a qualified and licensed professional engineer that:
- (a) Includes any and all technical information and design requirements, including co-location requirements, necessary to evaluate the request;
  - (b) Describes the tower height and design including a cross section and elevation;
  - (c) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - (d) Describes the tower's capacity, including the number and type of antennas that it can accommodate;
  - (e) Documents what steps the applicant will take to avoid interference with established public safety telecommunication;
  - (f) Includes an engineer's stamp and registration number;
  - (g) A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions of shared use; and
  - (h) Proof that the proposed tower complies with regulations administered by Federal Aviation Administration.

q. **Growing Medical Marijuana by Patients and Caregivers:**

1. The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential structures subject to the following conditions:

- (a) Such cultivation, production, or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, C.R.S. §§12- 43.3-101 et seq., and the Medical Marijuana Program established by C.R.S §25-1.5- 106; and
- (b) Such marijuana plants are cultivated, produced, or possessed within a licensed patient's or registered caregiver's primary residence, as defined by paragraph (h) below; and
- (c) The patient or caregiver must reside in the primary residence where the medical marijuana is grown; and
- (d) The cultivation, production, or possession of such marijuana plants must not be perceptible from the exterior of the primary residence, including but not limited to:
  - (1) Common visual observation, which also prohibits any form of signage;
  - (2) Unusual odors, smells, fragrances, or other olfactory stimulus;

land use code

### Article III: Zoning District Regulations

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- (3) Light pollution, glare, or brightness that disturbs the repose of another;
- (4) Undue vehicular or foot traffic, including excess parking within the residential zone; and
- (5) Excess noise from the primary residence which noise is created as a consequence of growing medical marijuana.
- (e) Such marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development; and
- (f) Such marijuana plants are used exclusively by a licensed patient for the patient's personal use and solely to address a debilitating medical condition; and
- (g) Such cultivation, production, or possession of marijuana plants shall be limited to the following space limitations within a primary residence:
  - 1) Within a single-family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in Title 15, Section 15.04.010 of the Dolores Municipal Code: a secure, defined, contiguous 150 square foot area within the primary residence of the licensed patient or registered caregiver.
  - 2) Within a multi-family dwelling unit (Group R-2 as defined by the International Building Code, as adopted in title 15 Section 15.04.010 of the Dolores Municipal Code: a secure, defined, contiguous 100 square foot area within the primary residence of the patient or registered caregiver.
- (h) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted Town of Dolores building, life/safety codes and other applicable state electrical and other codes.
- (i) For purposes of this ordinance, "primary residence" means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation.

Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings.
- (j) For purposes of this ordinance, "a secure" area means an area within the primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals, or anyone not licensed and authorized to possess medical marijuana.
- (k) If a licensed patient or registered caregiver raises quantities of marijuana

land use code

### Article III: Zoning District Regulations

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requiring more than the square footage limitations of paragraph (g) above, such patient or caregiver must be in full compliance with the Colorado medical marijuana program as provided in C.R.S. §25-1.5-106 (14); and

- (1) Such patient or caregiver may grow medical marijuana for personal use and solely to address a debilitating medical condition within the zoned districts of the Town; and
- (2) Such patient or caregiver must submit plans, obtain a building permit, and pass inspections to ensure that the, CBD or C premises are in compliance with the Town of Dolores Building Code, State Electrical Code, Fire Code, and all other relevant life/safety codes in order to obtain a certificate of occupancy from the Town of Dolores Building Division.
- (3) Such patient or caregiver must ensure that the premises are secure, as defined in paragraph (j) above; however, within the setting, so that no children, visitors, passersby, vandals, or anyone else not licensed to possess medical marijuana may access the premises.
- (4) The patient or caregiver must reside on premises in an apartment or living area constructed in compliance with the Town of Dolores Building Code, State Electrical Code and all other relevant live/safety codes.



**D. Area Regulations**

- Schedule of residential area regulations.** The following Residential Area Regulations Schedule summarizes the regulations of this Code with regard to minimum lot size, minimum yards, minimum lot width, maximum lot coverage, or maximum building height of residential uses in the various zoning districts. Additional provisions contained in this section or in the individual district regulations may modify the standards shown in the following schedule. In the event of any conflict between the text of this Article and the Schedule of Residential Area Regulations, the text shall control.

RESIDENTIAL AREA REGULATIONS												
Development Standard	Zoning Districts											
	R-1	LLR	MFR	MH	R-10	R-35	CB-1	CB-2	CH	LI	P	
Single-family or One-family Dwelling												
Min. Lot Area/unit (sq. ft. or ac.)	6,000		43,560	6,000	6,000	10 ac.	35 ac.	6,000	6,000	6,000	--	--
Min. Front Yard & Street Side (ft.)	10'		25'	6'	25'	25'	25'	0	0	10'	--	--
Min. Interior Side Yard (ft.)	6'		20'	6'	10'	20'	20'	0	0	6'	--	--
Min. Rear Yard (ft.)	6'		20'	6'	10'	20'	20'	25'	25'	6'	--	--
Min. Lot Width (ft.)	50'		70'	50'	50'	200'	200'	--	--	50'	--	--
Max. Lot Coverage (%)	50%		20%	50%	50%	--	--	50%	50%	50%	--	--
Min. Area/unit (sq. ft.)	900		900	900	900	900	900	900	900	900	--	--
Max. Height (ft.)	35'		35'	30'	35'	35'	35'	35'	35'	35'	--	--
Duplex or Two-family Dwelling												
Min. Lot Area/unit (sq. ft.)	6,000		--	3,000	3,000	--	--	6,000	6,000	6,000	--	--
Min. Front Yard & Street Side (ft.)	10'		--	6'	10'	--	--	0	0	10'	--	--
Min. Interior Side Yard (ft.)	6'		--	6'	10'	--	--	0	0	6'	--	--
Min. Rear Yard (ft.)	6'		--	6'	10'	--	--	25'	25'	6'	--	--
Min. Lot Width (ft.)	50'		--	50'	50'	--	--	--	--	50'	--	--
Max. Lot Coverage (%)	50%		--	50%	50%	--	--	50%	50%	50%	--	--
Min. Area/unit (sq. ft.)	900		--	900	900	--	--	600	600	600	--	--
Max. Height (ft.)	35'		--	30'	35'	--	--	35'	35'	35'	--	--
Multi-family Dwelling												
Min. Lot Area/unit (sq. ft.)	--	--	--	2,500	2,500	--	--	--	2,500	2,500	2,500	--
Min. Front Yard & Street Side (ft.)	--	--	--	6'	10'	--	--	--	--	--	10'	--
Min. Interior Side Yard (ft.)	--	--	--	6'	10'	--	--	--	--	--	10'	--
Min. Rear Yard (ft.)	--	--	--	6'	10'	--	--	--	--	--	10'	--
Min. Lot Width (ft.)	--	--	--	50'	50'	--	--	--	--	--	10'	--
Max. Lot Coverage (%)	--	--	--	50%	50%	--	--	--	50%	50%	50%	--
Min. Area/unit (sq. ft.)	--	--	--	600	600	--	--	--	400	400	400	--
Max. Height (ft.)	--	--	--	30'	35'	--	--	--	35'	35'	35'	--
Mobile home												

land use code

## Article III: Zoning District Regulations

RESIDENTIAL AREA REGULATIONS											
Development Standard	Zoning Districts										
	R-1	LLR	MFR	MH	R-10	R-35	CB-1	CB-2	CH	LI	P
Min. Lot Area/unit (sq. ft.)	--	--	--	6,000	--	--	--	--	--	--	--
Min. Front Yard & Street Side (ft.)	--	--	--	25'	--	--	--	--	--	--	--
Min. Interior Side Yard (ft.)	--	--	--	10'	--	--	--	--	--	--	--
Min. Rear Yard (ft.)	--	--	--	10'	--	--	--	--	--	--	--
Min. Lot Width (ft.)	--	--	--	50'	--	--	--	--	--	--	--
Max. Lot Coverage (%)	--	--	--	50%	--	--	--	--	--	--	--
Min. Area/unit (sq. ft.)	--	--	--	--	--	--	--	--	--	--	--
Max. Height (ft.)	--	--	--	25'	--	--	--	--	--	--	--

2. **Schedule of nonresidential area regulations.** The following Nonresidential Area Regulations Schedule summarizes the regulations of this Code with regard to minimum yards, maximum lot coverage, and maximum building height of nonresidential uses in the various zoning districts. Additional provisions contained in this section or in the individual district regulations may modify the standards shown in the following schedule. In the event of any conflict between the text of this Article and the Schedule of Nonresidential Area Regulations, the text shall control.

NONRESIDENTIAL AREA REGULATIONS						
Development Standard	Zone District					
	CB-1	CB-2	CH	I	P	
Min. Front Yard & Street Yard (ft.)	0'	0'	0'	15'	25'	
Min. Interior Side Yard (ft.)	0'	0'	6'	10'	10'	
Min. Rear Yard (ft.)	25'	25'	6'	10'	10'	
Max. Lot Coverage (sq. ft.)	50%	50%	50%	50%	50%	
Max. Height (ft.)	35'	35'	35'	35'	35'	

- a. **Measurement.** The floor area of a dwelling, for the purpose of these minimum floor areas per dwelling unit requirements, refers to the total of the horizontal area of each floor, measured from the outside face of the building walls and excluding garages, carports, cellars and accessory buildings.
- b. **Measurement of accessory buildings** refers to the total of the horizontal area eave to eave.
4. **Minimum front yard setback.** The location of buildings shall comply with the minimum front yard setback standards summarized in the Residential and Nonresidential Area Regulations Schedules, as may be modified by additional provisions in the district regulations, in this subsection or elsewhere in this Code.

land use code

- a. **Measurement.** The front setback for the purpose of these calculations refers to the open space at grade between a structure and the property line of the lot on which the structure is located measured by the horizontal distance between the lot line and the closest projection of the principal or accessory building.
  - b. **Corner lots.** For lots with frontage on two (2) intersecting streets, such a lot shall be considered to have two (2) front lot lines and shall comply with front yard setbacks from each front lot line.
  - c. **Double frontage lots.** Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets.
  - d. **Site Development**
  - e. **Accessory buildings.** Detached accessory buildings shall have a side yard of not less than five (5) feet measured from any side lot line, alley right-of-way or easement line.
5. **Minimum rear yard setback.** *Accessory buildings.* The rear yard setback for detached accessory buildings may be reduced to zero adjacent to an alley; provided, however, that if no alley exists, the rear yard shall not be less than the setback required by the underlying zone district.
- a. **Measurement.** Lot width shall be the length of the minimum required front yard setback line between the two side lot lines. If the front yard setback line is an arc or a curve, the lot width shall be the length of said arc or curve.
  - b. **Cul-de-sacs.** Notwithstanding any other provisions of this chapter, lots fronting on a cul-de-sac shall have a minimum front street line of 50 feet and a minimum lot width of 75 feet.
  - c. **Measurement.** Lot coverage refers to the percentage of the lot area covered by the main and all accessory buildings. Roof eaves extending not more than three (3) feet from the walls of a building shall be excluded from coverage computations.
6. **Accessory buildings** shall be calculated from eave to eave.
- a. **Measurement.** Height refers to the vertical distance between average finished grade along the front of the building and the highest point on the peak of the roof.
  - b. **Permitted exceptions.** The following structures and features shall be exempt from the height requirements of this Code:
    - (1) Chimneys, smokestacks or flues;
    - (2) Cooling towers and ventilators;
    - (3) Elevator bulkheads and stairway enclosures;
    - (4) Tanks and water towers;
    - (5) Utility poles and support structures;
    - (6) Belfries, spires and church steeples; and
    - (7) Monuments, flag poles and ornamental towers.

**E. R-1, RESIDENTIAL DISTRICT**

land use code

Town of Dolores Adopted: [March 9, 1998] Amended: (August 9, 2008, June 18, 2012)

1. **Purpose.** The R-1, Residential District is designed primarily to accommodate single-family uses. It is intended for application in areas designated “Town Residential” on the Future Land Use Map in the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the R-1, Residential District shall be in compliance with all other applicable provisions of this Code.
2. **Permitted uses.** The following uses shall be permitted-by-right:
  - (a) Residential uses.
    - Dwelling, single-family
    - Dwelling, two-family, subject to the supplementary standards of Article III.C.2.b.
  - (b) Public or civic uses.
    - Church or place of worship
    - Day care home (for up to six (6) children)
    - Essential services
      - Group home and Assisted Living Facility, subject to the supplementary standards of Article III.C.2.k. (a) and (b)
    - Municipal facilities
  - (c) Retail, service and office uses.
    - Bed and breakfasts, subject to the supplementary standards of Article III.C.2.l.
    - Boarding or rooming house, subject to the supplementary standards of Article III.C.2.l.
3. **Conditional uses.** Conditional uses shall be allowed in accordance with Article VI.K.
  - Day care center (for more than six (6) children)
  - Hospital or clinic
  - School (elementary or secondary)
4. **Accessory uses.** The following accessory uses shall be allowed:
  - Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.
  - Dwelling, accessory, subject to the supplementary standards of Article III.C.2.h.
  - Home occupation, subject to the supplementary standards of Article III.C.2.j.
5. **Design standards.** All principal structures, shall:
  - (a) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;
  - (b) Have a minimum 4:12 roof pitch and a one (1) foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement);
  - (c) Utilize service and vehicular access off the alley, where possible; and
  - (d) Incorporate at least four (4) of the following architectural design elements:
  - (e) front porch raised at least two (2) feet above natural grade;
  - (f) vertical-oriented double-hung windows (instead of horizontal sliding windows);
    - cross gabled roof or dormer;
  - (g) chimney;

land use code

- (h) ornamental accent windows;
- (i) decorative trim, such as corner boards, gable and eave boards, lintels, sills, balustrades, and shutters;
- (j) bay windows or other wall off-sets;
- (k) three (3) foot wrought iron, picket or similarly-decorative fence to define semi-private street yards; or
- (l) Front doors and edge treatments illustrated with sidelights, trim and transoms.

**6. Area and bulk standards.** Each site in the R-1 District shall be subject to the following standards.

Minimum lot size:	6,000 sq. ft./ unit
Minimum front and street side setbacks:	10 ft.
Minimum rear and interior side setbacks:	
Detached accessory structures adjacent to an alley:	0 ft.
All other uses:	6 ft
Minimum lot width:	50 ft.
Maximum lot coverage:	50%
Minimum floor area per principal dwelling unit:	900 sq. ft.
Maximum height:	
Principal uses:	35 ft.
Accessory uses:	Roofline height of principal building

#### **F. LLR, LARGE LOT RESIDENTIAL DISTRICT**

1. **Purpose.** The LLR, Large Lot Residential District is designed primarily to accommodate single-family uses. It is intended for application to areas designated "Large Lot Residential" on the Future Land Use Map in the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the LLR, Large Lot Residential District shall be in compliance with all other applicable provisions of this Code.

2. **Permitted uses.** The following uses shall be permitted-by-right:

- (a) Residential uses.  
Dwelling, single-family
- (b) Public or civic uses.  
Church or place of worship  
Day care home (for up to six (6) children)  
Essential facilities  
Group home and Assisted Living Facility, subject to the supplementary standards of Article

III.C.2.k. (a) and (b)  
Municipal facilities

land use code

(c) Retail, service and office uses.

Bed and breakfast, subject to the supplementary standards of Article III.C.2.l.

Boarding or rooming house, subject to the supplementary standards of Article III.C.2.l.

3. **Conditional uses.** Conditional uses shall be allowed in accordance with Article V.K

Charitable, civic, youth, social and fraternal organization

Day care home (for more than six (6) children)

Hospital or clinic

School (elementary or secondary)

Recreational vehicle/travel trailer park, subject to supplementary standards of Article III.C.2.n.

4. **Accessory uses.** The following uses shall be allowed:

Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.

Dwelling, accessory, subject to the supplementary standards of Article III.C.2.h.

Home occupation, subject to the supplementary standards of Article III.C.2.j.

5. **Temporary uses.** Temporary uses shall be allowed in accordance with Article VI.U.

Asphalt or concrete batch plant, subject to the supplementary standards of Article III.C.2.g.

Field office, subject to the supplementary standards of Article III.C.2.i.

6. **Design standards.** All principal structures, except mobile homes, shall:

(a) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;

(b) Have a minimum 4:12 roof pitch and a one (1) foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement);

(c) Utilize service and vehicular access off the alley, where possible; and

(d) Incorporate at least four (4) of the following architectural design elements:

(1) front porch raised at least two (2) feet above natural grade;

(2) vertical-oriented double-hung windows (instead of horizontal sliding windows);

(3) cross gabled roof or dormer;

(4) chimney;

(5) ornamental accent windows;

(6) decorative trim, such as corner boards, gable and eave boards, lintels, sills, balustrades, and shutters;

(7) bay windows or other wall off-sets;

(8) three (3) foot wrought iron or picket fence to define semi-private street yards; or

(9) front doors and edge treatments illustrated with sidelights, trim and transoms.

1. **Area and bulk standards.** Each site in the LLR District shall be subject to the following property development standards.

(a) Minimum lot size 43,560 sq. ft. (1 acre)

(b) Minimum front and street side setbacks: 25 ft.

land use code

- |   |                                       |
|---|---------------------------------------|
| (c) Minimum rear and interior side setbacks:        | 20 ft.                                |
| (d) Minimum lot width:                              | 70 ft.                                |
| (e) Maximum lot coverage:                           | 20%                                   |
| (f) Minimum floor area per principal dwelling unit: | 900 sq. ft.                           |
| (g) Maximum height.                                 |                                       |
| Principal uses:                                     | 35 ft.                                |
| Accessory uses:                                     | Roofline height of principal building |

**G. MFR, MULTI-FAMILY RESIDENTIAL DISTRICT**

1. **Purpose.** The MFR, Multi-family Residential District is designed primarily to accommodate multi-family uses. It is intended for application to areas designated “Multi-family Residential on the Future Land Use Map in the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the MFR, Multi-family Residential District shall be in compliance with all other applicable provisions of this Code.

2. **Permitted uses.** The following uses shall be permitted-by-right:

- a) Residential uses.
  - Dwellings, single-family
  - Dwelling, two-family, subject to the supplementary standards of Article III.C.2.b.
  - Dwellings, multi-family, subject to the supplementary standards of Article III.C.2.c.

- ~~(b)~~ b) Public or civic uses.
  - Charitable, civic, youth, social and fraternal organization
  - Church or place of worship
  - Day care home (for more than six (6) children)
  - Day care home (for up to six (6) children)
  - Essential services
  - Group home and Assisted Living Facility, subject to the supplementary standards of Article III.C.2.k (a) and (b)
  - Municipal facilities

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- ~~(c)~~ c) Retail, service and office uses.
  - Bed and breakfasts, subject to the supplementary standards of Article III.C.2.l.
  - Boarding or rooming house, subject to the supplementary standards of Article III.C.2.l.

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3. **Conditional uses.** Conditional uses shall be allowed in accordance with Article V.K.
  - Hospital or clinic
  - School (elementary or secondary)

4. **Accessory uses.** The following uses shall be allowed:
  - Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.
  - Home occupation, subject to the supplementary standards of Article III.C.2.j.

5. **Temporary uses.** Temporary uses shall be allowed in accordance with Article VI.V.
  - Field office, subject to the supplementary standards of Article III.C.2.i.

land use code

6. **Design standards.** All principal structures, shall:

- (a) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;
- b) Have a minimum 4:12 roof pitch and a one (1) foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement); and
- c) Locate all service access and parking in the rear, off the alley, where possible.

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7. **Area and bulk standards.** Each site in the MFR District shall be subject to the following property development standards.

- (a) Minimum lot size:
  - (1) Single-family dwellings: 6,000 sq ft/unit
  - (2) Two-family dwellings: 3,000 sq ft/unit
  - (3) Multi-family dwellings: 2,500 sq ft/unit
- b) Minimum front and street side setbacks: 6 ft.
- c) Minimum rear and interior side setbacks: 6 ft.
- d) Minimum lot width: 50 ft.
- e) Maximum lot coverage: 50%
- (f) Minimum floor area per principal dwelling unit:
  - (1) Single-family and two-family: 900 sq. ft.
  - (2) Multi-family: 600 sq ft.
- (g) Maximum height.
  - (1) Principal uses: 30 ft.
  - (2) Accessory uses: Roofline height of principal building

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H. **MH, MOBILE HOME DISTRICT**

1. **Purpose.** The MH, Mobile Home District is designed primarily to accommodate multi-family uses. It is intended for application to areas designated “Mobile Homes” on the Future Land Use Map in the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the MH, Mobile Home District shall be in compliance with all other applicable provisions of this Code.

2. **Permitted uses.** The following uses shall be permitted-by-right:

Residential uses.

Apartments, subject to the supplementary standards of Article III.C.2.a.

Dwellings, single-family

Dwelling, two-family, subject to the supplementary standards of Article III.C.2.b.

Dwellings, multi-family, subject to the supplementary standards of Article III.C.2.c.

Mobile homes, subject to the supplementary standards of Article III.C.2.d.

Mobile Home Park or subdivision, subject to the supplementary standards of Article

III.C.2.e.

land use code

Town of Dolores Adopted: [March 9, 1998] Amended: (August 9, 2008, June 18, 2012)



Public or civic uses.

Charitable, civic, youth, social and fraternal organization

Church or place of worship

Day care home (for more than six (6) children)

Day care home (for up to six (6) children)

Essential services

Group home and Assisted Living Facility, subject to the supplementary standards of Article

III.C.2.k (a) and (b).

Municipal facilities

3. **Conditional uses.** Conditional uses shall be allowed in accordance with Article V.K.

Hospital or clinic

School (elementary or secondary)

4. **Accessory uses.** The following uses shall be allowed:

Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.

Home occupation, subject to the supplementary standards of Article III.C.2.j.

5. **Temporary uses.** Temporary uses shall be allowed in accordance with Article VI.V.

Construction Field Office, subject to the supplementary standards of Article III.C.2.j.

6. **Design standards.** All principal structures, except mobile homes, shall:

(a) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;

(b) Be placed on a slab-on-grade or perimeter foundation;

(c) Have a minimum 4:12 roof pitch and a one (1) foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement);

(d) Locate all service access and parking in the rear, off the alley, where possible; and

(e) Break-up long, flat facades over 40 ft. in length to avoid presenting a “backside” to neighboring properties by incorporating recesses, off-sets, angular forms or recessed windows, display cases, porches, balconies or other features to provide a visually interesting shape.

7. **Area and bulk standards.** Each site in the MH District shall be subject to the following property development standards.

(a) Minimum lot size: 6,000 sq. ft.

(b) Minimum front and street side setbacks:

(c) Mobile homes: 25 ft.

All other uses: 10 ft.

(d) Minimum rear and interior side setbacks: 10 ft.

(e) Minimum lot width: 50 ft.

(f) Maximum lot coverage: 50%

(1) Minimum floor area per principal dwelling unit:

land use code

### Article III: Zoning District Regulations

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| (2) Single-family and two-family: | 900 sq. ft.                           |
| (3) Multi-family:                 | 600 sq. ft.                           |
| (4) Mobile home: none             |                                       |
| (g) Maximum height:               |                                       |
| (1) Mobile homes:                 | 25 ft.                                |
| (2) Accessory uses:               | roofline height of principal building |

#### I. **R-10, RESOURCE-10 DISTRICT**

1. **Purpose.** The R-10, Resource-10 District is designed primarily to accommodate large lot single-family uses, in remote areas with minimal services or where steep slope, floodplains or other hazards are present. It is intended for application to areas designated “Resource-10” on the Future Land Use Map in the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the R-10, Resource-10 District shall be in compliance with all other applicable provisions of this Code.
2. **Permitted uses.** The following uses shall be permitted-by-right:
  - a) **Residential uses.**  
Dwellings, single-family
  - b) **Public or civic uses.**  
Essential facilities  
Group home and Assisted Living Facility, subject to the supplementary standards of Article III.C.2.k. (a) and (b)  
Municipal facilities
  - c) **Retail, service and office uses.**  
Bed and breakfasts, subject to the supplementary standards of Article III.C.2.l.
3. **Conditional uses.** Conditional uses shall be allowed in accordance with Article V.K. Telecommunications tower or facilities
4. **Accessory uses.** The following uses shall be allowed:  
Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.  
Dwelling, accessory, subject to the supplementary standards of Article III.C.2.h.  
Home occupation, subject to the supplementary standards of Article III.C.2.j.
5. **Design standards.** All principal structures, except mobile homes, shall:
  - a) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;
  - b) Have a minimum 4:12 roof pitch and a one (1) foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement);
6. **Area and bulk standards.** Each site in the R-10 District shall be subject to the following property development standards.

- a) Minimum lot size: 10 acres

land use code

- |   |                               |
|---|-------------------------------|
| b) Minimum front and street side setbacks:          | 25 ft.                        |
| c) Minimum rear and interior side setbacks:         | 20 ft.                        |
| d) Minimum lot width:                               | 200 ft.                       |
| e) Maximum lot coverage:                            | N/A                           |
| (f) Minimum floor area per principal dwelling unit: | 900 sq. ft.                   |
| (g) Maximum height:                                 |                               |
| Principal uses:                                     | 35 ft.                        |
| Accessory uses:                                     | height of principal structure |

**J. R-35, RESOURCE-35 DISTRICT**

1. **Purpose.** The R-35, Resource-35 District is designed primarily to accommodate large lot single-family uses, in remote areas with minimal services or where steep slope, floodplains or other hazards are present. The R-35 District is distinguished from the R-10 District in that the primary access to the area is through town and substandard. The R-35 District is intended for application to areas designated “Resource-35” on the Future Land Use Map in the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the R-35, Resource-35 District shall be in compliance with all other applicable provisions of this Code.
2. **Permitted uses.** The following uses shall be permitted-by-right:
  - (a) **Residential uses.**  
Dwellings, single-family
  - (b) **Public or civic uses.**  
Essential facilities  
Group home and Assisted Living Facility, subject to the supplementary standards of Article III.C.2.k. (a) and (b)  
Municipal facilities
  - (c) **Retail, service and office uses**  
Bed and breakfasts, subject to the supplementary standards of Article III.C.2.I.
3. **Conditional uses.** Conditional uses shall be allowed in accordance with Article V.K.  
Telecommunications tower or facilities
4. **Accessory uses.** The following uses shall be allowed:  
Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.  
Dwelling, accessory, subject to the supplementary standards of Article III.C.2.h.  
Home occupation, subject to the supplementary standards of Article III.C.2.j.
5. **Design standards.** All principal structures, except mobile homes, shall:
  - (a) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;

land use code

- (b) Have a minimum 4:12 roof pitch and a one (1) foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement);

6. **Area and bulk standards.** Each site in the R-35 District shall be subject to the following property development standards.

- (a) Minimum lot size: 35 acres (10 acres if primary access to the subject property is not via 11<sup>th</sup> Street /CR 31)
- (b) Minimum front and street side setbacks: 25 ft.
- (c) Minimum rear and interior side setbacks: 20 ft.
- (d) Minimum lot width: 200 ft.
- (e) Maximum lot coverage: N/A
- (f) Minimum floor area per principal dwelling unit: 900 sq. ft.
- (g) Maximum height: 35 ft.
  - Principal uses: height of principal building.
  - Accessory uses:

K. **CB-1, COMMUNITY BUSINESS DISTRICT**

1. **Purpose.** The CB-1, Community Business District is designed to accommodate a wide variety of commercial activities, to make Dolores a more attractive and energetic place to live, work and shop and to enhance the economic development of Dolores. It is intended for application in areas designated “Community Business” on the land use map of the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the CB, Community Business District shall be in compliance with all other applicable provisions of this Code.

2. **Permitted uses.** The following uses shall be permitted-by-right:

- (a) **Residential uses.**
  - Apartments, subject to the supplementary standards of Article III.C.2.a.
  - Dwelling, single-family
- (b) **Public or civic uses.**
  - Charitable, civic, youth, social and fraternal organization
  - Church or place of worship
  - Day care home (for up to six (6) children)
  - Day care center (for more than six (6) children)
  - Essential services
  - Hospital or clinic
  - Municipal facilities
  - Nursing home
  - Post office
  - School (elementary or secondary)

land use code

(c) **Retail, commercial and personal service uses.**

Custom personal services

Bed and breakfast, subject to the supplementary standards of Article III.C.2.l.

General retail (indoor), subject to the supplementary standards of Article III.C.2.m.

Hotel or motel

Office, business or professional

Repair services, limited

Restaurant, general

Theater

(d) Industrial, communications, transportation, automobile-related uses.

Repair services, limited

2. **Conditional uses.** Conditional uses shall be allowed in accordance with Article V.K.

Manufacturing, light

3. **Accessory uses.** The following uses shall be allowed:

Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.

Dwelling, accessory, subject to the supplementary standards of Article III.C.2.h.

Caretaker or guard residence, accessory

Home occupation, subject to the supplementary standards of Article III.D.2.j.

4. **Temporary uses.** Temporary uses shall be allowed in accordance with Article VI.V.

Street vendors, temporary

5. **Design standards.** All principal structures, shall:

- (a) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;
- (b) Be placed on a slab-on-grade or perimeter foundation;
- (c) Have a minimum 24 foot wall dimension;
- (d) Screen rooftop mechanical equipment from view off-site;
- (e) Utilize service and vehicular access off the alley, where possible;
- (f) Treat the front yard setback line as mandatory “build-to” line and place all required parking in the rear; provided, however, where an outdoor café or similar active pedestrian space is proposed, a maximum front yard setback of up to four (4) feet may be permitted; and
- (g) Break-up long, flat facades over 40 ft. in length to avoid presenting a “backside” to neighboring properties by incorporating recesses, off-sets, angular forms or recessed windows, display cases, porches, balconies or other features to provide a visually interesting shape.

6. **Area and bulk standards.** Each site in the **Community Business District 1** shall be subject to the following property development standards.

- (a) Minimum front and street side setbacks: 0 ft.
- (b) Minimum interior side setbacks: 0 ft.
- (c) Minimum lot width 0 ft.

land use code

### Article III: Zone District Regulations

- |   |                                      |
|---|--------------------------------------|
| (d) Minimum Rear Setback                            | 25 ft.                               |
| (e) Maximum lot coverage                            | Coverage to the 25 ft. rear set back |
| (f) Minimum floor area per principal dwelling unit: |                                      |
| (1) Single-family dwelling                          | 900 sq. ft.                          |
| (2) Apartment                                       | 400 sq. ft.                          |
| (g) Maximum height:                                 |                                      |
| (1) Principal uses:                                 | 35 ft.                               |
| (2) Accessory uses:                                 | roofline of principal building       |

#### CB-2, COMMUNITY BUSINESS DISTRICT

1. **Purpose.** The CB-2, Community Business District is designed to accommodate a wide variety of commercial activities, to make Dolores a more attractive and energetic place to live, work and shop and to enhance the economic development of Dolores. It is intended for application in areas designated "Community Business" on the land use map of the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the CB, Community Business District shall be in compliance with all other applicable provisions of this Code.
2. **Permitted uses.** The following uses shall be permitted-by-right:
  - (a) **Residential uses.**  
Apartments, subject to the supplementary standards of Article III.C.2.a.  
Dwelling, single-family
  - (b) **Public or civic uses.**  
Charitable, civic, youth, social and fraternal organization  
Church or place of worship  
Day care home (for up to six (6) children)  
Day care center (for more than six (6) children)  
Essential services  
Hospital or clinic  
Municipal facilities  
Nursing home  
Post office  
School (elementary or secondary)
  - (c) **Retail, commercial and personal service uses.**  
Custom personal services  
Bed and breakfast, subject to the supplementary standards of Article III.C.2.l.  
General retail (indoor), subject to the supplementary standards of Article III.C.2.m.  
Hotel or motel  
Office, business or professional  
Repair services, limited  
Restaurant, general, theater
  - (d) **Industrial, communications, transportation, automobile-related uses.**  
Repair services, limited

land use code

3. **Conditional uses.** Conditional uses shall be allowed in accordance with Article V.K.  
Manufacturing, light

4. **Accessory uses.** The following uses shall be allowed:

Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.  
Dwelling, accessory, subject to the supplementary standards of Article III.C.2.h.  
Caretaker or guard residence, accessory  
Home occupation, subject to the supplementary standards of Article III.D.2.j.

5. **Temporary uses.** Temporary uses shall be allowed in accordance with Article VI.V.  
Street vendors, temporary

6. **Design standards.** All principal structures, shall:

- (1) Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;
- (2) Have a minimum 24 foot wall dimension;
- (3) Screen rooftop mechanical equipment from view off-site;
- (4) Utilize service and vehicular access off the alley, where possible;
- (5) Treat the front yard setback line as mandatory “build-to” line and place all required parking in the rear; provided, however, where an outdoor café or similar active pedestrian space is proposed, a maximum front yard setback of up to four (4) feet may be permitted; and
- (6) Break-up long, flat facades over 40 ft. in length to avoid presenting a “backside” to neighboring properties by incorporating recesses, off-sets, angular forms or recessed windows, display cases, porches, balconies or other features to provide a visually interesting shape.

7. **Area and bulk standards.** Each site in the **Community Business District 1** shall be subject to the following property development standards. *Effective August 9, 2007*

- |   |                                      |
|---|--------------------------------------|
| (1) Minimum front and street side setbacks:         | 0 ft.                                |
| (2) Minimum interior side setbacks:                 | 0 ft.                                |
| (3) Minimum lot width                               | 0 ft.                                |
| (4) Maximum lot coverage                            | Coverage to the 25 ft. rear set back |
| (5) Minimum floor area per principal dwelling unit: |                                      |
| (6) Single-family dwelling                          | 900 sq. ft.                          |
| (7) Apartment                                       | 600 sq. ft.                          |
| (8) Maximum height:                                 |                                      |
| (9) Principal uses:                                 | 35 ft.                               |
| (10) Accessory uses:                                | roofline of principal building.      |

## L. **CH, COMMERCIAL HIGHWAY DISTRICT**

1. **Purpose.** The CH, Commercial Highway District is designed to accommodate a wide variety of commercial activities, to make Dolores a more attractive and energetic place to live,  
land use code

work and shop and to enhance the economic development of Dolores. It is intended for application in areas designated “Commercial Highway” on the land use map of the Comprehensive Plan. In addition to the use and area regulations of this section, development in the CH, Commercial Highway District shall be in compliance with all other applicable provisions of this Code.

2. **Permitted uses.** The following uses shall be permitted-by-right:

(a) **Residential uses.**

Apartments, subject to the supplementary standards of Article III.C.2.a.

Dwelling, single-family

Dwellings, multi-family, subject to the supplementary standards of Article I

II.C.2.c.

(b) **Public or civic uses.**

Charitable, civic, youth, social and fraternal organization

Church or place of worship

Day care home (for up to six (6) children)

Day care center (for more than six (6) children)

Essential services

Group home and Assisted Living Facility, subject to the supplementary standards of Article III.C.2.k. (a) and (b)

Hospital or clinic

Municipal facilities

Nursing home

Post office

(c) **Retail, commercial and personal service uses.**

Bed and breakfasts, subject to the supplementary standards of Article III.C.2.l.

Boarding or rooming house, subject to the supplementary standards of Article

III.C.2.l.

Custom personal services

General retail (indoors), subject to the supplementary standards of Article

III.C.2.m.

Hotel or motel

Office, business or professional

Repair services, limited

Restaurant, fast food

Restaurant, general

(d) **Industrial, communications, transportation, automobile-related uses.**

Bus station or terminal

Car wash

Gasoline service station

Repair services, limited

a. **Conditional uses.** Conditional uses shall be allowed in accordance with Article VI.K.

land use code



Dwellings, multi-family, subject to the supplementary standards of Article III.C.2.c.

Manufacturing, light.

- b. **Accessory uses.** The following uses shall be allowed:
  - Accessory use or structure, subject to the supplementary standards of Article III.C.2.f.
  - Caretaker or guard residence, accessory
  - Dwelling, accessory, subject to the supplementary standards of Article III.C.2.h.
  - Home occupation, subject to the supplementary standards of Article III.C.2.j.
- c. **Temporary uses.** Temporary uses shall be allowed in accordance with Article VI.V.
  - Street vendors, temporary
- d. **Design standards.** All principal structures, except mobile homes, shall:
  - i. Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;
  - ii. Utilize service and vehicular access off the alley, where possible;
  - iii. Screen rooftop mechanical equipment from view off-site;
  - iv. Break-up long, flat facades over 40 ft. in length to avoid presenting a “backside” to neighboring properties by incorporating recesses, off-sets, angular forms or recessed windows, display cases, porches, balconies or other features to provide a visually interesting shape.
- e. **Area and bulk standards.** Each site in the CH District shall be subject to the following property development standards.
  - i. *Minimum front and street side setbacks:* 10 ft. (encouraged to build-to the setback line)
  - ii. Minimum rear and interior side setbacks: 6 ft.
  - iii. Minimum lot width: None
  - iii. Maximum lot coverage: 50%
  - iv. Maximum height: 35 ft.
  - v. Minimum floor area per principal dwelling unit:
    - 1. Single-family and two-family dwellings: 900 sq. ft.
    - 2. Multi-family dwellings and apartments: 400 sq. ft.

**M. P. PUBLIC DISTRICT**

**Purpose.** The P, Public District is designed primarily to accommodate the development of governmental and quasi-governmental facilities for the cultural, education, civic, recreation and other governmental purposes. It is intended for application in areas designated “Public” on the land use map of the *Comprehensive Plan*. In addition to the use and area regulations of this section, development in the P, Public District shall be in compliance with all other applicable provisions of this Code.

- a. **Permitted uses.** The following uses shall be permitted:
  - Public or civic uses.

land use code

### Article III: Zone District Regulations

Charitable, civic, youth, social and fraternal organization  
Church or place of worship  
Day care center (for more than six (6) children)  
Day care home (for up to six (6) children)  
Essential services  
Hospital or clinic  
Municipal facilities  
Park maintenance and storage structures  
Post Office  
School (elementary or secondary)  
Retail, commercial and personal service uses  
Office, business or professional

- b. **Accessory uses.** The following uses shall be allowed:  
Accessory use or structure, subject to the supplementary use regulations of Article

III.C.2.f.

Caretaker or guard residence, accessory

- c. **Temporary uses.** Temporary uses shall be allowed in accordance with Article VI.V.  
Street vendors, temporary

- d. **Design standards.** All principal structures, except mobile homes, shall:
- i. Utilize “natural” siding materials (i.e. wood, stucco, adobe, brick, or stone) or materials that look like natural siding materials on at least two-thirds (2/3) of the exterior wall surfaces;
  - ii. Have a minimum 4:12 roof pitch and a one (1) foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement);

- e. **Area and bulk standards.** Each site in the P District shall be subject to the following property development standards.

- |   |                  |
|---|------------------|
| i. Minimum front and street side setbacks:  | 25 ft.           |
| i. Minimum rear and interior side setbacks: | 10 ft.           |
| ii. Minimum lot width:                      | None             |
| iii. Maximum lot coverage:                  | 50%              |
| iv. Maximum height:                         | 35 ft.           |
| v. Minimum floor area per dwelling unit:    | 400 square foot. |

#### N. **PUD, Planned Unit Development District**

a. **Purpose and intent.** The PUD, Planned Unit Development District is designed to provide flexibility in the siting of structures to avoid or mitigate any hazardous areas, historic and prehistoric sites; to take advantage of the sites unique, natural, resource or

land use code

scenic features; and to preserve open spaces. It is intended for application in all residential districts.

- b. **Types of planned unit developments.** The Town Board after public hearing and due notice and after recommendation from the Planning and Zoning Commission, may authorize the creation of the Planned Unit Development Districts on parcels of land containing at least five (5) times the minimum lot area in the underlying Zone district. A Planned Unit Development designation may be applied to land intended for residential development purposes.
- c. **Procedures for approval and conditions.** Every PUD District approved under the provisions of this Ordinance shall follow the rezoning procedure of Article VI.C and be considered an amendment to the zoning map. In approving the Planned Unit Development District, the Town Board may impose conditions relative to the standard of development and such conditions shall be complied with before a Zoning Development Permit is issued for the use of the land or any structure that is part of the Planned Unit Development District. All Planned Unit Development Districts approved in accordance with the provisions of this Ordinance shall be referenced on the Official Zoning Map.
- d. **Site plan requirement.** The establishment of a Planned Unit Development District shall require a comprehensive site plan of the development. Such site plan shall be approved as part of the ordinance approving a Planned Unit Development prior to the issuance of any Zoning Development Permit in the Planned Unit Development. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property with adequate right-of-way, special setbacks, sidewalks, trails, utilities, drainage, parking space, building height, maximum lot coverage, common open space, screening or fencing, landscaping and other development and protective requirements including a plan for the maintenance of common open space.
- e. **Permitted variation from zoning standards.** In order to achieve the purpose and intent of the PUD District, variation may be permitted with respect to the minimum lot area, setbacks, lot width, lot coverage and height; provided that, the overall project shall not exceed the allowable gross density in the Zone district in which the PUD (excluding public and private rights of way) by the minimum lot area of the district. Density may be further reduced by the provisions of this section, as appropriate.
- f. **Conditional, permitted, accessory and temporary uses.** The Conditional Use, Permitted, Accessory and Temporary Uses allowed shall be those of the underlying zone district.
- g. **Maximum density.** The maximum density shall be no greater than that permitted in the underlying Zone district prior to PUD approval. Furthermore, densities may be reduced if:
  - i. There is not sufficient water pressure and other utilities to service the proposed development;
  - ii. There are not adequate roads to ensure fire protection to the proposed development;

land use code

**Article III: Zone District Regulations**

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- iii. The land is not suitable for the proposed development because of soil or geologic conditions, flood hazards or the presence of historic or prehistoric sites; or
  - iv. The design and location of any proposed structure, road, or driveway in the proposed development is not compatible with surrounding land uses, would adversely affect the neighborhood character or adversely affect critical natural features of the site.
- h. **Minimum common open space.** The minimum common open space shall be 30 percent of the land area in the PUD; provided that, all areas in a PUD that are impacted by geologic hazards, flood hazards, or the presence of historic or prehistoric sites shall be set aside as common open space for the benefit of the residents and occupants of the PUD.

## ARTICLE IV.

### SUBDIVISION STANDARDS

#### Scope and Applicability

1. **Applicability.** All plats and subdivision of land within the corporate limits of the Town of Dolores, and all land outside the corporate limits of the Town of Dolores that the Board of Trustees may be petitioned to include within the corporate limits of the Town, by an extension of said corporate limits, shall conform to the following rules and regulations.
2. **Creation of building site.** No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:
  - a. The lot or tract and is part of a plat of record, properly approved by the Board of Trustees of the Town of Dolores and filed in the plat records of Montezuma County, Colorado; or
  - b. The parcel, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the original subdivision regulations of the Town of Dolores or prior to annexation to the Town of Dolores, whichever is applicable, in which event a Building Permit for only one (1) main building conforming to all the requirements of this Code may be issued on each such original separately owned parcel without first complying with Article IV.A.2 (a), preceding.
3. **Platting property not permanently zoned.**
  - a. No subdivision plat shall be approved within the Town limits of the Town of Dolores until the area covered by the proposed plat shall have been permanently zoned by the Board of Trustees of the Town of Dolores, Colorado.
  - b. No subdivision plat shall be approved within any area where a petition or Ordinance for annexation or a recommendation for annexation to the Town of Dolores is pending before the Board of Trustees.
  - c. In the event the Planning Commission holds a hearing on proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the Board of Trustees so that the Board of Trustees can, if it desires, act on the matter of permanent zoning and annexation at the same time.

#### **B. Building Lots**

1. **Lot configuration.** The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the zoning district. The depth and width of properties reserved or laid out for

land use code

commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

2. **Side lot lines.** Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.
3. **Street frontage required.** Each lot or building tract shall front upon a public street.
4. **Double frontage lots.** Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.
5. **Large lots.** Where the area is divided into larger lots than for normal Town building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible of being re-subdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the zoning district.

**C. Streets and Alleys**

1. **Applicability.** The Town Board, by resolution may grant an exception to the street design standards as contained in this section, provided that the Board finds that the standards work a hardship on the basis of utility relocation costs, right-of-way acquisition costs and other related factors and such exception will not be detrimental to the public health, safety and general welfare.
2. **Double penetration (triple phase chip and seal) streets.** On and after the passage of these regulations, all developers shall be required to construct double penetration (triple phase chip and seal) streets.
3. **Street layout.** Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets in accordance with the Dolores Comprehensive Plan for street extension and shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. Where the layout of streets is not shown in the Dolores Comprehensive Plan, the arrangement of streets in a subdivision shall either:
  - a. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
  - b. Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

4. **Street connections.** The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision; and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to the Town in fee simple.
5. **Half streets.** Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half of a street when the adjoining property is subdivided.
6. **Street intersections.** More than two (2) streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise and all intersections shall be as near 90 degrees as possible and in no case shall the intersection angle be less than 60 degrees.
7. **Street jogs.** Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.
8. **Block lengths.** Block lengths shall not be less than 100 feet or more than 450 feet.
  - a. **Cul-de-sacs.** Cul-de-sacs shall not exceed 400 feet in length and shall have a turnaround diameter of 100 feet. A cul-de-sac of less than 200 in length in a single-family residential area does not require a radial turnaround if the Town Engineer determines that an equally safe and convenient form of turning space is adequate for the vehicles expected to use the cul-de-sac. Ordinarily, cul-de-sacs shall be discouraged as they do not result in a continuation or conformance to existing streets or streets pattern.
  - b. **Dead-end streets.** Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands and that have not been platted. In cases where these type of dead-end streets are allowed, a temporary turnaround of 100 feet shall be constructed.
9. **Street design standards.** Street and alley widths, curves, grades design speed and centerline radius shall meet following standards.

STREET DESIGN STANDARDS

land use code

**Article IV: Subdivision Regulations**

Design Features	Alley	Local	Local (curvilinear on hillsides)	Collector
Number of lanes	1	2	2	2
Lane width (ft.)	12'	11'	11'	12'
Surface width (ft.)	15'	30'	22'	24'
Right-of-way width (ft.)	20'	50'	58'	80'
Design speed (mph)	10	20	20	20
Maximum grade (%)	8%	10%	10%	8%
Min. centerline radius (ft.)	--	100'	75'	100'

- a. **Street grade and curves.** Streets may have a maximum grade of seven (7) percent. Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide a minimum 200 feet of sight distance. No vertical curve shall be less than 200 feet in length.
- b. **Street curve radii.** Streets shall have a minimum radius at the centerline of 100 feet, unless in special circumstances the Board of Trustees approves a local residential street with a smaller minimum radius.
- c. **Alley easements required.** Alley easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts. The Planning Commission may waive the requirement where other definite and assured provision is made for service access such as off-street and parking consistent with and adequate for the uses proposed.
- d. **Minimum alley width.** The minimum right-of-way width of an alley shall be 20 feet. The minimum gravel surface width of alleys shall be 15 feet.
- e. **Construction and dedication of internal streets.** Streets shall be constructed by the developer and dedicated to the Town, along with all necessary right-of-way, with no pro-rata share from the Town.
- f. **Turn by-passes and turn lanes.** Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient right-of-way shall be dedicated to accommodate such lanes when they are required.
- g. **Street names and numbers.** All street names shall be as established subject to approval of the Planning Commission. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the Town or its environs. The Building Official shall assign street numbers.

- D. Street lighting.** The developer shall pay the costs of purchasing and installing all street lighting equipment. All street lighting design plans shall be subject to the approval of the Town Board. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased.

land use code



**E. Easements**

1. **Utility easements required.** Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.
2. **Minimum width.** The minimum right-of-way width of each utility easement shall be 10 feet.
3. **Utility easements.** Utility easements shall be provided of 10 feet in width on each side of all rear lot lines and five (5) feet in width on each side of side lot lines. Where the rear or side lot lines abut property outside of the subdivision on which there are no rear or side lot line easements at least five (5) feet in width, the easements on the rear and side lot lines in the subdivision shall be 10 feet in width.
4. **Potable water and sewer easements.** Water and sewer easements shall be a minimum of 20 feet in width.
5. **“T” intersections and cul-de-sacs.** Easements 20 feet in width shall be provided in “T” intersections and cul-de-sacs for the continuation of utilities or drainage improvements, if necessary.
6. **Fire lanes and emergency access easements.** Fire lanes and emergency access easements 20 feet in width shall be provided where required by the Fire Chief.
7. **Drainage easements.** When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, there shall be provided an easement sufficient for drainage and to allow for maintenance of the ditch.
8. **Trail easements.** When a proposed subdivision is traversed by a public trail shown on an adopted plan, an easement shall be provided sufficient for public trail construction, maintenance and access.
9. **Adjoining areas.** When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

**F. Public Land Dedication.**

1. **Purpose.** The requirements for open space, school sites, park and recreational areas contained in this section are intended to ensure that in the Town of Dolores there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents of the development for open space, school sites, and parks, containing passive or active recreational areas that are reasonably attributable to such development.

land use code

2. **Applicability.** Every subdivision shall include a dedication of land to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, or cash-in-lieu of such dedication in an amount established by this section as a condition of final plat approval and prior to the recording of a final plat.
3. **Dedication requirement.** The obligation of the developer shall be to dedicate to the Town at least eight (8) percent of the gross land area in fee simple, or other equivalent consideration, unless such a land dedication was required for the subject land at the time of annexation.
  - a. If the Board of Trustees finds that park lands proposed to be privately owned and maintained are in the public interest and meet the needs of the neighborhood, up to 75 percent credit toward the dedication requirement otherwise due may be allowed for privately owned, common open space.
4. **Specifications.**
  - a. Land dedicated or otherwise set aside for open space, school sites and park and recreational areas shall be of such size, dimensions, topography, and general character as is reasonably required for the type of use necessary to meet the demand and need of future residents, e.g., school sites, open space buffer, public trails, active recreation for team or individual sports, playground, tot lot, picnic area, etc.
  - b. Unique natural areas or flood prone areas that provide an opportunity for public trails or linkage parks may be included in areas dedicated or otherwise set aside or reserved for open space.
  - c. No land dedicated or otherwise reserved in compliance with this section shall have dimensions smaller than 100 feet in width and 150 feet in depth, without the specific approval of the Board of Trustees.
  - d. The Town, at its sole discretion, may elect to use the dedicated land for any municipal, school or other public function deemed necessary. Such use shall be compatible with surrounding use.
  - e. All lands to be dedicated must have access via a minimum 50-foot right-of-way and also must accommodate connection of all utilities necessary to operate the dedicated land as a public park or recreation area.
  - f. Developer and/or owner shall supply signage designating this area as public land. Board of Trustees shall approve the selection and type of signage.
5. **Platting requirements.** Any land dedicated for open space, school sites, or park and recreational areas shall be shown on the face of a plat submitted for approval by the Planning Commission and Board of Trustees.
  - a. **Pins to be installed.** Each corner of the park land to be donated shall be marked with permanent monument consisting of three-fourths (3/4) inch iron pins set in concrete. These shall be located and identified on a recordable land survey completed by a land

land use code

surveyor registered in the State of Colorado and provided to the Town by Owner and/or developer.

- b. **Plat to be recorded.** Upon approval by the Board of Trustees, said plat shall be filed of record in office of the Montezuma County Clerk and Recorder.

6. **Payment of Cash in Lieu of Dedication.** Payment of cash in-lieu of dedication of land for park and recreational purposes shall be made prior to the recording of a final plat and shall be subject to the following provisions.

- a. **Applicability.** In any case in which the subdivision is less than 20 acres, or where the land required to be dedicated or otherwise reserved by this section would be less than one (1) acre, and in all cases in which the Board of Trustees may find that the park and recreational needs of a proposed development would be better served by a park in a different location or the expansion or improvement of an existing park or recreational area, the Board of Trustees shall require a developer or developer to pay the Town of Dolores cash in lieu or to dedicate or convey other equivalent consideration in lieu of applicable cash dedication.

- b. **Schedule for Cash in Lieu.** The amount of cash payment required shall be based on the market value of the number of acres that otherwise would be required to be dedicated. The Board of Trustees, following recommendation by the Planning Commission shall, by resolution, set the per-acre fee for dedicated land based upon the current fair market value for raw lands adjacent to the Town of Dolores. The per-acre fee shall be annually updated.

- c. **Accounting, expenditure and refunds.** All such payments of cash in-lieu fees shall be accounted for and spent according to the following requirements.

- (1) Cash in-lieu of payments shall be segregated in a special Parks and Recreation Capital Improvement Fund to be spent on a first in, first out basis and used only for the acquisition and improvements of open space, school sites, and park and recreational areas within the Town of Dolores that will meet the needs of the residents of the development or subdivision in respect of which such payment was made;

- (2) Cash in-lieu of payments shall be expended on the park budget, open space acquisition, capital improvements or improvement of open space or park land within reasonable proximity to the proposed development or subdivision from said development or subdivision; and

- (3) If cash in-lieu of payments are not expended or unconditionally committed to be expended within 5 years of receipt, the developer shall be entitled to a refund of the amount paid upon written request filed with the Town Clerk within one (1) year after the right to such refund arises.

G. **Drainage**

- 1. **Adequate drainage required.** A developer shall provide, at his expense, drainage structures that will become integral parts of the existing street or roadway drainage system, and the dimensions of all drainage structures must be approved by the Town Engineer prior to

land use code

installation. Drainage structures and ditches shall be of a size and nature sufficient to carry the calculated storm water from streets, roadways and open drainage areas as based on standard engineering principles.

2. **Minimum standards.** All provisions for drainage and flood control shall be established at a minimum to handle the anticipated 100 year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, and they shall be made in accordance with the approved improvement plan. The 100 year floodplain referred to herein shall mean that floodplain calculated on the basis of a fully-developed watershed, regardless of any regulated floodplain designations.
  3. **Erosion.** Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Culverts shall have concrete head walls and wing walls where conditions require.
  4. **Catch basins.** Standard drop inlet catch basins shall be constructed.
  5. **Engineered design.** The Town may require that improvements be designed by a Colorado registered engineer.
  6. **Water and sewer system protection.** Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.
- H. **Water Supply.** All municipal water service shall be subject to the requirements of the Municipal Code of the Town of Dolores. All potable water lines, fire hydrants and appurtenances shall be designed and constructed to meet the currently applicable requirements of the Town of Dolores and the Dolores Fire Protection District. Fire hydrants shall be provided to serve new subdivisions sufficient to maintain a Class 3 fire rating by the Insurance Service Office ("ISO").
- I. **Sanitation.** All sanitary sewer service and facilities shall be provided by and meet all requirements of the Town of Dolores.
- J. **Underground Utilities.** All utilities shall be placed underground, except transformers, switching boxes, and terminal boxes.

## ARTICLE V.

### SITE DEVELOPMENT STANDARDS

A. **Scope and Applicability.** No building permit or Certificate of Occupancy shall be issued for any development until all of the applicable standards of this Article V., Site development standards, are met.

B. **Parking and access.**

1. **Purpose.** The purpose of this section is to require off-street parking facilities in proportion to the parking demand for each use in order to ensure functionally adequate, aesthetically pleasing and secure off-street parking. The regulations and design standards of this section are intended to accomplish the following:

- a. To ensure the usefulness of parking facilities.
- b. To ensure sufficient parking spaces on-site in order to prevent excessive parking on public streets and in residential neighborhoods.
- c. To ensure that access to parking does not impair the function of adjacent roadways or endanger the public safety.

2. **Applicability.**

a. **New and complying development.** New development occurring after the effective date of this section, and development existing on the effective date of this section and complying with the number of off-street parking spaces required by this article shall be subject to the following provisions.

(1) Every use of a building or land hereafter established shall provide the minimum off-street parking spaces as required by this section.

(2) The number of parking spaces may be reduced when the land use or floor area of a building is changed or reduced to a use or floor area for which fewer parking spaces are required.

(3) When a building is expanded or a land use is changed so as to increase the number of parking spaces required, the number of such spaces shall be increased.

b. **Existing non-complying development.** Developments with legally non-complying parking areas shall be subject to the following provisions.

(1) Existing parking spaces shall not be reduced below the minimum required by this section.

(2) Building Permits and Certificates of Occupancy may be issued for a change of use or remodeling or structural alterations in developments containing legally non-complying parking areas, without requiring compliance with this section, provided that such redevelopment does not result in an increase in the number of required parking spaces.

(3) Any building expansion or change of use that results in an increase over the number of parking spaces that would be required under this section for the lot shall provide additional parking spaces only for that increment of the expansion, as if it were a

land use code

separate development. Only the expanded portion of the parking area shall be required to comply with the provisions of this section.

3. **Computing parking.** The minimum number of parking spaces required for a specific development proposal shall be based on the requirements listed in Article V.B.4., Off-street parking requirements, and the following provisions.
  - a. **Unlisted uses.** Where questions arise concerning the minimum off-street parking and requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.
  - b. **Multiple uses.** In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
  - c. **Fractions.** When measurements determining the number of required parking spaces result in fractions, any fraction less than one-half (½) shall be disregarded and any fraction of one-half (½) or more shall be rounded upward to the next highest full number.
4. **Off-street parking requirements.** Off-street parking spaces shall be provided on-site in accordance with the following minimum requirements.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS				
District	Churches and Auditoriums	Hotel and Motel Units	Residential Uses	Non-Residential Uses
All Residential Districts	--	--	2 spaces per dwelling unit	--
CB, Community Business	--	--	1 space per bedroom	--
CH, Commercial Highway	--	--	1 space per bedroom	--
P, Public	--	--	2 space per dwelling unit	--
PUD, Planned Unit Development				
	--	Those of the underlying zone district.	Those of the underlying zone district	Those of the underlying zone district

5. **Parking space dimensions, lighting and design.**
  - a. Each off-street parking space shall consist of an open area measuring at least nine (9) feet wide by 18 feet long and seven (7) feet high; provided, however, parallel parking spaces shall measure at least nine (9) feet wide by 23 feet long and seven (7) feet high.
  - b. Off-street parking shall be free of weeds, properly drained, and surfaced with concrete, asphalt, sealed pavers, cobbles, sealed brick or any other material with similar characteristics and uses, and shall be maintained in a usable condition at all times.
  - c. Off-street parking areas serving development in the MFR, Multi-family Residential, the CB, Community Business or the CH, Commercial Highway Districts shall be landscaped

land use code

and screened in accordance with requirements of Article V.E., Trees, landscaping and screening.

6. **Restricted use of parking areas.** No automobile trailers, boats, detached campers; junk vehicle or any other object that will render a parking space unusable according to the purpose of this section shall be parked or stored in off-street parking areas. Junk vehicles shall be defined as those that lack a current license or are wrecked and/or dismantled.
7. **Driveways and access.** Driveway improvements should be extended and connect directly to the street surface. All required off-street parking shall be provided with driveway access to a public street or alley in accordance with the standards of this section:
  - a. **Minimum driveway width.** Driveways shall be a minimum of 10 feet in width when serving one (1) dwelling unit, or 14 feet wide when serving more than one (1) residence or another use such as a boarding house.
  - b. **Maximum driveway frontage.** The combined width of driveway cuts or entrances shall not be more than 40 percent of the frontage of the lot along any street or alley.
  - c. **Maximum driveway grade.** The maximum driveway grade shall be 12 percent.
  - d. **Corner visibility – street, alley and driveway intersections.** No walls, buildings or other obstruction to view in excess of four (4) feet in height shall be placed on any corner lot within a triangular area formed by the property line and a line connecting them at points 30 feet from the intersection of the property lines.

**C. Sidewalks and trails.**

1. **Applicability.** This section is intended to ensure pedestrian access is available to serve uses that need and benefit from such access. Builders shall be required to build sidewalks on all streets adjacent to their building sites, except in the LLR, Large Lot Residential District and the LI, Light Industrial District. Builders in all districts shall be required to dedicate trails easements (but not to build trails) in accordance with the Dolores Comprehensive Plan. No Certificate of Occupancy shall be issued until the requirements of this section are met.
  - a. Alternatively, and at the discretion of the Town, an escrow for the estimated construction costs of the required sidewalk may be deposited with the Town.
  - b. A one-time expansion of the floor area of buildings on a lot or building tract not exceeding 25 percent of the existing floor area shall not be subject to the requirements of this section.
  - c. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation per Section 2.03 of this Chapter may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

2. **Sidewalk construction standards.** Sidewalks shall be five (5) feet in width in the CB, Community Business District and in the CH, Commercial Highway District; or eight (8) feet in width if installed adjacent to a curb. Sidewalks built in all other districts shall be four (4) feet in width. The construction specification of sidewalks will conform to Town specifications for streets on file with the Town Engineer and Town Clerk.
3. **Trails construction standards.** Trails in the Town of Dolores shall be designed as multi-use trails:

TRAIL DESIGN STANDARDS									
	X-Slope Range	Tread Width	R.O.W. Width	Clearing		Surface Materials			
				h.	v.	natural	gravel	asphalt	concrete
Multi-use	0-10%	8'	15'	+3'	10'	Pref.	Pref.	No	No

#### D. **Fences and Walls**

1. **Height of fences.** In any residential district or along the common boundary between any residential or nonresidential district where a wall, fence or screening separation is erected or where a screening wall or fence is required by Ordinance, resolution, regulation or law the following standards for height and design shall be observed.
  - a. No fence or wall erected within a required front yard shall exceed four (4) feet in height above the adjacent grade.
  - b. No fence or wall erected within a required side or rear yard shall exceed six (6) feet in height above the adjacent grade, provided, however, where houses on adjacent lots are constructed such that the front of one (1) house faces the back of the adjacent house, then the maximum rear yard fence height shall be four (4) feet.
  - c. Fences and walls shall be erected in accordance with the requirements of Article V.B.7.d., Corner visibility.
  - d. Barbed wire fences are prohibited.
  - e. Corner visibility
2. **Exterior building materials.** At least a two (2) hour, exterior fire wall is required by the International Building Code for all non-residential and mixed use structures with less than 10 feet of separation between buildings.

#### E. **TREES, LANDSCAPING AND SCREENING**

1. **Purpose.** This section is designed to provide standards for the installation and maintenance of landscaping, walls and screening devices so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an attractive appearance along streets and by screening from view those uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs, and trees further facilitate the control of erosion and the reduction of glare and dust, as well as the visual softening of building masses. Low-water use plant materials require less water than do non-native plants and therefore are preferred for required landscaping. Walls and screening devices allow for the

land use code



separation of incongruous uses and for the buffering of intensive activities. Landscaping, walls and screening devices together, help to effectuate privacy, logical development, and enhancement of property values.

2. **Applicability.** This section shall apply to all development in the MFR, Multi-family Residential District, CH, Commercial Highway District, and the CB-1, Community Business District 1 and CB-2, Community Business District 2; provided, however, that single-family development in all districts shall be exempt from the requirements of this section. In addition, a one-time expansion of the floor area of non-residential buildings on a lot or building tract not exceeding 25 percent of the existing floor area shall not be subject to the requirements of this section.
3. **General requirements.**
  - a. **Landscape and site plan.** Any proposed building or use shall be shown on a landscape or screening plan indicating the location of existing and proposed buildings, parking areas, street improvements, locations and types of landscaped areas, walls, and screening devices.
  - b. **Location of utilities.** Proposed utilities shall be located, when possible, so that their installation will not adversely affect vegetation to be retained on a site.
  - c. **Installation.** Landscaping, watering devices, walls and screening structures shall be installed in accordance with the approved landscape or screening plan prior to issuance of a final Certificate of Occupancy for the building or use. The Building Official may grant a temporary Certificate of Occupancy during the winter months when installation is impracticable or not feasible.
  - d. **Maintenance requirements.**
    - (1) Landscaped areas shall be reasonably maintained by the owner or the lessee of the property, including pruning, trimming, watering, and other requirements necessary to create an attractive appearance for the development. Lack of maintenance of required landscaping material shall constitute a violation of this Code.
    - (2) Any plant materials not surviving shall be replaced within 30 days of their demise or in the next appropriate season.
  - e. **Irrigation systems** shall be installed to current water regulations for safety purposes and reported to the Town Staff for inspection.
4. **Landscaping standards.** All undeveloped areas of the street yard of each lot or tract and the adjacent right-of-way shall be landscaped with trees, shrubs, grasses, ground cover or other organic and inorganic materials that create an attractive appearance. Smooth concrete or asphalt surfaces are not considered landscaping.
  - a. **Shrubs and trees.** Locally appropriate shrubs and grasses shall be utilized in order to minimize the consumption of water.

b. **Trees.** One tree with a minimum two (2) inch caliper shall be utilized per 1,000 square, or fraction thereof (in no case closer than 35 feet apart) of required landscaped area. Trees that may not be used to satisfy the tree planting standards are Cottonwoods, Elms, Russian Olive (*Elagegnus angustifolia*), Box Elder and Tamarisk. Trees which may be used to satisfy the tree planting standards include, but shall not be limited to:

- (i) Ash, Autumn Purple (*Fraxinus amerianna* 'Autumn Purple'),
- (ii) Ash, European Mountain ('*Sorbus aucuparia*'),
- (iii) Ash, Patmore (*Fraxinus pennsylvanica* 'Patmoe'),
- (iv) Cutleaf Weeping Birch (*Betula Pendula* 'Gracilis'),
- (v) Hackberry ('*Celtis*'),
- (vi) Hackberry, Magnifica
- (vii) Honeylocust, Imperial (*Gleditsia triacanthos* 'Imperial')
- (viii) Honeylocust, Shademaster (*Gleditsia triacanthos* 'Shademaster'),
- (ix) Honeylocust, Skyline (*Gleditsia triacanthos* 'Skyline'),
- (x) Honeylocust, Sunburst (*Gleditsia triacanthos* 'Sunburst'),
- (xi) Horsechestnut, Red (*Aesculus x carnea*),
- (xii) Horsechestnut, White (*Aesculus hippocastanea*),
- (xiii) Juniper, Upright: Cologreen, Gray Gleam, Hillspire, or Wichita Blue,
- (xiv) Kentucky Coffee Tree (*Gymnocladus dioicus*),
- (xv) Littleleaf Linden (*Tilia cordata*),
- (xvi) Maple, Autumn Blaze (*Acer x freemanii* 'Jeffersred'),
- (xvii) Maple, Deborah (*Acer platanoides* 'Deborah'),
- (xviii) Maple, Emerald Queen (*Acer platanoides* 'Emerald Queen'),
- (xix) Maple, Green Mountain Sugar Maple, (*Acer saccharum* 'Green Mountain'),
- (xx) Mountain Ash, Cardinal Royal (*Sorbus aucuparia*),
- (xxi) Mountain Ash, European (*Corbus aucuparia*),
- (xxii) Oak, Northern Red (*Quercus rubra* 'Astrocat'),
- (xxiii) Purple Robe Locust (*Robina pseudoacacia* 'Purple Robe'),
- (xxiv) Sycamore (*Platanus acerifolia* "Bloodgood London Plantree"),
- (xxv) Willow, Laurel Leaf (*Salix pentandra*), or
- (xxvi) Any native species not otherwise prohibited by 4b

(c) **Other materials.** Any combination of shrubs, grasses, ground covers, organic and inorganic materials may be used for the balance of the required landscaping at the discretion of the applicant. Shrubs that are well suited to Dolores include, but are not limited to ("\*\*" indicates "dwarf" variety):

- (i) American Cranberry (*Viburnum trilobum*),
- (ii) Artic Blue Willow, Dwarf (*Salix purpurea* 'Nana')\*\*,
- (iii) Blue Mist Spirea (*Caryopteris*)\*\*,
- (iv) Chokeberry, Black Glossy (*Aronia melanocarpa elata*),
- (v) Cotoneaster, Cranberry (*Cotoneaster apiculata*)\*\*,
- (vi) Cotoneaster, Peking (*Cotoneaster acutifolius*),
- (vii) Dogwood, Bailey's Red Twig (*Cornus baileyi*),
- (viii) Dogwood, Kelsey Dwarf (*Cornus serices Kelseyi*)\*\*,
- (viv) Dogwood, Siberian (*Cornus alba Siberica*),

- (x) Honeysuckle, Arnold Red (Lonicera),
- (xi) Lilac, Miss Kim\*\*,
- (xii) Lilacs (Syringa),
- (xiii) Nannyberry (Viburnum lentago),
- (xiv) Oregon Grape Holley, Compact (Mahonia aquifolium compactum)\*\*,
- (xv) Potentillas\*\*,
- (xvi) Privet, Lodense\*\*,
- (xvii) Rabbitbrush (Chrysothamnus)\*\*,
- (xviii) Sandcher, Western (Prunus besseyi),
- (xix) Snowball Bush (Viburnum opulus Roseum),
- (xx) Spirea, Anthony Waterer\*\*,
- (xxi) Spirea, Snowmound\*\*, and
- (xxii) Sumac, Three-leaf (Rhus trilobata).

5. **Weed Control.** The Colorado Revised Statutes at Title 35, Article 5.5, Colorado Noxious Weed Act will be used for control of noxious weeds.

6. **Screening standards.** Where screening standards are required by this Code, the following screening standards shall apply:

a. **Height of screening devices.** The height of screening devices shall be measured from the highest finished adjacent grade of the element to be screened.

b. **Screening plant list.** Plant used to satisfy screening standards shall be limited to:

- (1) American Cranberry Bush (Viburnum trilobum) and all other tall Viburnum,
- (2) Cheyenne Privet (Ligustrum),
- (3) Dogwood (Cornus species),
- (4) Lilac (Syringa), and
- (5) Peking Cotoneaster (Cotoneaster arborescens).

c. **Outdoor storage areas.** All outdoor storage areas for materials, trash, mechanical equipment (to include ground based satellite dishes) or other similar items shall be screened from street view by a minimum six (6) foot high screening device. Such screening device shall consist either of plant material or a wall constructed of or finished with materials to match the main building of the site.

d. **Roof mounted equipment.** Roof mounted mechanical equipment shall be screened by parapet walls or other screening devices except solar equipment.

## F. **TREE PRESERVATION**

1. **Purpose.** The terms and provisions of this section are intended to accomplish the following:

- a. Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment; in accordance with species included in State Noxious Weed list.

- b. Provide for the preservation and protection of larger native or established trees, which provide a valuable amenity to the urban environment and which, once destroyed, can only be replaced after generations, if at all.
- c. Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities.
- d. Prevent the clear-cutting of land.

2. **Applicability.** The terms and provisions of this section shall apply to all “protected trees” on real property in the town of Dolores. The removal of any protected trees on real property in the town of Dolores requires a Tree Removal Permit, in accordance with the terms and provisions hereof.

a. **Protected Trees.** Protected trees shall be defined to include only those trees that are specifically listed in Article V.E.4 (a-y) of this Code

3. **Exemptions.** The following exemptions from the terms and provisions of this section are hereby authorized and granted:

a. Trees located within necessary public rights-of-way, easements and the designated buildable area of a building lot or site to be removed without a Tree Removal Permit and prior to the issuance of a building permit.

b. In the event that any protected tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization for removal may be given by the Mayor upon recommendation of the Zoning Administrator or authorized designee, and such protected tree may then be removed without obtaining a written permit as herein required.

c. During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirement.

4. **Protected trees.**

a. **Designation of protected trees.** A “Protected Tree” shall be any existing living tree of a species or type listed on the Town of Dolores Protected Tree List and that has or possesses each of the following characteristics or criteria.

Same as planting list in 4b. Exotic trees must be reviewed.

- (1) A single trunk of six (6) inches caliper or greater, measured at four (4) feet above natural grade level 6 inch DBH (diameter breast height), and at least 12 feet high; or a multi-trunk having a total caliper width of eight (8) inches, measured by combining the caliper width of the largest stem or branch with one-half (1/2) the caliper width of each additional stem or branch, all measured at four (4) feet above natural grade level, and at least twelve feet (12 feet high).

- (2) Located outside of a public street or alley right-of-way, utility easement, drainage easement, fence easement, pedestrian access easement, other public right-of-way or easement; or the buildable area of a building lot or site, as included on a final plat approved by the Town Board and filed in the plat records of Montezuma County, Colorado; or the buildable area of a building lot or site, as included on a building permit site plan approved by the Town.
- (3) The term "Protected Tree" shall not include any such described living tree that is injured, dying, diseased or infested with harmful insects; is in danger of falling, interferes with utility service or creates unsafe vision clearance; in any manner creates a hazardous or dangerous condition so as to endanger the public health, welfare or safety; as determined and approved by the Zoning Administrator or authorized designee.

**5. Removal of protected trees.** No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any protected tree on any real property within the Town of Dolores without first obtaining a Tree Removal Permit as provided in Article VI.T. Tree Removal Permits.

a. **Permit required.** Protected trees shall not be removed prior to the issuance of a Tree Removal Permit unless said trees are injured, dying, diseased or infested with harmful insects; are in danger of falling, interfere with utility service or create unsafe vision clearance; or in any manner create a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and the Zoning Administrator or authorized designee approves the removal thereof. Under no circumstances shall the clear-cutting of protected trees on any real property within the Town of Dolores be allowed prior to the issuance of a Tree Removal Permit for said property.

b. **Penalties for unauthorized removal of protected trees.** If any protected trees are removed from any real property, including any injury to a protected tree resulting from the builder's failure to follow required tree protection measures that causes or may reasonably be expected to cause the tree to die, the Town shall have the authority to enact one or more of the following administrative and civil penalties on the developer of the property from which the tree is removed. Upon acceptance of the public improvements for the development or subdivision, the developer shall no longer be subject to the administrative and civil penalties herein imposed.

- (i) Replacement with new tree(s) having a total tree caliper width equivalent to twice that of the removed tree(s). Such replacement trees shall have a minimum caliper width of two and one-half inches to three inches (2-1/2" to 3"), measured at six inches (6") above ground level up to four-inch (4") caliper width or at twelve inches (12") above ground level if the caliper width is greater than four inches (4"), and a minimum height of at least six feet (6'), and shall be planted in a location(s) as approved by the Zoning Administrator or authorized designee.

**6. Tree protection measures.** The following protection measures shall be required for protected trees:

- a. Prior to construction or land development, the developer shall clearly mark with three (3) inch wide red ribbon or tape all protected trees within 30 feet of a public right-of-way, public easement or buildable lot area, as included on the applicable approved and filed final plat.
- b. No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
- c. With major grade changes of six (6) inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.
- d. Unless otherwise approved by the Town, no construction or construction-related activity shall occur under the canopy, drip line or closer than five (5) feet, whichever is more, of any protected tree or group of protected trees.

#### **G. SIGNS**

1. **Purpose.** Throughout this section, regulations of size, location, illumination, etc., will encourage the communication of information and orientation for both visitors and citizens, provide for the effective identification of business establishments, minimize distractions to motorists and pedestrians while promoting visual harmony, safety and a respect for the environmental character of the community; and specifically:
  - a. To enhance the economy and efforts of the Dolores Business Community by promoting the reasonable, orderly, and effective display of signs and encouraging better communication with the public,
  - b. To support existing and future business ventures within the Town of Dolores;
  - c. For the protection and encouragement of local tourist-related businesses for the general economic well being of Dolores;
  - d. To preserve the value of private property by assuring compatibility of signage with surrounding land uses;
  - e. To provide a sign code compatible with the Vision Statement of the Dolores Comprehensive Plan;
  - f. To establish procedures and regulations which control the location, size, type, and number of signs permitted; and
  - g. To provide an equitable mechanism whereby signs which are illegal or abandoned can be removed.
2. **Applicability.** The following regulations shall govern the placement and construction of all outdoor advertising display within the Town of Dolores.
3. **Exempt signs.** Exempt signs shall include the following signs:

land use code

- a. Temporary (30 days or less) civic, cultural and public service window posters, when posted inside commercial establishments,
- b. Temporary (90 days or less) promotional or special sales signs, when displayed in conjunction with a commercial establishment;
- c. Temporary signs announcing the sale or leasing of a property or building shall be exempt provided they do not, individually or collectively exceed 12 sq. ft. and are promptly removed after closing of sale or leasing of the subject property;
- d. Temporary banners, streamers and window signs associated with, among other things, hunting season, Escalante Days, Color fest, and other similar events can only be displayed during such seasons or preceding such events;
- e. Traffic control signs installed by proper authorities;
- f. Customary holiday decorations including New Years Day, Valentines Day, Presidents Day, St Patrick, Easter, First Day of Spring, Mothers Day, Memorial Day, Fathers Day, Fourth of July, Labor Day, Columbus Day, Halloween, Thanksgiving, Veterans Day, Christmas, and Hanukkah;
- g. Public information or seasonal advertising signs on public property;
- h. Non-conforming "historic" signs that have been in place for more than 50 years;
- i. One (1) 40 sq. ft. wall sign and one (1) 40 sq. ft. free-standing sign shall be allowed on property owned or used by a Church or religious organization, in all zone districts.

**4. Prohibited signs.** Prohibited signs include the following signs:

- a. Signs employing mercury vapor, low pressure and high pressure sodium, and metal halide lighting;
- b. Signs containing statements, words, or pictures of an obscene, indecent or immoral character; and
- c. Signs advertising business, activity, product or service not conducted on the premises upon which sign is located, including billboards, but not including signs directional signs erected in accordance with all the requirements of Article V.G.5.e. Directional Signs.

**5. Permitted Signs**

- a. **Wall mounted signs.** Wall-mounted signs and/or signs or lettering painted directly on a building shall be permitted in accordance with the following standards:
  - (1) The sign shall be affixed to the facade of the building, and shall project outward from the wall to which it is attached no more than 12 inches; the bottom of the sign shall be at least eight (8) feet above the sidewalk elevation and the top of the sign shall not extend more than twenty-five (25) feet above the sidewalk elevation.

(2) There shall be no size limit for signs or letters printed directly on, or mounted on, the exterior facade of a building.

b. **Gas Stations.** Two (2) gas canopy signs identifying the brand of gasoline sold in a gasoline service station, not exceeding 16 square feet, shall be permitted on a gas canopy over gasoline pumps.

c. **Projecting signs.** Projecting signs, including graphic or icon signs, mounted perpendicular to the building wall, in accordance with the following standards:

- (1) The signboard shall not exceed an area of twenty-four (24) sq. ft.;
- (2) The distance from the ground to the lower edge of the signboard shall be eight (8) ft. or greater;
- (3) The distance from the building wall to the signboard shall not exceed six (6) inches;
- (4) The width of the signboard shall not exceed four (4) feet; and
- (5) Projecting signs shall be limited to one (1) such sign per business per street frontage.

d. **Free-standing signs.** Free-standing signs advertising on-site businesses or land uses may be permitted only in the CH, Commercial Highway District, in accordance with the following standards:

- (1) One (1) free-standing sign is permitted per on-site business per street frontage.
- (2) Each sign shall be limited to a maximum 20 feet in height or height of building, whichever is greater, and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way and larger than two (2) square feet in area.
- (3) Each free-standing sign may have two (2) faces and a maximum area of one (1) sq. ft. per linear foot of street frontage, per street, up to 75 sq. ft., provided the two (2) faces are the same size and join back-to-back without any overlap.
- (4) **Multiple signs.** Whenever more than one (1) sign is placed on a free-standing structure, or on a projecting structure, the combination of signs shall be considered as one (1) sign for the purpose of computing sign area and determining the number of signs on a parcel. Total sign area shall be computed by adding the areas of the individual signs and shall not exceed 75 sq. ft. per parcel.
- (5) Signs advertising a gasoline service station shall not exceed the height of the gas canopy.
- (6) Ground signs (monument-style) may be less than eight (8) ft. in height if adequately protected by plants, landscaping, benches, etc. and the signs do not impair the vision of vehicular or pedestrian traffic.

e. **Directional signs.** CDOT sign standards for off-highway uses are more restrictive than the town's sign standards. Citizens wishing to install signs for off-highway non-residential uses are advised to contact CDOT directly a CDOT District office in Durango, CO



- f. **Roof-mounted signs.** Roof mounted signs shall not have their highest point more than 25 ft. above grade and not to exceed 32 sq. ft.

6. **Signs permitted by special exception.** Changes to otherwise required sign standard may be approved by Special Exception pursuant to Article VI.R. and in accordance with the following standards:

- a. **Historic replica signs.** Historic replica signs may be permitted in the CB, Commercial Business District where each of the following criteria are met:

- (1) A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Article VI.S. of this Code;
- (2) Applications for a historic replica sign and or a reproduction will be supported by documentation evidencing the historic style, format and location of the sign to be replicated;
- (3) A historic replica sign shall replicate the style, format and location of a historic sign, but need not employ the same words, phrases or symbols; and
- (4) The Planning Commission or Town Board must find that the proposed historic replica sign contributes positively to the historic redevelopment of the town.

- b. **Reproductions.** Reproductions are encourage and may be permitted in the CH, Commercial Highway District as well as the CB-1, Commercial Business District and CB-2, Commercial Business District.

7. **Illumination.** Illumination of all signs shall be in accordance with the standards in this section.

- a. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to people in surrounding areas.
- b. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to passing motorists.
- c. No sign shall have blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color. Beacon lights are not permitted.
- d. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- e. Internally illuminated signs over 40 sq. ft. are required to have a dark background and light lettering.

8. **Sign Area Measurement.**

- a. **Area to be measured.** The area of a sign shall be measured excluding the outside dimension of the frame, structure or bracing of the sign. Where a sign has two (2) or more display faces, the area of one (1) face shall be used in determining the area of the sign.
- b. **Computations.** The area of a signs with or without backing shall be computed by enclosing, with the smallest single continuous perimeter, all backing, background, materials, letters, numbers or emblems, which are part of the overall display.

9. **Permits.** It shall be unlawful to erect, construct, or reconstruct any sign without first obtaining a sign permit pursuant to Article VI.U. of this Code.

10. **Illegal and Unused Signs**

a. **General.** in order to achieve the general purpose and objectives of the Ordinance as specified in Section I, it is necessary to provide for the removal of signs which are illegal, non-conforming and abandoned (non-used). Each such classification of signing involves a varying level of impact upon the general purpose and objectives of this Ordinance. The following subsections identifying circumstances under which such classifications occur and the method of correction and or disposition required.

(1) **Abandonment.** Abandonment of a sign shall immediately terminate the permit for such a sign. Abandonment of a sign shall be evidenced by:

(a) The expiration of a Town of Dolores Business License for a business advertised on a sign by more than 30 days, or

(b) The cessation of business, other than the customary cessation for a seasonal business, for more than 30 days other than sale or transfer of ownership.

(c) When a sign has been abandoned as defined above, the Town shall send a letter requesting removal of the abandoned sign. If said sign is not removed within (60) sixty days, the town may remove the sign at the property owner's expense.

(2) **Illegal Signs.** An illegal sign is any sign erected or altered after the effective date of this Ordinance and not complying with the provisions thereof.

11. All existing wall mounted, signs directly painted on the façade, directional, projecting, free standing, or roof mounted signs shall be legal and accepted from adoption of Ordinance #436 amending sign ordinance with the exception of billboards which will be eliminated two (2) years from effective date of Ordinance #436 or on expiration of current variance whichever is first. Billboards are defined as all off premise signs.

**H. Outdoor lighting.** An outdoor lighting plan shall be submitted with the site/development plan and such lighting shall not be directed towards any adjacent residential uses or public streets.

1. All outdoor lighting shall be directed down or toward a surface and shielded from adjacent properties and streets.
2. Sodium vapor and similar high intensity light sources shall be prohibited.

**I. Operational Performance Standards**

1. **Applicability.** All uses in any district of the Town of Dolores shall conform in operation, location and construction to the subjective performance standards herein specified so that the public health, safety and welfare will be protected.

2. **Exemption.** The following are exempt from the performance standards of this section:

(a) Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and

land use code

(b) Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time or in the public right-of-way or easement.

3. **General.** The location, size, design and operating characteristics of all uses shall minimize adverse effects, including visual impacts, on surrounding properties; and

4. **Noise.** At no point on the bounding property line of any use in any district shall the sound pressure level of any use, operation or plant produce noise of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, bounding property line shall be interpreted as being at the far side of any street alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line.

5. **Smoke and Particulate Matter.** No operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

6. **Odorous matter.** No use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person.

7. **Fire and explosive hazard material.**

a. **Explosives.** No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district, except that chlorates, nitrates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall as not presenting a fire or explosion hazard.

b. **Flammables.** The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Town of Dolores.

8. **Toxic and noxious matter.** No operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Colorado Department of Health.

9. **Vibration.** No operation or use in any district shall at any time create earth-borne vibration that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

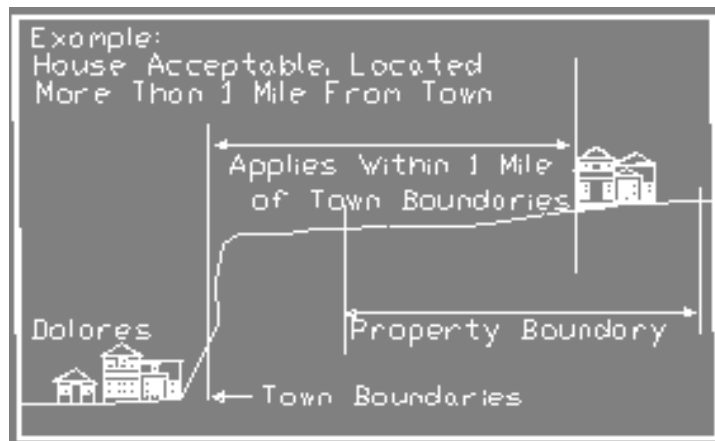
10. **Glare.** No use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

**J. Ridgeline Hazard Standards**

1. **Applicability.** This section shall apply to the development of all property *within one (1) mile of the Dolores town boundaries*, except as otherwise specified.
2. **Hazard areas.** Development of lands located above and *within one-quarter (1/4) mile of the top of Dolores Canyon escarpment or cliff* shall avoid site alteration, use of septic systems, or the addition of water to the soils so as to aggravate or increase the potential for rock falls, land slides, avalanches, ground water pollution, or leaching through canyon walls. Such lands shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance and/or mitigation of such hazards or impacts.

3. **Ridgeline standards.**

- a. New structures, buildings, fences, or walls located *within one (1) mile of town boundaries*, shall be located so that the highest part of such structure, building, fence or wall is not visible from the



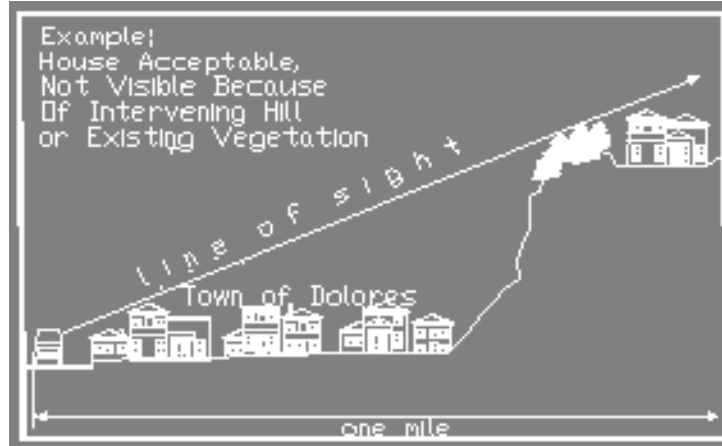
center line of Railroad or Central Avenue.

- b. However, if the only buildable site on a parcel is such that development on the parcel must be visible from centerline of Railroad or Central Avenues, development shall be sited and the height of structures shall be limited to so as to minimize visibility, as viewed from the centerline of Railroad Avenue or Central Avenue.

## Article V: Site Development Standards

Article V.K. Ridgeline Hazard Standards

- c. This section *shall not apply* if the applicant produces adequate visual representation that a proposed new structure will not be visible as viewed from the centerline of Railroad or Central Avenues (e.g., artistic rendering or placement of balloons to illustrate top of structure).



## ARTICLE VI.

### ADMINISTRATION AND PROCEDURES

#### A. Decision-Making Bodies.

##### 1. Planning Commission.

- a. Planning Commission created. The Town of Dolores Code, Title II creates an advisory board known as the Planning and Zoning Commission ("Planning Commission" or "Commission").
- b. Organization.
  - (1) The Commission consists of seven (7) members, five (5) of whom shall be appointed by the Town Board and two (2) shall be non-voting, ex-officio members of the Town Board.
  - (2) The term of office of the Planning Commission members shall be staggered. As the term of each member expires, the vacancy thus created shall be filled by a majority vote of the Board of Trustees for a term of three (3) years. If a vacancy occurs other than by expiration of term, the Board of Trustees by majority vote shall appoint a new member to fill the unexpired term.
  - (3) Commission members may be removed from office for cause by the Town Board prior to the expiration of the appointed term for cause.
- c. Officers and procedures. At the first regular Commission meeting in January of each year, the first item of business shall be the selection of the Commission Chairperson, Vice Chairperson from the membership of the Commission.
  - (1) The Chairperson shall preside over meetings. In the event questions over procedures arise, Robert's Rules of Order shall prevail.
  - (2) The Commission shall create and fill other offices as it deems necessary.
  - (3) The recording of minutes of all Commission meetings shall be the responsibility of the Town Clerk.
  - (4) A majority of the appointed members of the Commission shall constitute a quorum to do business and the affirmative vote of three fifths of the appointed members in attendance shall be necessary to pass any motion.
  - (5) The Commission shall establish rules and procedures that govern its operation.
  - (6) The Commission shall hold at least one (1) regular meeting per month. Special meetings may be called by any three (3) appointed members of the Commission or by the Mayor upon due notice to the Chairperson and other members of the Commission.
- d. Powers and duties. The Planning Commission shall have the following powers and duties:
  - (1) To recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein under this Code or the laws of the State of Colorado to the Board of Trustees and to recommend approval or denial of zoning changes and regulations under this Code;

(2) To hear, recommend or determine any matter relating to zoning, planning or subdivision control as they may be specified or required under this Code or applicable laws of the State of Colorado;

(3) To make and adopt a Comprehensive Plan for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the Board of Trustees, which in the Commission's judgment bear relation to the planning of the Town of Dolores (C.R.S. 31-23-306);

(4) To exercise the duties and powers as may be now or hereafter conferred by this Code and the applicable laws of the State of Colorado; and

(5) To hear and decide Special Exceptions in accordance with the terms of this Code, pursuant to Article VI.R. Special exceptions.

## **2. Historic Preservation Board**

a. **Historic Preservation Board Established.** The Town Board hereby creates the Historic Preservation Board, which shall have principle responsibility for matters of historic preservation.

(1) **Membership.** The Historic Preservation Board shall consist of the five (5) regular members of the Planning and Zoning Commission, who shall be persons who have an interest and knowledge of local history.

(2) **Appointments and Terms of Office.** The Historic Preservation Board shall consist of the five (5) regular members of the Planning and Zoning Commission who shall be appointed by the Board of Trustees in accordance with the provisions of Article VI.A.1.b.

(3) **Quorum and Voting.** A quorum for the Board shall consist of three (3) members. A quorum is necessary for the Board to conduct business, including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of the motion or recommended action.

(4) **Officers.** Officers of the Historic Preservation Board shall be the same as the officers of the Planning and Zoning Commission.

(5) **Meetings.** The Historic Preservation Board shall hold meetings as necessary to the business of the Board. Minutes shall be kept of all Historic Preservation Board proceedings. The Historic Preservation Board shall conduct its business in accordance with the Public Meetings Acts, Public Records Act and other laws applicable to local public bodies.

(6) **Powers and Duties.** The Historic Preservation Board shall after solicitation of public comment and at a properly noticed public meeting:

(a) Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources.

(b) Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to Town Board approval or denial of a designation.

(c) Upon property owner's request, review and make recommendations to the owner(s) on proposed alternations to a designated historic structure, site or district.

(d) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the Town Register, the State Register and the National Register of Historic Places.

(e) Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences.

(f) Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas.

(g) The Historic Preservation Board may create a list of structures of historical or archaeological merit which have not been designated.

(h) Advise the Town Board on matters related to preserving the historic character and substance of the Town and recommend easements, covenants, licenses and other methods, which would implement the completion of purposes of this ordinance.

(i) Actively pursue financial assistance for preservation-related programs.

(j) The Historic Preservation Board shall propose to the Town Board bylaws as the Historic Preservation Board deems necessary.

(k) Recommend to Town Board the establishment of construction and design standards for the renovation or alteration of historic structures and new construction within designated historic districts.

### 3. **Board of Adjustment**

a. **Creation and organization.** There is hereby created a board known as the Board of Adjustment, which shall be organized as follows:

(1) The Board of Adjustment shall consist of the five (5) regular members of the Planning and Zoning Commission who shall be appointed by the Board of Trustees in accordance with the provisions of Article VI.A.1.b.

(2) The Board of Trustees shall have the power to remove any member of the Board of Adjustment for cause after official public hearing.

b. **Officers and procedures.**

(1) Members of the Board of Adjustment shall elect from their members a Chairperson to serve for a term of one (1) year and may adopt such rules as may be necessary for the conduct of its business.

(2) The Chairperson shall preside over meetings. In the event questions over procedures arise, Robert's Rules of Order shall apply.

(3) The recording of the minutes of the Board of Adjustment meetings shall be the responsibility of the staff.

(4) The Board of Adjustment may adopt rules to govern its proceedings and conduct of the business before the Board of Adjustment provided, however, that such rules are not inconsistent with this Code or Statutes of the State of Colorado.

(5) Meetings of the Board of Adjustment shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson or, in his or her absence, the vice-Chairperson shall administer oaths and compel attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Minutes of its

Land use code



## Article VI: Administration and Procedures

proceedings shall be kept by the staff showing the vote of each member upon such question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board of Adjustment and shall be a public record.

(6) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Town Staff, or to decide in favor of the Applicant on any matter upon which the Board is required to act under this Code or to grant any Variance authorized by this Code.

(7) The filing fee for every application or petition to be submitted to the Board of Adjustment shall be calculated to cover the cost of legal publications, accumulation of data, administrative cost and all other costs incurred by the Town in the review and processing of the application or as provided for in the fee schedule adopted by resolution of the Board of Trustees.

(a) In the event any person appealing the Board of Adjustment is dissatisfied with the ultimate decision of said Board, the expense of reproducing the record before that Board shall be at the expense of the Appellant.

c. **Jurisdiction**. The Board of Adjustment shall have the following powers, and shall have the power to impose reasonable conditions to insure compliance and protect adjacent property:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official of the Town in the enforcement of this Code, pursuant to Article VI.P. Appeals.

(2) To permit Variance or modifications of the height of structures, yard, area, coverage and parking regulations, pursuant to Article VI.Q. Variances.

(3) To grant Variances from flood hazard standards. The Board of Adjustment shall follow the guidelines set forth in the Flood Hazard Ordinance (Appendix "C") when considering such Variances.

### B. **Administrative Officials**

1. **Zoning Administrator**. There is hereby created an official administrative position know as the Zoning Administrator. The Zoning Administrator shall be appointed by, directed by, and serve at the pleasure of the Town Board. The Zoning Administrator shall have the following jurisdiction, authority and duties:

a. **Issue Zoning Development Permits**. The Zoning Administrator shall issue Zoning Development Permits as required by Article VI.W. Zoning development permits prior to the issuance of any Building Permit.

b. **Administer the Land Use Code**. The Zoning Administrator administers the Land Use Code and has those powers and duties expressly assigned to him/her under this Code and otherwise delegated or assigned to him/her in accordance with Town policy.

c. **Enforce the Land Use Code**. The Zoning Administrator shall enforce the provisions of this Code.

d. **Interpret the Land Use Code**. The Zoning Administrator shall have the authority to make all interpretations of the Land Use Code and the boundaries of the Zoning district map.

Land use code

e. **Administer Flood Hazard Ordinance.** The Zoning Administrator administers the Flood Hazard Ordinance (Appendix “A-Z”) and has those powers and duties expressly assigned to him/her therein.

2. **Building Official.** There is hereby created an official administrative position know as the Building Official. The Building Official shall be appointed by, directed by, and serve at the pleasure of the Town Board. In addition to the jurisdiction, authority and duties which may be conferred on the Building Official by the International Building Code, the Building Official shall have the following jurisdiction, authority and duties:

- a. **Issue Zoning Development Permits.** The Building Official may issue Zoning Development Permits as required by Article VI.W. Zoning development permits prior to the issuance of any Building Permit.
- b. **Issue Building Permits.** The Building Official shall issue applicable permits to allow construction activities that have received a Zoning Development Permit pursuant to the procedures in the Code and deny Building Permits for activities that have not received a Zoning Development Permit.
- c. **Interpret and Enforce the International Building Code.** The Building Official shall interpret and enforce the applicable International Building Code.
- d. **Enforce the Land Use Code.** The Building Official shall enforce the provisions of this Code.

#### **C. Zoning Map and Land Use Code Amendments**

1. **Initiation of text amendment.** Any person having a proprietary interest in any property may submit an application to the Board of Trustees for a change or amendment to the provisions of this Code, or the Planning Commission may on its own motion or on request from the Board of Trustees, institute study and proposal for changes and amendments in the public interest.

2. **Application for zoning map or text amendment.** Any person having a proprietary interest in any property within the corporate limits of the Town of Dolores, Colorado, requesting a change or amendment to the zoning classification of such property shall file five (5) copies of the application for such change or amendment with the Zoning Administrator. The application shall be submitted at least 30 days prior to any desired agenda date, and, at a minimum, shall include the following information:

- a. The name, address, and telephone number of the Applicant shall be provided;
- b. The application shall clearly state the requested change or amendment and describe the property to be affected by such request by metes and bounds or by other legal description.
- c. The application shall be accompanied by a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record that affect the title to the subject property.
- d. Certified boundary survey of land area to be rezoned, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within 100 feet in all directions of the boundary of the land area to be rezoned; and
- e. A list of surrounding property owners and their legal mailing addresses within 200 feet of the exterior boundary of the parcel proposed to be zoned or rezoned.

Land use code

- f. A statement by the Applicant explaining the rationale for the rezoning request relative to the standards imposed by Article VI.C.3.a., below;
- g. A filing fee shall be submitted to cover the cost of review and processing with every application in accordance with the fee schedule adopted by resolution of the Board of Trustees.

3. **Review by Planning Commission.** Before taking action on any proposed amendment, supplement or change, the Board of Trustees shall submit the same to the Planning Commission for its recommendation and report.

- a. **Items for consideration in zoning amendments.** The Planning Commission shall in its action on the rezoning request, consider the following:

- (1) Was the existing zone for the property adopted in error?
- (2) Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
- (3) Is there a need for the proposed use(s) within the area or community?
- (4) Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?
- (5) Will there be benefits derived by the community or area by granting the proposed rezoning?
- (6) Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?
- (7) Is the proposal in conformance with the policies, intents and requirements of the Dolores Comprehensive Plan and the Plan's Future Land Use Map ?
- (8) Does the proposed change constitute "spot zoning", as defined in Article II.B.?

- b. **Public hearing required.** The Planning Commission shall hold a public hearing on any application for amendment or change prior to making its recommendation to the Board of Trustees.

- c. **Notification requirements for zoning map amendment.** When any such amendment or change relates to a change in the zoning classification of property or a change to the boundary of a zoning district, the following requirements shall be met:

(1) The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least 10 days prior to the hearing. Such notice shall include the present and proposed zoning; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.

(2) The Town shall mail the written notice of public hearing, after obtaining a copy of the notice from the Town Staff, to the owners of all real property within 200 feet of the property on which the change is requested. The notice shall be given not less than 10 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears

Land use code

on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the hearing that is the subject of the mailing of a notice.

(3) The Town shall post a sign provide by the Town Clerk in a prominent location on the subject property noticing the public hearing at least 10 days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date, and place of the public hearing; and the name, address, and phone number of the Applicant and a map showing the land area proposed for rezoning.

(4) However, when the zoning district map in any way is to be changed or amended incidental to, or as a part of a general revision of this Code, whether such revision be made by repeal of the existing zoning and/or land use regulations and enactment of a new zoning and/or land use regulations, or otherwise, mailing of notice shall not be required.

d. **Notification requirements for text amendment.** When any such amendment relates to a change of a regulation or to the text of this Code not affecting specific property, the Town Clerk shall cause notice of the public hearing of the Planning Commission to be given by one (1) publication in a newspaper of general circulation in the Town of Dolores without the necessity of mailing notice to the owners of affected property. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.

**4. Action by Board of Trustees.** If the Board of Trustees adopts the zoning ordinance amendment on first reading, a public hearing and second reading shall be held by the Board of Trustees before adopting any proposed amendment, supplement or change. Such amendments shall become effective upon the favorable vote of a majority of the quorum of the Board of Trustees present and voting.

a. **Issues for consideration.** In making its determination, Board of Trustees shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented.

b. **Notification requirements for zoning map amendment.** When any such amendment or change relates to a change in the zoning classification of property or a change to the boundary of a zoning district, the following requirements shall be met:

(1) The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least 10 days prior to the hearing. Such notice shall include the present and proposed zoning; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant and a map showing the land area proposed for rezoning. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.

(2) The Town shall mail the written notice of public hearing, after obtaining a copy of the notice from the Town Clerk, to the owners of all real property within 200 feet of the property on which the change is requested. The notice shall be given not less than 10 day before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last

approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the hearing that is the subject of the mailing of a notice.

(3) The Town shall post a sign provide by the Town Clerk in a prominent location on the subject property noticing the public hearing at least 10 days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date, and place of the public hearing; and the name, address, and phone number of the Applicant and a map showing the land area proposed for rezoning.

(4) However, when the zoning district map in any way is to be changed or amended incidental to, or as a part of a general revision of this Code, whether such revision be made by repeal of the existing zoning and/or land use regulations and enactment of a new zoning and/or land use regulations, or otherwise, mailing of notice and posting of notice on the land area proposed for rezoning shall not be required.

d. **Notification requirements for text amendment.** When any such amendment relates to a change of a regulation or to the text of this Code not affecting specific property, the Town Clerk shall cause notice of the public hearing of the Planning Commission to be given by one publication in a newspaper of general circulation in the Town of Dolores without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 10 days from the date of publication. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.

#### **D. COMPREHENSIVE PLAN AMENDMENTS**

##### **1. Initiation of amendment.**

a. **Application.** Any person having a proprietary interest in any property within the corporate limits of the Town of Dolores, Colorado, may submit an application to the Zoning Administrator for a change or amendment to the Town of Dolores Comprehensive Plan ("Master Plan"). The application shall be submitted at least 30 days prior to any desired agenda date. The Planning Commission or Town Board may also on its own motion, institute study and proposal for changes and amendments in the public interest.

b. **Filing fee.** A filing fee shall be submitted to cover the cost of review and processing with every private sector application in accordance with the fee schedule adopted by resolution of the Board of Trustees.

2. **Review by Planning Commission.** Before taking action on any proposed amendment, supplement or change, the Board of Trustees shall submit the same to the Planning Commission for its recommendation and report.

a. **Public hearing required.** Before adopting any plan, any part, amendment, extension or addition to the plan, the Planning Commission shall hold a public hearing prior to making its recommendation to the Board of Trustees.

b. **Notification requirements for Comprehensive Plan amendment.** The Town Clerk shall cause notice of the public hearing to be given by one (1) publication in a newspaper of general circulation in the Town of Dolores without the necessity of notifying property

Land use code

owners by mail. Such notice shall state the time and place of such hearing and the nature of the amendment to be considered, which time shall not be earlier than 10 days from the date of publication.

c. **Requirements for approval.** Such amendments shall not become effective except by resolution of the Commission carried by the favorable vote of two-thirds (2/3) of the entire voting membership of the Commission. The resolution shall refer expressly to the maps and descriptive matter intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the Chairperson of the Commission. An attesting copy of the plan or part thereof shall be certified to each governmental body of the territory affected and, after the approval by each body, shall be filed with the Town Clerk and with the Recorder of Montezuma County.

d. **Board of Trustees.** In the event of a disapproval by the Commission of a proposed Comprehensive Plan or an amendment to the plan, the Commission shall communicate its reasons to the Board of Trustees.

e. **Statutory approval requirement.** Failure of the Commission to act within 60 days from and after the date of official submission to it shall be deemed approval.

3. **Action by Board of Trustees.** A public hearing shall be held by the Board of Trustees before adopting any proposed amendment, supplement or change.

a. **Issues for consideration.** In making its determination, Board of Trustees shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented.

b. **Notification requirements for Comprehensive Plan amendment.** The Town Clerk shall cause notice of the public hearing to be given by one (1) publication in a newspaper of general circulation in the Town of Dolores without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the amendment to be considered, which time shall not be earlier than 10 days from the date of publication.

**E. Preliminary Plats**

4. **Pre-application conference.** Prior to the filing of a preliminary plat, the sub-divider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the Town and the relationship of the proposed subdivision to the Comprehensive Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the pre-application conference, a land planner, engineer or surveyor may represent the sub-divider.

a. **Optional pre-application conference with planning commission.** At the applicant's option, a pre-application conference may be held with the Planning Commission.

5. **Submittal requirements.** The sub-divider or owner shall file six (6) copies of an application requesting preliminary plat approval, a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat. The application be submitted at least

30 days prior to any desired agenda date, and shall be accompanied by or show the following information:

- a. **Boundary lines and bearings.** Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision. At least one (1) subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.
- b. **Adjacent subdivisions.** The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown.
- c. **Intersecting streets.** The angle of intersection of the centerline of all intersecting streets.
- d. **Proposed streets, alleys and easements.** The names, location and widths of all streets, alleys and easements proposed for the subdivision, and all known rights-of-way and/or easements within or affecting the area to be subdivided.
- e. **Proposed blocks, lots and parks.** The subdivision shall show all proposed streets and alleys, easements, blocks, lots, parks, etc., with principal dimensions.
- f. **Contours.** Topographic contours at five (5) foot intervals and all easements or right-of-way necessary for drainage within or without the boundaries of the addition.
- g. **Subdivision title and planner.** The title under which the proposed subdivision is to be recorded, the name of the owner and the name of the engineer or land planner who prepared the plat.
- h. **Dedicated parks, playgrounds and other public uses.** Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
- i. **Scale, north point.** Scale, north point, date and other pertinent data. The scale of the preliminary plat may be at one (1) inch equals 20 feet.
- j. **Name, address and telephone number.** Property owner's name, address, and telephone number.
- k. **Proposed layout of utilities.** A proposed preliminary layout of sanitary sewer and water lines to serve the subdivision.
- l. **Drainage report.** A general drainage report or drainage statement shall accompany the preliminary plat. This study or report shall show the acreage draining into the subdivision, points of runoff through and away from the subdivision.
- m. **Protective covenants.** Draft of any protective covenants where the sub-divider proposes to regulate land use or development standards in the subdivision.
- n. **Proposed land uses.** A designation of the proposed uses of land within the subdivision and any zoning amendments proposed to be requested.
- o. **Vicinity map.** A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area and Town limits.
- p. **Application fee.** A filing fee shall be submitted to cover the cost of review and processing with every preliminary plat in accordance with the fee schedule adopted by resolution of the Board of Trustees.
- q. **Preliminary Comprehensive Plan.** If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master

subdivision plan shall conform in all respects to the requirements of the preliminary plat; except, it may be on a scale of not more than one (1) inch to 100 feet.

**6. Application review procedures.**

- a. **Date of filing.** Six (6) copies of the preliminary plat application submittal shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The preliminary plat shall be considered officially filed after application review fees which are established by resolution of the Board of Trustees have been paid and after it is examined and found to be in compliance with the applicable provisions of these regulations by the Zoning Administrator.
- b. **Distribution of preliminary plats.** The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only, and in no way official or approved for record purposes." The Zoning Administrator shall distribute the preliminary plats immediately upon receipt to the following:

- (1) Zoning Administrator (one copy)
- (2) Town Engineer (one copy)
- (3) Electric power association (one copy)
- (4) Dolores School District (one copy)
- (5) Dolores Fire Protection District (one copy)
- (6) Dolores, Town Clerk (one copy - for the public record)

c. **Comments; written report.** At least 10 days prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the Comprehensive Plan or other Comprehensive Plans such as utility plans. The report may include comments from other municipal departments, county, or state agencies concerned with urban development.

**7. Review by Commission.**

- a. **Action by Commission.** The Planning Commission shall hold a public hearing on the Preliminary plat before making a decision. The Planning Commission shall act on the preliminary plat within 30 days after the official filing date or within a reasonable time thereafter.
- b. **Notification requirements for preliminary plat.**

- (1) The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least 10 days prior to the hearing. Such notice shall include the nature of the matters to be considered; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.



(2) The Town shall mail the written notice of public hearing, after obtaining a copy of the notice from the Town Clerk, to the owners of all real property within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the hearing that is the subject of the mailing of a notice.

(3) The Town shall post a sign provide by the Town Clerk in a prominent location on the subject property noticing the public hearing at least 15 days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date, and place of the public hearing; and the name, address, and phone number of the Applicant and a map showing the land area proposed for rezoning.

c. **Items for consideration by Commission.** The Planning Commission shall, in its action on the preliminary plat, consider the physical arrangement of the subdivision, and determine the adequacy of street rights-of-way and alignment, the street standards of the Town of Dolores, the existing street pattern in the area and with all applicable provisions of the Comprehensive Plan. The Planning Commission shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

d. **Subdivisions outside Town.** If the information shown on a preliminary subdivision plat is of land located outside the corporate limits of the Town of Dolores and within the Urban Growth Boundary, the procedure for approval, modification or disapproval, shall be the same as required for preliminary plats within the Town.

e. **Action within 30 days.** Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made by the sub-divider, the Planning Commission shall, within 30 days, act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

f. **Notation of action.** The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider and the other retained by the Planning Commission. A notation of the action taken and requisite reasons therefore shall be entered in the records of the Planning Commission.

#### **8. Review by Town Board**

a. **Submittal to Board of Trustees.** The Zoning Administrator shall, at the next regularly scheduled Board of Trustees meeting following conditional approval or disapproval by the Planning and Zoning Commission, submit the preliminary plat with the conditions established by the Planning and Zoning Commission to the Town Board for their consideration.

b. **Action by Board of Trustees.** The Board of Trustees shall approve or disapprove the preliminary plat as to street dedication and utility services either with or without special provisions.

9. **Effect of preliminary plat approval.**

a. **Not approval of final plat.** Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

b. **Lapse of approval.** Preliminary approval of the subdivision shall be valid for a period of 12 months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The Planning Commission's preliminary approval of the subdivision shall be deemed voided unless the final plat is submitted within the 12 month period or unless the 12 month period is extended by the Planning Commission at the request of the sub-divider.

F. **Final Plats**

1. **Final plat submittal requirements.** The owner of land on which preliminary plat approval has been obtained shall prepare and submit a final plat to the Board of Trustees. The owner shall provide a non-erasable mylar copy of the original and seven (7) copies drawn to a scale of 100 feet to one inch (1"). The drawing shall measure 24 inches by 36 inches. When necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in phases satisfactory to the Planning Commission. The final plat application shall be submitted at least 15 days prior to any desired agenda date, and shall show or be accompanied by the following:

- a. **Control points; acres.** The primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred shall be placed on the final plat. The area of the subdivision, in acres, shall be shown.
- b. **Boundary lines and bearings.** Tract boundary line sufficient to locate the exact area proposed for subdivision, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves shall be placed on the final plat.
- c. **Streets.** Name and right-of-way width of each street or other right-of-way shall be placed on the final plat.
- d. **Easements.** Location and dimensions of all easements shall be placed on the final plat.
- e. **Lot and block numbers.** Number to identify each lot or site and each block, and the dimensions of lots and blocks, shall be placed on the final plat.
- f. **Purpose of sites.** The purpose for which sites, other than residential lots, are dedicated or reserved shall be indicated on the final plat.
- g. **Building lines.** Minimum building setback lines when required or approved by the Planning Commission shall be placed on the final plat.
- h. **Monuments.** Location and description of monuments shall be placed on the final plat.

Article VI: Administration and Procedure

- i. **Adjacent land.** References to recorded subdivision plats or adjoining platted land by record name shall be placed on the final plat.
- j. **Legal description.** A legal description and surveyor's certificate, to, in the following form, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

\_\_\_\_\_  
Signature

- k. **Approval certification.** Certification of approval by the Planning Commission and Board of Trustees, in the following form, shall be placed on the final plat.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Planning and Zoning Commission of the Town of Dolores, Colorado.

\_\_\_\_\_  
Chairperson

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Board of Trustees of the Town of Dolores, Colorado.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

- l. **Title; scale.** A title, scale, and north point shall be placed on the final plat.
- m. **Street intersections.** The location of the point of intersection and points of tangency of street intersections, and the bearing and distance of each street right-of-way center line shall be placed on the final plat.
- n. **Plat identification.** A positive reference and identification of the plat and date of plat shall be placed on the final plat.
- o. **Dedication certificate.** The property owner's certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the State of Colorado for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:
  - (1) An accurate description of the tract of land subdivided.
  - (2) A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.

- (3) An express dedication without reservation to the public for public use; the streets, alleys, rights-of-way, school site and any other public areas shown on the attached plat.
- (4) A positive reference and identification of the plat of such subdivision, date of plat and engineer.
- p. **Tax certificates.** Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.
- q. **Construction plans.** Three (3) sets of plans for required improvements and a set of reproducible transparent sheets, 24" x 36" in size along with all data and calculations related to utilities, drainage or other construction in the subdivision shall be submitted with the final plat. The construction plans shall conform to all requirements of the current Construction Design Standards for the Town of Dolores. Such plans shall also show all existing or proposed surface and subsurface improvements and obstruction. See Article VI.6.G and Article VI.6.H.
- r. **Filing fee.** A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Board of Trustees. If costs exceed filing fee, applicant will be responsible for additional fees.

2. **Application review procedures.**

- a. **Date of filing.** After approval of the preliminary plat by the Planning Commission and Board of Trustees and within 12 months of the approval date unless extended for up to one (1) additional year by action of the Planning Commission, the sub-divider may submit for approval the final plat. The application, meeting all the requirements of Article VI.F.1. above shall be submitted to the Zoning Administrator at least 15 days prior to the meeting at which consideration is desired. The official filing date of the final plat shall be the date upon which the plat and construction drawings are found to be in full compliance with the provisions of the preliminary approval after examination by the Zoning Administrator.
- b. **Conformance with preliminary plat.** The final plat shall conform substantially to the preliminary plat as approved and, if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat that he or she proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.
- c. **Review of construction plans.** After the presentation of the construction plans for a subdivision to the Zoning Administrator, the Zoning Administrator may submit the construction plans to the Engineer for review. The Engineer shall, if deemed necessary, review the plans and submit to the Planning Commission his or her report at the final plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the final plat is presented to the Board of Trustees.

3. **Review by Board of Trustees.** The Board of Trustees shall consider all proposals with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same.

- a. **Action by Board of Trustees.** The Zoning Administrator shall submit the final plat to the Board of Trustees, along with any preliminary plat conditions established by the Planning Commission preliminary plat and an appropriate recommendation. The Board of Trustees

shall hold a public hearing on the final plat prior to taking action. The Board of Trustees shall act on the final plat within at the next Regular Board Meeting or may be continued to another Board Meeting after the official filing date or within a reasonable time thereafter.

- b. **Review in stages.** An owner or sub-divider, at his or her option, may obtain approval of a portion or a section of a subdivision provided he or she meets all the requirements of this Code with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the Board of Trustees in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.
- c. **Approval by Board of Trustees.** After the Board of Trustees has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this Code, it shall act to approve the plat.
- d. **Disapproval by Board of Trustees.** Final plats that are disapproved by the Board of Trustees shall be returned to the sub-divider by the Zoning Administrator with an attached statement of the reasons for such action.

**4. Action following approval**

- a. **Certification of approval.** The Board of Trustees' approval and execution of the Board of Trustees certificate of approval on the final plat shall authorize the Chairperson of the Planning Commission to execute the Planning Commission certificate of approval on the plat.
  - (1) In no case shall additions, corrections, or modifications of any kind be made to the Final Plat other than signatures required after the Board of Trustees have approved the Final Plat.
- b. **Recordation of plats.** The final plat for any subdivision located within the corporate limits of the Town of Dolores shall then be caused to be filed of record by the sub-divider in the plat records of Montezuma County, but only after the Board of Trustees has officially acted upon the final plat with reference to improvements, dedications and utilities and all fees (including recording and review fees) shall be paid by the developer. The final plat shall have signatures from the Board of Trustees and the Chairperson of the Planning and Zoning Commission.
  - (1) If for any reason the final plat has not been recorded within 90 days of Board of Trustees approval, the approving actions shall be deemed void.

**G. Improvements Agreements and Performance Guarantees**

1. **Improvements Agreements.** Prior to the issuance of a Building Permit and the recording of a final plat, an Applicant shall submit for approval to the Board of Trustees an improvements agreement for construction of any required public improvements designated on the final plat.
2. **Performance Guarantee.**
  - a. Prior to the issuance of any Building Permit, the Board of Trustees shall require an Applicant to file a financial guarantee in order to insure compliance with any or all requirements of the Board stipulated in the improvements agreement and the final plat.

- b. The financial guarantee, in the judgment of the Board of Trustees, shall be sufficient to make reasonable provision for completion of said improvements in accordance with design and time specifications.
- c. Ordinarily, an irrevocable letter of credit to the Board of Trustees from a commercial bank, savings and loan institution, insurance company or other qualified lending institution(s) licensed or authorized to do business in the State of Colorado in a form satisfactory to the Mayor shall be required.

- (1) Nothing in this section shall preclude the Board of Trustees from approving other forms of financial security.

**3. Release of Collateral**

- a. As public improvements are made, an Applicant may apply to the Board for release of part or all of the collateral deposited with the Board.
- b. Upon inspection and approval, the Board shall release collateral, provided that in the event a combination of forms of collateral has been accepted, the Board shall release collateral on a priority basis it deems appropriate.
- c. If the Board determines that any of the required improvements are not constructed in substantial compliance with specifications, it shall furnish the Applicant a list of specifications and shall be entitled to withhold collateral sufficient to insure substantial compliance.
- d. If the Board determines that the Applicant will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

- 4. Form of Agreement.** All Improvement Agreements shall utilize the standard Town template (guide) for the format and content of such Agreements.

**H. Acceptance of Subdivision Improvements**

**1. Time frame for completion.**

- a. **Plan re-submittal.** If construction has not commenced within one (1) year after approval of the plans, re-submittal of plans may be required by the Town Engineer for meeting current standards and engineering requirements. These plans will be reviewed and comments noted in 15 working days. A fee as provided for in the fee schedule adopted by resolution of the Board of Trustees is required upon the re-submittal of plans for review. "Construction" shall mean the start or commencement of construction of Town maintained facilities.
- b. **Expiration and extension of approval.** If the public improvements for a subdivision have not been constructed and accepted by the Town, and the corresponding final plat for said subdivision filed in the plat records of the Montezuma County within 36 months from the date of final plat approval by the Town, said final plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the Town; provided however, this provision shall not apply to final plats approved by the Town prior to the adoption of this Land Use Code of June, 2008. If the public improvements for a subdivision that was approved prior to June, 2008 have not been constructed and accepted

Land Use Code

by the Town, and the corresponding final plat for said subdivision filed in the map and plat records of the Montezuma County by within 36 months of the adoption of the Land Use Code June, 2008, said final plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the Town. An approved, unexpired final subdivision plat may be extended once for a period not to exceed 36 months, pursuant to the following provisions:

- (1) The Board of Trustees may extend the approval of the final plat, for good cause shown by the Applicant, if there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances.
  - (2) A request for an extension of time to complete final public improvements for a subdivision pursuant to these provisions shall be submitted to the Zoning Administrator no later than the date the final subdivision plat expires. The request shall be in writing, and the application shall state the reason and justification for the requested extension.
2. **Improvements required.** The improvement of all streets, sidewalks, alleys, streetlights and drainage ways as herein required shall be in accordance with the standard specifications for installation of such improvements as described in the current Construction Design Standards for the Town of Dolores. The Town shall withhold all improvements and services of whatsoever nature, from all additions that have not been approved in accordance with the regulations herein contained.
3. **Inspection.** The Town shall be notified three (3) business days before any construction is begun on such public improvements in order that proper supervision and inspection may be provided. All construction work, such as street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers or water mains performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authorities of the Town and shall be constructed in accordance with the standard specifications approved by the Board of Trustees, and in accordance with the provisions of any other ordinance of the Town of Dolores applicable thereto.
4. **Street posts and markers.** The developer shall pay the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be the same type as used throughout the Town. The cost of such street posts and markers shall be paid to the Town upon final approval of construction plans for the subdivision. No subdivision construction, including but not limited to, street grading, street paving, storm sewer installation, curb and gutter work, sanitary sewer and water main installation, can begin until the cost of purchasing and installing such street posts and markers is paid to the Town. Refer to VI. G.4
5. **Traffic signs.** The developer shall pay the costs of purchasing and installing traffic signs at each street intersection, which traffic signs and posts shall be the same type as used throughout the Town.
6. **Street lighting.** The developer shall pay the costs of purchasing and installing all street lighting equipment. The developer shall also pay the cost of all street lighting service for a period of two (2) years or until such time as 70 percent of the buildings for which Building

Land Use Code

Permits have been issued are completed, whichever is sooner. Prior to the issuance of any Building Permits or Certificates of Occupancies in the subdivision, the developer shall enter into a contract with the Town, in a form approved by the Town, setting forth the specific street lighting requirements for such subdivision. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased or such other arrangements deemed appropriate by the Town.

7. **Street improvements.** All final plats shall be subject to the following requirements regarding street improvements, provided that compliance with this subsection shall not be required for plat amendments approved and issued pursuant to Article VI.J. Replats and plat amendments.
  - a. No permit will be issued on property abutting any street in a subdivision prior to the approval of street grades and street improvements by the Town. Construction of the street improvements as required by the provisions of this Code will not be necessary where the Town has determined that such street improvements are not possible or practical at the time the street improvements are required to be constructed. In the event the Town makes such a determination, the Town shall prepare a cost estimate for the construction for the required street improvements. The developer shall enter into an agreement with the Town, in a form approved by the Town, for the deposit of funds in accordance with the agreement and shall have no further liability for the construction of the required street improvements. The terms and conditions under which construction shall be accomplished and a disposition of the escrow account shall be provided for in the agreement. In lieu of depositing such funds in escrow, an Irrevocable Letter of Credit made out to the Town in an amount approved by the Town and in a form approved by the Town Attorney will be accepted.
  - b. No permit will be issued on property in a subdivision abutting a state highway until compliance with this paragraph has been met.
    - (1) The Zoning Administrator shall make a determination whether the State of Colorado will require participation in the cost of the improvements, and shall prepare a cost estimate for the required participation of the improvement of the state roadway.
    - (2) In the event participation in the cost of improvements is required, the developer shall enter into an agreement with the Town, in a form approved by the Town, to deposit funds equal to the required cost of participation, including the cost for curbs, gutters, parallel storm sewer system, right-of-way, and utility adjustments.
    - (3) The developer shall then deposit funds in accordance with the agreement and shall have no further liability for the construction of the required street improvements. The terms and conditions under which construction shall be accomplished and a disposition of the escrow account shall be provided for in the agreement.
  - c. **Guarantee for construction or maintenance of streets.** Approval of the plat shall not impose any duty upon the Town or County concerning the maintenance of improvements of any such dedicated parts until the proper authorities of the Town or County have made acceptance of the same by entry, use or improvement.
8. **As-built plans.** Prior to the acceptance of a subdivision by the Town, the engineer for the developer shall submit to the Town staff a complete set of drawings of the paving, drainage,



water, and sewer improvements showing all changes made in the plans during construction and containing on each sheet an “As-Built” stamp bearing the signature of the engineer and the date. In addition, one reproducible drawing of the utility plan sheets, containing the “As-Built” information, shall be submitted.

9. **Maintenance bond.** Prior to the acceptance of a subdivision by the Town, the sub-divider shall furnish a good and sufficient maintenance bond in the amount of 10 percent of the contract price with a reputable and solvent corporate surety in favor of the Town, to indemnify the Town against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project.
10. **Inspection fee.** Prior to the acceptance of a subdivision by the Town, the sub-divider shall reimburse the Town for all design review and inspection costs incurred by the Town for design review and inspection of the water and sewer utilities, drainage facilities, and streets and other public improvements in each subdivision.

I. **Mandatory Homeowners’ Association**

1. **Applicability.** When a residential subdivision contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the Town or another public agency, the Town may require the establishment and creation of a mandatory homeowners’ association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.
2. **Approval.** If the establishment and creation of a mandatory homeowners’ association is required by the Town, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the Town Attorney and Board of Trustees prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the Map and Plat Records of Montezuma County, Colorado. Said final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association.
3. **Responsibilities.** Such mandatory homeowners’ associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners’ association as required herein is established and created.
4. **Dedications to association.** All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by a mandatory homeowners’ association, other than those located in public easements or right-of-ways, shall be dedicated by easement

or deeded in fee simple ownership interest to said association. Such easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

5. **Contents of agreements.** At a minimum, the agreements, covenants and restrictions establishing and creating a mandatory homeowners' association required herein shall contain and/or provide for the following:
- a. Definitions of terms contained therein;
  - b. Provisions acceptable to the Town for the establishment and organization of the mandatory homeowners' association and the adoption of by-laws for said association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive buyer(s) shall automatically and mandatorily become a member of the association;
  - c. The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a 25 year period and shall automatically renew for successive 10 year periods, and the association may not be dissolved without the prior written consent of the Town;
  - d. Provisions acceptable to the Town to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;
  - e. Provisions prohibiting the amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the Town;
  - f. The right and ability of the Town or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable Town codes or regulations; to assess the association for all costs incurred by the Town in performing said responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the Town pursuant to state law or Town codes or regulations; and
  - g. Provisions indemnifying and holding the Town harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the Town's removal of any landscape systems, features or elements that cease to be maintained by the association or from the Town's performance of the aforementioned operation, maintenance or supervision responsibilities of the association due to the association's failure to perform said responsibilities.

J. **Re-plats and Plat Amendments.**

1. Re-plats shall be subject to all of the requirements of this Code regarding preliminary plats and final plats, provided, however, that the Board of Trustees shall be authorized to approve an amending plat without notice or hearing where the re-plat or plat amendment is solely one or more of the following purposes and does not remove any covenants or restrictions or increase the number of lots.

- a. The purpose of the amendment is to correct an error in any course or distance shown on the prior plat.
- b. The purpose of the amendment is to add any course or distance that was omitted on the prior plat.
- c. The purpose of the amendment is to correct an error in the description of the real property shown on the prior plat.
- d. The purpose of the amendment is to indicate monuments set after death, disability, or retirement from practice of the engineer responsible for setting the monuments.
- e. The purpose of the amendment is to show the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrectly as to its character on the prior plat.
- f. The purpose of the amendment is to correct any other type of clerical error or omission in the previously approved plat.
- g. The purpose of the amendment is to correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not have a material adverse effect on the property rights of the owners in the plat.
- h. The purpose of the amendment is to relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.
- i. The purpose of the amendment is to relocate or vacate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment.

#### K. **Conditional Use Permits**

1. **General.** A Conditional Use is a use that may or may not be appropriate in a given location depending upon the circumstances and the conditions imposed upon the approval of the use. Conditions shall be designed to reasonably mitigate adverse impacts of the use upon surrounding properties. Conditional Use Permits may be approved for the uses indicated in the use regulations of the zoning district of the property for which the Conditional Use Permit is requested, see Article III.C.(1) Schedule of Use Table. Any change or expansion of a Conditional Use shall require a new Conditional Use Permit pursuant to the terms of this Article VI.K.
2. **Pre-application conference.** Prior to the filing of a Conditional Use Permit application, the Applicant shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the Town. As such meeting, the application contents, referral agencies, review procedures, use and area standards, and the general character of the development may be discussed.
3. **Procedure.**
  - a. **Submittal requirements.** The Applicant shall file four (4) copies or more if specified by the Zoning Administrator of an application requesting a Conditional Use Permit and of a title certificate from a licensed title company or attorney listing the name of the property

Land Use Code

owner(s) and all liens, easements and judgments of record affecting the subject property. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following information:

- (1) The street address and legal description of the property affected; and
- (2) Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function and characteristics of any building or use proposed;
- (3) A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Board of Trustees.

- b. **Distribution of conditional use applications.** The Zoning Administrator shall distribute the conditional use application immediately upon receipt to appropriate referral agencies which may include the following:

- (1) Zoning Administrator (one copy)
- (2) Town Engineer (one copy)
- (3) Dolores Public Works (one copy)
- (4) Electric power association (one copy)
- (5) Dolores School District (one copy)
- (6) Dolores Fire Protection District (one copy)
- (7) Dolores, Town Clerk (one copy - for the public record)

4. **Review by Planning Commission.** Before taking action on any proposed Conditional Use, the Board of Trustees shall submit the same to the Planning Commission for its recommendation and report.

- a. **Public hearing required.** The Planning Commission shall hold a public hearing on any application for Conditional Use Permit prior to making its recommendation to the Board of Trustees.

- b. **Notification requirements.**

- (1) The Town shall cause notice of the public hearing of the Planning Commission to be given by one publication in a newspaper of general circulation in the Town of Dolores without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 10 days from the date of publication.
- (2) The Town shall mail the written notice of public hearing before the Planning Commission on the proposed amendment or change, after obtaining a copy of the notice from the Town Staff, to the owners of all real property within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the hearing that is the subject of the mailing of a notice.

5. **Action by Board of Trustees.** A public hearing shall be held by the Board of Trustees before approving a Conditional Use Permit.

Land Use Code

- a. **Notification requirements.** The Town Clerk shall cause notice of the public hearing of the Board of Trustees to be given by publication in a newspaper of general circulation in the Town of Dolores without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.
  - b. **Conditions of approval.** The Board of Trustees may, in the interest of the public welfare and to assure compliance of this Code, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a Conditional Use Permit, the Board of Trustees may impose such development conditions as necessary to mitigate impact on public facilities and services, including but not limited to water, sewer, streets, street lighting, and etc. The Board may impose development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions.
6. **Records.** A file containing all documents relevant to the application and disposition of such Conditional Use Permits shall be maintained by the Town Clerk.
  7. **Maximum density.** The maximum density allowed by Conditional Use Permit shall be no greater than that permitted in the underlying zone district.

**L. Minor Subdivision Plats**

1. **General.** Notwithstanding any other provision of this Chapter, a minor subdivision plats may be approved by the Town Board without notice or hearing where all of the following conditions are met:
  - a. No new streets, roads, extensions or access easements need to be widened, dedicated or developed.
  - b. No utilities, other than individual service lines, need to be extended to serve the parcel and the necessary utilities are in place immediately adjacent to the parcel.
  - c. The resulting lots shall be in compliance with all zoning provisions, area and bulk requirements and any other applicable requirements of this Chapter.
  - d. There are no other problems of public concern.
2. **Pre-application conference.** Prior to the filing of a minor subdivision plat application, the Applicant shall meet with the Zoning Administrator to acquaint himself or herself with the requirements of the Town. As such meeting, the application contents, referral agencies, review procedures, use and area standards, and the general character of the development may be discussed. A land planner, engineer or surveyor may represent the Applicant.
3. **Application review procedures.**
  - a. **Minor subdivision plat submittal requirements.** The Applicant shall file six (6) copies of an application requesting approval of a minor subdivision plat that shall include all submittal requirements for preliminary and final plats in accordance with Article VI.E.2.

Land Use Code

and Article VI.F.1, respectively, along with evidence of compliance with Article VI.L.1, above. The application shall be submitted at least 15 days prior to any desired agenda date.

- b. **Distribution of minor subdivision plats.** The Zoning Administrator shall distribute the minor subdivision plats immediately upon receipt to the following:
    - (1) Zoning Administrator (one copy)
    - (2) Dolores Public Works (one copy)
    - (3) Electric power association (one copy)
    - (4) Dolores School District (one copy)
    - (5) Dolores Fire Protection District (one copy)
    - (6) Dolores, Town Clerk (one copy - for the public record)
  - c. **Comments; written report.** Within 20 days, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be submitted to the Town Board along with the plat and the Zoning Administrator's written report. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the Comprehensive Plan or other Comprehensive Plans such as utility plans. The report may include comments from other municipal departments, county, or state agencies concerned with urban development.
4. **Review by Town Board.** After the Zoning Administrator has determined that the conditions of Article VI. L.1. are satisfied, and that the plat is in proper form, the lot size and area are adequate to comply with the minimum requirements for the underlying zone district, he shall submit the plat to the Town Board for approval.
- a. **Notification requirements for minor subdivision plat.** There shall be no notification requirements for minor subdivision plats.
  - b. **Approval by Town Board.** The Zoning Administrator shall notify the Town Board at the next council meeting of his recommendation on the minor subdivision plat. At that time, the Council may vote to review the application at their regular meeting or it may vote to approve the plat and authorize the Mayor to sign the plat.
  - c. **Disapproval by Town Board.** Minor subdivision plats that are disapproved by the Town Board shall be returned to the sub-divider by the Zoning Administrator with an attached statement of the reasons for such action.
  - d. **Review pursuant to Preliminary and Final Plat procedures.** If the minor subdivision plat is not approved within 30 days of its submission, or is disapproved by the Town, it shall automatically be processed pursuant to preliminary plat subdivision requirements unless withdrawn by the applicant.

5. **Action following approval**

- a. The Town Board's approval of the minor subdivision plat shall be evidenced by the execution of the Town Board certificate of approval on the plat. In no case shall additions, corrections, or modifications of any kind be made to the Minor subdivision plat other than signatures required after the Town Board has approved the Minor subdivision plat.
- b. The minor subdivision plat for any subdivision located within the corporate limits of the Town of Dolores shall then be caused to be filed of record by the sub-divider in the plat

records of Montezuma County, but only after the Town Board has officially acted upon the minor subdivision plat with reference to improvements, dedications and utilities and all fees (including recording, review fees and cash-in-lieu of public land dedication) shall be paid by the developer.

- (1) If for any reason the minor subdivision plat has not been recorded within ninety (90) days of Town Board approval, the approving actions shall be deemed void.

**M. Condominium Subdivision/Townhouse Subdivision**

1. **General.** This section provides review procedures, submittal requirements and standards for review to ensure that the creation or conversion of condominium subdivisions will comply with the Uniform Building Code as amended by the Town of Dolores and other provisions of this Code.
2. **Pre-application conference.** Prior to the filing of a condominium subdivision/townhouse subdivision or conversion application, the Applicant shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the Town.
3. **Submittal requirements.** The Applicant shall file six (6) copies of an application requesting approval of a condominium subdivision and of a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following information.
  - a. The application shall be accompanied by six (6) copies of a preliminary condominium plat/map showing:
    - (i) **Name and heading.** The exact name of condominium subdivision shall be placed on the plat. The heading of the final condominium plat shall include the complete name of the condominium subdivision, the land sections, township, range, principal meridian, "Town of Dolores, Montezuma County, Colorado".
    - (ii) **Scale, arrow & date.** The written and graphic scale, north arrow and date of preparation shall be placed on the plat.
    - (iii) **Location.** The location of the condominium subdivision by reference to streets, lots and blocks shall be placed on the plat;
    - (iv) **Lot and property lines.** The lot lines and property lines to the hundredth (1/100) foot shall be placed on the plat;
    - (v) **Zoning and densities.** The zoning and existing densities on adjacent properties shall be placed on the plat.
    - (vi) **Parking and trash.** The required parking spaces and the joint trash collection areas shall be identified on the plat.
    - (vii) **Separate, common and limited common elements.**
      - (1) Floor plans, elevations and site plan shall be included as required to show separate ownership of all separate units, common elements and limited common elements labeled as such and numbered for ease of identification [all dimensions shall be to the nearest hundredth (1/100) of a foot, or other scale specified by the Zoning Administrator]; and

**Article VI: Administration and Procedure**

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- (2) Number, type and floor area of units, common elements and limited elements, delineated in square feet and fractions thereof; proposed use for each unit; land area; percentage of open space; and lot coverage shall be shown.
- (viii) **Statement of the number of units.** A statement of the total number of units shall be shown on the proposed plat.
- b. The application shall be accompanied by six (6) copies of the following:
  - (i) **Condominium/townhouse declarations.** Condominium declarations shall be submitted establishing a unit owners' association that shall be responsible for the maintenance of common elements and limited elements and in accordance with the requirements of Article VI.I, Mandatory homeowners' association. The Condominium/Townhouse declarations shall incorporate clear provisions for giving notice by third parties to the unit owners association or corporation on behalf of the unit owners and any development or special declarant rights issued to the declarant.
  - (ii) **Articles of Incorporation.**
  - (iii) **Bylaws.** Bylaws of the unit owner's association or corporation, unless exempt under C.R.S. 38-33-106, as amended.
- c. **Traffic mitigation plan.** A traffic mitigation plan, if the Condominium/Townhouse Subdivision will increase the total number of dwelling units on the parcel or lot, may be required by the Planning Commission.

In addition to the above submittal requirements, the following statements shall be required on the final condominium plat:

- d. **Legal description.** A legal description of the subject property shall be required on the final plat.
- e. **Surveyor's certificate.** A surveyor's certificate, in the following form, shall be placed on the final plat:

I, (printed name of Land Surveyor) being a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat and survey of (NAME OF CONDOMINIUM SUBDIVISION/TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) was made by me and under my supervision and that both are accurate to the best of my knowledge. I further certify that monuments and markers were set as required by the applicable provisions of Articles 50 and 51 of Title 38, C.R.S.

- f. **Dedication certificate.** The property owner's certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the State of Colorado for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as



**Article VI: Administration and Procedure**

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being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

- (i) An accurate description of the tract of land subdivided.
  - (ii) A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
  - (iii) An express dedication without reservation to the public for public use; the streets, alleys, rights-of-way, school site and any other public areas shown on the attached plat.
  - (iv) A positive reference and identification of the plat of such subdivision date of plat and engineer.
- g. **Treasurer's certificate.** Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.
- h. **Approval certification.** Certification of approval by the Planning Commission and Town Board, in the following form, shall be placed on the final plat.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Planning Commission of the Town of Dolores, Colorado.

\_\_\_\_\_  
Chairman

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Town Board of the Town of Dolores, Colorado.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

- i. **Filing fees.** A filing fees to cover the cost of review shall be submitted with the preliminary, final, and as-built Condominium Subdivision application in accordance with the fee schedule adopted by resolution of the Town Board.

In addition to the above submittal requirements, after final plat approval and prior to the issuance of a certificate(s) of occupancy the applicant shall submit three (3) copies of an as-built plat, showing:

- j. **As-built plats.** As built plats shall include all information required in Article VI.M.3.a.(i.-viii.), above, with the following exceptions:
- (i) The title "As-Built Plat" shall appear at the top, with "Final Plat (prior reception number) Amendment" directly underneath.
  - (ii) The location shall be indicated for all completed improvements, such as buildings, parking, easements, service lines and mains.
  - (iii) The Planning Commission certificate block shall be omitted.

4. **Application review procedures for preliminary and final condominium subdivision plats.**

a. The procedures and standards for review and approval of a condominium subdivision shall be the same as that specified for other subdivisions in Article VI.E.3. through 5. and Article VI.F.2. through 4.

b. Condominium/Townhouse conversion shall be reviewed as a minor subdivision regardless of the number of units proposed for conversion [see Article VI.L.2. through 5. for procedures; and Article IV for subdivision standards].

c. Any subsequent change in the approved use(s) for a condominium subdivision/townhouse subdivision shall be subject to the same review procedures as would be applied to a new condominium subdivision.

d. Notwithstanding anything in this Code to the contrary, no requirement for public improvements, dedication of land to public use or cash-in-lieu, or other subdivision requirement shall be imposed as a condition of approval for a condominium subdivision or common interest community which would not be imposed upon a physically-identical development under a different form of ownership. This provision shall not be construed to prevent the Town from imposing the review requirements of this Code upon any change of use, expansion of use, increase in intensity of use, or other change in a condominium or common interest community unrelated to its form of ownership.

5. **Application review procedures for as-built condominium subdivision plats.** The Zoning Administrator shall review as-built plats within 15 days of the submittal of the plat. If the Zoning Administrator is satisfied that the proper dedications have been made and that the plat accurately depicts the completion of the improvements in a manner that is substantially consistent with the approved final plat, the Zoning Administrator shall present the as-built plat to the Mayor for signature and shall cause the as-built plat and other appropriate documents to be filed of record by the developer in the plat records of Montezuma County.

6. **Standards for Review of Condominium Subdivisions/Townhouse Subdivision.**

- a. Condominium subdivisions/Townhouse subdivision shall comply with the review standards applied to other subdivisions in Article IV., Subdivision standards and Article VI.I, Mandatory homeowners' associations of this Code.
- b. Condominium subdivisions shall comply with the following supplemental review standards:
  - (i) the density of the development as proposed for condominium subdivision shall not be greater than the maximum density as allowed by the underlying zone district;
  - (ii) if the Condominium Subdivision will increase the total number of dwelling units on the parcel or lot, the traffic impacts of the proposed condominium subdivision shall be evaluated and any impacts to the neighborhood must be mitigated; and
  - (iii) each individual condominium unit shall have separate utility service, including individual meters and shut-off valves.
- c. As-built plats shall accurately depict the location of all completed improvements, and such improvements shall be substantially consistent with the improvements shown on the approved final plat.

7. **Additional Standards for Review of Condominium/Townhouse Conversions.** In addition to complying with the review standards applied to other subdivisions and condominium subdivisions/townhouse sub-division by this Code, condominium conversions shall comply with the following standards:
- a. Prior to the submission of a Preliminary Plat that would convert an existing multi-unit development to condominium units, the owner of such property shall meet with the Zoning Administrator regarding the proposed conversion and shall demonstrate that the following provisions have been met.
    - (i) The structure subject to the proposed condominium/townhouse conversion shall meet current off-street parking requirements for the underlying zone district found in Article V.B., Parking and access of this Code. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.
    - (ii) A minimum one (1) hour fire wall may be required between units as a condition of Town approval of any condominium/townhouse plat involving a condominium conversion.
  - b. Owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least ninety (90) days prior to termination of any residential tenancy in accordance with C.R.S. 38-33-112, as amended. Copies of such notification shall be filed with the Town Clerk as proof of notification.

**N. Annexations**

- 1. **Authority.** In annexation proceedings, the Town may exercise all statutory powers it may lawfully assume, specifically the Colorado Municipal Annexation Act of 1965, as amended. This Article VI.N, Annexations, shall be interpreted so as to extend such exercise of powers as is reasonable and necessary for the public welfare. The Town will impose terms and conditions of annexation to protect the public interest, and to that goal shall ensure that the following policies are accomplished:
  - a. All annexations shall be consistent with the Dolores Comprehensive Plan.
  - b. The Dolores Comprehensive Plan identifies areas surrounding the Town that are planned for the future residential, commercial and industrial growth of the Town. Consent to annexation by benefiting landowners and conformance to the Dolores Comprehensive Plan and standards of this Code shall be a condition of extension or expansion of the municipal utility service.
  - c. Applicants should identify revenues adequate to pay the long term costs for maintenance of their developments, and the Town should agree that the revenues will be adequate prior to approval of a petition for annexation.
- 2. **Pre-application conference.** Prior to the filing of an annexation petition, the Applicant shall meet with the Zoning Administrator or his or her designated agent. The purpose for the

meeting is to allow an Applicant non-binding information regarding the general annexation policies and requirements of the Town, the relationship of the proposed annexation to the Comprehensive Plan and to prevent unnecessary expenditures for preparation of annexation applications which may not be consistent with Town policies and requirements. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service, long term maintenance costs of the annexation, and the general character of the land desired to be annexed may be discussed. At the pre-application conference, an attorney, land planner, engineer or surveyor may represent the Applicant. A written summary of the meeting shall be produced with a copy to the applicant and a permanent file. Any Applicant may request a non-binding pre-application conference with the Planning Commission and/or the Board of Trustees.

3. **Submittal requirements.** The complete application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following information:
  - a. **Petition for annexation.** A petition for annexation containing allegations that all requirements as provided under Colorado Revised Statutes for annexation can or will be met prior to submission for final annexation and further including the following information:
    - (1) The names and mailing addresses of all landowners in the proposed area to be annexed.
    - (2) The legal description of the land owned by each signer to the petition of the area proposed for annexation.
    - (3) An allegation that it is desirable and necessary that such an area be annexed to the Town.
    - (4) A statement that at least one-sixth (1/6) of the perimeter of the area to be annexed is contiguous with the Town.
    - (5) An allegation that a community of interest exists between the area proposed to be annexed and the Town, that said area is urban or will be urbanized in the near future, and that said area is integrated with or is capable of being integrated with the Town.
    - (6) A statement that the petitioning landowners own more than 50 percent of the area proposed to be annexed, excluding public streets and alleys.
    - (7) An affidavit of each circulator of each petition that each signature in the petition is a true signature.
    - (8) The witnessed or acknowledged signatures, and mailing addresses of the landowners signing the petition. (No signature on the petition is valid if it is dated more than 180 days prior to the date of filing the petition for annexation.)
  - b. **Annexation map.** An annexation map drawn at a scale appropriate and acceptable to the Town with scale to be agreed upon at pre-conference meeting with a north point, date, any other pertinent data and containing the following information:
    - (1) A written legal description of the boundaries of the area proposed to be annexed together with map produced and signed by a licensed land surveyor.
    - (2) The boundary of the area proposed to be annexed, and next to it a drawing of the contiguous boundary of the Town of Dolores and the dimensions of the boundaries.

- (3) Within the annexation boundary map, designation of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks.
- (4) The existing and proposed land use pattern in the vicinity of the proposed annexation.
- c. **Vicinity map.** A vicinity map on a smaller scale showing the relationship of the area to be annexed and the existing Town boundaries.
- d. **Comprehensive Plan.** A written report describing the proposed land use and requested zoning of the area to be annexed, including:
  - (1) A statement addressing consistency with the Town of Dolores Comprehensive Plan, the Dolores Land Use Code and the street standards for the Town of Dolores.
  - (2) A copy of any draft or final pre-annexation agreement, if available.
  - (3) Estimates of the current population, assessed property value and the costs of providing public services such as fire protection, trash removal, and street maintenance.
  - (4) The names(s) of special district(s) providing services that would be affected by the annexation. If the unincorporated area to be annexed is part of a special district or Town service area whose responsibilities are to be assumed by the municipality, a statement shall be required indicating what steps will be taken to ensure a smooth transition in service delivery.
  - (5) A statement and plan showing that sufficient water, free of encumbrances, will be given to the Town to offset the potential population of the annexed property.
  - (6) A statement and timetable of how the Applicant will develop and finance the extension and under-grounding, where necessary, of utilities and services including, but not limited to, water and sewer, electricity, gas, cable television, and telephone.
  - (7) A statement of how the extension of municipal services, other than utilities, will be financed.
  - (8) A statement and description of what land areas are to be dedicated for public use, or what equivalent benefit in money will be paid, and what other types of public benefit will be provided within a contracted period of time, specifically addressing affordable housing, park lands and facilities, school sites, and conveyance of water rights.
- e. **Annexation impact analysis.** The Applicant shall submit an annexation impact analysis for all annexations involving more than 10 acres of land, except that with the permission of the Board of County Commissioners all or part of the annexation impact analysis may be waived. Such report shall include the following:
  - (1) A map or maps of the municipality and adjacent territory to show the following:
    - (a) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation.
    - (b) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
    - (c) The existing and proposed land use pattern in the areas to be annexed.

- (2) A copy of any draft or final pre-annexation agreement, if applicable.
  - (3) A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation.
  - (4) A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed will be financed.
  - (5) A statement on the effect of annexation upon local-public school district systems, including the estimated number of students generated and the capital construction required to educate such students.
- f. **Filing fee.** A filing fee shall be submitted to cover the cost of review and processing with every petition in accordance with the fee schedule adopted by resolution of the Board of Trustees.

4. **Application review procedures**

- a. **Date of filing.** The Applicant shall file one (1) copy of the annexation application with the Town Clerk and submit five (5) copies of the annexation application to the Zoning Administrator as described in Article VI.N.3, above, 30 days prior to the Planning Commission meeting at which consideration is desired. The annexation application shall be considered officially filed after application review fees which are established by resolution of the Board of Trustees have been paid and after the application is examined and found to be in compliance with the applicable provisions of these regulations by the Zoning Administrator.
- b. **Proof of taxes paid.** Before an application is presented to the Board of Trustees for final approval, the party requesting the annexation shall obtain tax certificates showing all taxes then due has been paid on the property to be annexed.
- c. **Distribution of annexation application.** The Zoning Administrator shall distribute the annexation application immediately upon receipt to the following:
  - (1) Zoning Administrator (one copy)
  - (2) Dolores Public Works (one copy)
  - (3) Electric Power Association (one copy)
  - (4) Dolores Fire Protection District (one copy)
  - (5) Dolores Town Clerk (one copy - for the public record)
- d. **Comments; written report.** At least 10 days prior to the meeting of the Planning Commission at which the annexation application is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the annexation petition for their consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed annexation's compliance to these regulations, the Comprehensive Plan or other Comprehensive Plans

such as utility plans. The report may include comments from other town departments, county, or state agencies concerned with urban development.

5. **Review by Planning Commission.**

a. **Public hearing required.** The Commission shall hold a public hearing on an annexation petition prior to making its recommendation to the Board of Trustees.

b. **Notification requirements.** The Town shall cause notice of the public hearing of the Planning Commission to be given by one publication in a newspaper of general circulation in the Town of Dolores. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 10 days from the date of publication.

c. **Items for consideration by Commission.** The Planning Commission shall, in its action on the annexation application, consider the annexation review standards of Article VI.N.7. below.

d. **Action.** Following review of the annexation application and other materials submitted for conformity thereof to these regulations, and negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made by the sub-divider, the Planning Commission shall, , act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

e. **Notation of action.** The action of the Planning Commission and any conditions of approval or reasons for disapproval shall be noted in a resolution. One (1) copy of the resolution shall be returned to the Applicant and the other retained in the records of the Planning Commission.

6. Review by Board of Trustees.

a. **Public hearing required.** The Board of Trustees shall hold a public hearing on a preliminary annexation application prior to making its final decision on an annexation application.

b. **Notification requirements of Board of Trustees hearing.** When a hearing is to be held on an annexation of property, the Town Clerk shall cause to be published a notice that on an assigned date and at the assigned time and place, the Board of Trustees shall hold a public hearing upon the annexation petition, recommendation of the Planning Commission, and consideration of any ordinances annexing, zoning, and subdividing the area proposed to be annexed. Said notice shall incorporate the Petition, exclusive of signatures.

(1) The Town Clerk shall publish the notice and petition once a week for four (4) successive weeks in a newspaper of general circulation in Town 10 days prior to the

date of the hearing. The proof of publication of the notice and petition shall be returned when the publication is completed and evidenced by the certificate of the owner, editor, or manager of the newspaper in which the notice is published.

- (2) The Town Clerk shall mail a copy of the notice and petition shall also be mailed to the Board of County Commissioners and to the County Attorney of the county wherein the territory presently is located at least 10 days prior to the date fixed for the hearing.
  - (3) The Applicant shall mail written notice of public hearing before the Board of Trustees, after obtaining a copy of the notice from the Town Staff, to the owners of all real property within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice will be on file prior to the public meeting or hearing that is the subject of the mailing of a notice.
  - (4) The final annexation hearing shall be initiated not less than 30 days or more than 60 days after review and recommendation by the Planning Commission.
- c. **Items for consideration by Board of Trustees.** The Board of Trustees shall, in its action on the annexation application, consider the annexation review standards of Article VI.N.7, below.
- d. **Action.** Following review of the annexation application and other materials submitted for conformity thereof to these regulations, and negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made by the sub-divider, the Board of Trustees shall, , act thereon as submitted or modified, and if approved the Board of Trustees shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.
- e. **Action by Board of Trustees.** The Board of Trustees shall approve or disapprove the annexation application either with or without special provisions.
- f. **Notation of action.** The action of the Board of Trustees and any conditions of approval attached to annexation ordinance or reasons for disapproval shall be noted in a resolution. One (1) copy of the resolution shall be returned to the Applicant and the other retained in the records of the Board of Trustees.
6. **Annexation Review Standards.** The Planning Commission and the Board of Trustees shall find that the following criteria have been met before finally recommending approval or approving an annexation request:
- a. **Use.** That the Comprehensive Plan for the use of the area to be annexed is consistent with the adopted "Land Use Plan" for the Town, in harmony with the intent of Town zoning and policies of the Town, and compatible with adjacent neighborhoods;



- (1) Upon annexation, lots that have less than the minimum area required by the respective zone districts that implement the Comprehensive Plan and would be nonconforming shall be subject to the provisions of Article VII.B.;
- b. **Open space.** That the open spaces have a workable program established for maintenance and up-keep;
- c. **Necessary.** That the proposed annexation is necessary or desirable and will contribute to the general well being of the community;
- d. **Health, safety and general welfare.** That the proposed annexation will in no way be detrimental to the health, safety, or general welfare of persons residing within the corporate boundaries or injurious to property or improvements in the vicinity;
- e. **Logical Road System.** That the area has incorporated in its design, if a design has been developed, a logical extension of roads;
- f. **Utilities and roads.** That the extension of services is feasible and will be financed totally by the Applicant; and that the Applicant will post performance guarantees to assure the completion of public improvements;
- g. **Water rights.** That all water rights associated with land areas proposed for annexation shall be dedicated to the Town;
- h. **Revenues.** That the revenue and/or public benefit to be gained from the Town's portion of increased tax base is equal to or greater than the cost of services required;
- i. **Public lands dedication.** At least ten (10) percent of the gross land area approved for annexation shall be dedicated to the Town in fee simple, or other equivalent consideration pursuant to Article IV.F. of this Code; and
- j. **Costs to the Town.** That the Applicant shall pay all costs incurred by the Town for reviewing annexation proposals, including fees charged by consultants and specialists needed to address important issues.

**O. Areas of State and Local Interest/ Colorado Revised Statutes Environmental Hazard Review**

1. **Applicability.** This section of the Code contains development standards for Areas of Local and State Interest (Colorado Revised Statutes. 24-65.1-101 et seq. – H.B. 1041). The standards shall apply to development in all areas mapped or known to be Areas of Local and State Interest. Identified Areas of Local and State interest within the Town of Dolores include:
  - a. Floodplain hazard areas;
  - b. Geologic hazard areas; and
  - c. Wildlife habitat areas.
2. **Administrative Reviews.** The Zoning Administrator may grant administrative 1041 environmental hazard review approval for the development of a single-family dwelling unit, accessory structures and a driveway consistent with the standards of this section.
3. **General Standards.** The standards in this section apply to all Areas of Local and State Interest.

- a. Avoid Development in Hazard Areas. Restrict development to a hazard-free area if such an area exists on a site.
- b. Minimize Development in Hazard Areas. If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.
- c. Prohibit Development. Development shall be prohibited within an Area of Local and State Interest (Colorado Revised Statute 1041 Environmental Hazard Area) if:
  1. Site planning and engineering techniques cannot reasonably mitigate potential hazards to public health, safety and welfare.
  2. Development subjects persons or the Town to dangers or expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions or rehabilitate improvements and lands.
4. **Exemptions.** This section shall not apply to any development in an area of state interest or any activity of state interest which meets any one of the following conditions:
  - a. The development or activity is covered by a current building permit issued by the appropriate local government; or
  - b. The development or activity has been approved by the electorate; or
  - c. The development or activity is to be on land:
    1. Which has been conditionally or finally approved by the appropriate local government for planned unit development or for a use substantially the same as planned unit development; or
    2. Which has been zoned by the appropriate local government for the use contemplated by such development or activity [meaning zoned in response to a specific development application]; or
    3. With respect to which a development plan has been conditionally or finally approved by the appropriate governmental authority;” and
  - d. Normal and customary ranching and agriculture-related uses or activities.

**Floodplain Hazard Areas Standards.** In addition to the development standards the Town of Dolores Floodplain Regulations the standards in this section apply to mapped floodplain hazard areas as depicted in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, National Flood Insurance Program, and to areas found to be in flood hazard areas. If no adequate hazard-free area exists on a site, development proposed within final base flood elevations and/ or regulatory floodway shall:

**Geologic Hazard Areas Standards.** This section identifies development standards applicable to specific geologic hazard areas in addition to the general standards in Article VI.O.3. Where

development is proposed on slopes greater than 30 percent, other hazards (i.e., potentially unstable slopes, landslide areas and rock fall hazard) are also likely to be present; therefore, the developer shall comply with all of the following applicable standards:

a. **Slopes Greater Than 30 Percent Standards.** If no adequate hazard-free area exists on a site, land uses shall:

- (1) Provide mechanical support for all cuts;
- (2) Confine cuts and fills and grading and scraping to the minimum area needed for construction; and
- (3) Provide for stability and re-vegetation of cut and fill slopes.

**Landslide areas.** If no adequate hazard-free area exists on a site, land uses shall:

1. Insure strict adherence to recommended design, construction and maintenance procedures approved by qualified professional geologists or engineers;
2. Avoid adding water to the site that would cause decreased stability;
3. Avoid removing the toe of the slide without adequate mechanical support;
4. Avoid increasing the weight load on the top of the slide;
5. Avoid removing vegetation from the site; and
6. Avoid causing a steep grade of the existing slope of the slide.

**Potentially Unstable Slopes Standards.** If no adequate, hazard free site exists on the site, development shall be permitted only if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the Town are utilized. Any land uses on a potentially unstable slope area shall avoid:

- (1) Cutting into slope without providing adequate mechanical support;
- (2) Decreasing slope stability by adding water;
- (3) Adding weight to the top of the slope;
- (4) Removing vegetation from the slope without adequate re-vegetation; and
- (5) Causing grades that are too steep for the slopes.

**Rock fall Areas Standards.** If no adequate hazard-free area exists on a site, development shall only be permitted if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the Town are utilized. Construction stabilization measures may include but are not limited to:

1. Stabilization of rocks by bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing or installation of retaining walls;
2. Slowing or diverting moving rocks with rock fences, screening, channeling and dams, or with concrete barriers or covered galleries;
3. Construction of physical barriers around vulnerable structures;
4. Periodic maintenance of mitigation measures; and
5. Development shall not:
  - (a) Increase water supply to cliffs or overhangs;

- (b) Remove protective vegetation;
- (c) Add weight or otherwise disturb overhanging strata; and
- (d) Cause any excavations or increase erosion that removes underlying support.

**Wildlife Habitat Areas Standards.** This section establishes land use standards for wildlife habitat areas in addition to the general standards of Article VI.O.3. The standards apply to areas mapped by the Colorado Division of Wildlife and to areas known to be wildlife habitat areas by the Division of Wildlife.

**General Standards.** The standards in this section apply to all wildlife habitat areas.

1. Commercial, industrial, or open pit mineral extraction shall be prohibited.
2. Residential development shall be clustered to avoid impacting wildlife and their habitat.
3. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.
4. Where existing vegetation must be altered, for an access road, utility line or similar uses, an applicant will cooperate with the Town and the Colorado Division of Wildlife to devise a compensation plan acceptable to the Town. Such compensation plan may substitute, in an accessible nearby area, vegetation equal in type and quantity to that being removed to mitigate effects on wildlife species.
5. Wildlife food, cover and water shall be preserved and development effects, which would destroy these, shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.
6. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.
7. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.
8. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.
9. Mesh or woven fences shall be prohibited.
10. Fences shall be limited to a maximum of four (4) strands and to 42 inches in height.

**Elk Severe Winter Range.** Land uses in elk severe winter range shall comply with the general standards of Article VI.O.3. and the standards in this Section.

1. Overgrazing of ranges by livestock shall be prohibited.
2. Development shall be restricted to areas in which wildlife impacts can be minimized.
3. Access for the Division of Wildlife for managing wildlife shall be maintained.
4. Commercial activity (such as seismic activity, construction and timber harvesting) and recreational uses shall be prohibited from December 1 through March 31.
5. Dogs shall be prohibited within one-half mile of elk, mule deer and bighorn sheep severe winter ranges and winter concentration areas.

**Riparian Areas and Shore lands.** Land uses located in riparian or shore land areas shall comply with the standards in the general standards of Article VI.O.3. and the standards in this section.

**Article VI: Administration and Procedure**

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1. Development and the removal of vegetation and disturbance of ground cover within the riparian area shall be prohibited.
2. Culverts shall be designed to prevent plugging and washouts.
3. Culverts which may become barriers to fish passage shall be prohibited.
4. Riparian and shore land habitat areas that have been denuded or disturbed by development shall be re-vegetated in the first available growing season.

P. **Appeals**

1. **Authority of Board.** The Board of Adjustment, in conformity with the provisions of the Statutes of the State of Colorado as existing or hereafter, may amended, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and make such order, requirement, decision or determination in the Board's opinion, as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
2. **Application for appeal.** Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer, department or board of the municipality affected by the decision of the Building Official. Such appeal shall be taken within 30 days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The appeal shall be submitted at least 15 days prior to any desired agenda date. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. **Filing fee.** A filing fee shall be submitted to cover the cost of review and processing with every appeal in accordance with the fee schedule adopted by resolution of the Board of Trustees.
4. **Stay of proceedings.** An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order that may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
5. **Hearing and notice.** The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice as follows:
  - a. The Applicant shall mail the written notice of public hearing before the Board of Adjustment on the appeal, after obtaining a copy of the notice from the Town Staff, to all owners of real property lying within 200 feet of the property on which the appeal is made. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the public meeting or hearing that is the subject of the notice.
  - b. The Town Clerk shall cause notice of the public hearing of the Board of Adjustment to be given by one publication in a newspaper of general circulation in the Town of Dolores without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.

6. **Appeals to court.** Every decision of the Board shall be subject to review by Certiorari, as provided by Rule 106(a)(4) Colorado Rules of Civil Procedure. Such appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the municipality. Such appeal shall be taken within such time as provided by the Colorado Rules of Civil Procedure. A notice of appeal, in writing, specifying the grounds for such an appeal, shall also be filed with the Board within 30 days of the final written decision of the Board.

**Q. Variances**

1. **Purpose.** Variances are deviations or modifications of height, yard, area, lot coverage and parking regulations of the applicable zone district where development is proposed that would not be contrary to the public interest and, due to special physical site conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. Variance or modification of such area regulations may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification.
2. **Authority.** The Board of Adjustment, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a Variance Permit after receiving a recommendation from the Zoning Administrator.
  - a. **Board of Trustees Approval of Variances.** Alternatively and in conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant variances subject to the requirements of this Article VI.Q.
3. **Procedure.**
  - a. **Submittal requirements.** The Applicant shall file three (3) copies of an application requesting a Variance. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following:
    - (1) The street address and legal description of the property affected;
    - (2) A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Variance based upon the required findings in Article VI.Q.4. below; and
    - (3) A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Town Board.
  - b. **Notification requirements.**
    - (1) The Town shall cause notice of the public hearing of the Board of Adjustment to be given by one (1) publication in a newspaper of general circulation in the Town of Dolores. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.

- (2) The Applicant shall mail written notice of public hearing before the Board of Adjustment, after obtaining a copy of the notice from the Town Staff, to all owners of real property lying within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the public meeting or hearing that is the subject of the mailing of a notice.
- c. **Public Hearing.** The Board of Adjustment shall hold a public hearing on an application for a Variance Permit. At the public hearing the Board shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Commission shall vote to approve, approve with conditions or disapprove the application for a Variance, in accordance with the required findings of Article VI.R.4.
- d. **Notice of Decision.** The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Board's decision.
4. **Required findings.** In exercising its power to grant a Variance in accordance with this Code, the Board of Adjustment shall make finding and show in its minutes that:
- There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;
  - That a Variance is necessary to permit the Applicant the same rights in the use of this property that are presently enjoyed under this Code, by other properties in the vicinity and zone, but which rights are denied to the subject property;
  - That the granting of the Variance on the specific property will not adversely affect the land use pattern as outlined by the Future Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town of Dolores;
  - That the Variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
  - That such unnecessary hardship has not been created by the Applicant; and
  - That the proposed use is a permitted use in the underlying zone district.
5. **Conditions.** The Zoning Administrator may recommend, and the Commission may impose, such conditions on a Variance Permit as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.
6. **Effect of Variance Permit**
- General.** Issuance of a Variance Permit shall authorize only the particular variation, which is approved in the Variance Permit. A Variance Permit shall run with the land.
  - Time Limit.** Unless otherwise specified in the Variance Permit, an application to commence construction of the improvements that were the subject of the Variance Permit

Land Use Code



request must be applied for and approved within 12 months of the date of the approval of the Variance Permit, otherwise the Variance Permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Commission for a period not to exceed 12 months for good cause shown.

**R. Special Exceptions.**

1. **Purpose.** Special exceptions are deviations from otherwise applicable operational performance standards; compatibility standards; setback standards; fence standards; design standards; sign standards, limited to historic replica signs only; and road design standards; where development is proposed that would be (1) compatible with surrounding land uses, (2) in keeping with the public interest and (3) consistent with the purposes of this Code.
2. **Authority.** The Planning and Zoning Commission in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a Special Exception Permit after receiving a recommendation from the Zoning Administrator.
  - a. **Board of Trustees Approval of Special Exceptions.** Alternatively and in conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant special exceptions subject to the requirements of this Article VI.R.4.

**3. Procedure.**

- a. **Submittal requirements.** The Applicant shall file three (3) copies of an application requesting a Special Exception. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following:
  - (1) The street address and legal description of the property affected;
  - (2) A scaled site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Special Exception based upon the required findings in Article VI.R.4. below; and
  - (3) A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Town Board.
- b. **Notification requirements.**
  - (1) The Town shall cause notice of the public hearing of the Planning Commission to be given by one publication in a newspaper of general circulation in the Town of Dolores. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.
  - (2) The Applicant shall mail written notice of public hearing before the Board of Trustees, after obtaining a copy of the notice from the Town Staff, to all owners of real property lying within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide

proof of mailing of notice to the Town prior to the public meeting or hearing that is the subject of the mailing of a notice.

- c. **Public Hearing.** The Commission shall hold a public hearing on an application for a Special Exception Permit. At the public hearing the Commission shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Commission shall vote to approve, approve with conditions or disapprove the application for a Special Exception Permit pursuant to the requirements of Article VI.R.4., below.
- d. **Notice of Decision.** The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

**4. Required findings.**

- a. That granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards;
- b. That granting the special exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
  - (1) Special exceptions for setbacks shall be granted only where the standard separation between buildings in the district that normally results from the required setbacks is maintained and guaranteed by easement on the adjacent property;
  - (2) Special exceptions for historic replica signs shall be granted subject to the following:
    - (a) A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Art VI.S of this Code.
    - (b) Applications for a historic replica sign will be supported by documentation evidencing the historic style, format and location of the sign to be replicated;
    - (c) A historic replica sign shall replicate the style and format of a historic sign, but need not employ the same words, phrases or symbols; and
    - (d) The Planning Commission or Town Board must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.
- c. That granting the special exception will not adversely affect property values in any material way; and
- d. That granting the special exception will be generally consistent with the purposes for this Code that are listed in Article I.E.

5. **Conditions.** The Commission may impose such conditions on a Special Exception Permit as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.

**6. Effect of Special Exception Permit**  
**Land Use Code**

- a. **General.** Issuance of a Special Exception Permit shall authorize only the particular variation, which is approved in the Special Exception Permit. A Special Exception Permit shall run with the land.
- b. **Time Limit.** Unless otherwise specified in the Special Exception Permit, an application to commence construction of the improvements that were the subject of the Special Exception Permit request must be applied for and approved within 12 months of the date of the approval of the Special Exception Permit, otherwise the Special Exception Permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Commission for a period not to exceed 12 months for good cause shown.

S. **Historic Preservation** [This section was partially funded by the State Historical Fund grant award from the Colorado Historical Society]

1. **Purpose.** The purpose of this section is to enhance our community's local resources and to promote the public interest in historic preservation through:
  - a. The protection and preservation of the Town's architectural, historic and cultural heritage, as embodied in designated historic structures, sites and districts, by appropriate regulations and incentives;
  - b. The establishment of a Town Register listing designated structures, sites and districts; and
  - c. The provision of educational opportunities to increase public appreciation of Dolores' unique heritage.
2. **Town Register Established.** The Town Board hereby establishes the Town Register of historic sites, structures or districts may be listed on said register only if said site, structure or district has been designated by the Town Board following recommendation by the Historic Preservation Board. All properties listed on the National or State Register are eligible for the Town Register but are not designated until approval, pursuant to this section, is obtained. Unless another Board is otherwise appointed by the Town Board of Trustees, Planning and Zoning will act as Historic Preservation Board.
3. **Designation of Historic Structures, Sites and Districts.** Pursuant of the procedures set forth in this section, the Town Board may, by resolution:
  - a. Designate as historic an individual structure, site or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; or
  - b. Designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.
  - c. Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the historic structure, site or district.
  - d. No individual structure or site will be designated without the consent of all owners of record and the provisions of this section.
  - e. The purpose and effect of designation is:

- (1) To assist local groups interested in preservation of physical structures, sites or districts, and to recognize locally significant structures, sites or districts;
- (2) To provide a mechanism to educate the public on local history, development of the community, architectural styles, and housing and business development;
- (3) To enable the owners of the property in the Town to take advantage of historic preservation programs and opportunities; and
- (4) To make all properties listed on the Town Register eligible for such incentive programs as may be developed.

4. **Procedures for Designating Historic Structures, Sites and Districts for Preservation.** A nomination for designation listing in the Town Register may be made by the Board or by any citizen by filing an application with the Zoning Administrator. The application shall be submitted at least 15 days prior to any desired agenda date. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the Town Board. The initial application fee is hereby established at \$75.00 dollars.

a. **Historic Preservation Board Review**

- (1) The Board shall review the designation application in a public meeting no more than 30 days after the filing of the application, or as soon thereafter as practicable.
- (2) The Board shall review the application for conformance with the established criteria for designation and with the purposes of this section.
- (3) Within 10 days after the conclusion of the public meeting, but in no event more than 30 days after the meeting, unless mutually agreed by the Board, the applicant and the owner or owners other than the applicant, the Board shall recommend either approval, modification and approval or disapproval of the application. The Board may recommend approval conditional upon the execution of certain easements, covenants, or licenses.
- (4) The Board shall forward to the Town Board in writing any recommendations as to easements, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation.

b. **Town Board Review.**

- (1) The Town Board shall hold a public hearing on the designation application no more than thirty (30) days after receipt of the Board's recommendation, or as soon thereafter as practicable.
- (2) The Town Board shall review the application for conformance with the established criteria for designation and with the purpose of this section.

- c. **Owner Notification.** When a structure, site or historic district has been designated as provided herein, the Zoning Administrator shall promptly notify the record owners of the property, according to the County Assessor's records or other available information, and record the designation with the County Clerk and Recorder.

- d. **Limitation on Resubmission and Reconsideration of Proposed Designation.** Whenever the Town Board disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

5. **Criteria for Designation.** The Historic Preservation Board and Town Board will consider the following criteria in reviewing nominations of properties for designation:
- a. **Structures.** Structures must be at least fifty (50) years old and meet one (1) or more of the following criteria for architectural, cultural or geographic/environmental significance. A structure can be exempted from the age standard if the Town Board finds it to be exceptionally important in other criteria. Information contained in the “Historic Building/structure Survey, Town of Dolores, Colorado”, November 1997, provides one (1) source of information to be considered in the evaluation of eligibility for historic designation.
  - b. **Architectural, Cultural or Geographic/environmental Criteria.** Historic structures or sites shall meet one (1) or more of the following criteria in order to be considered for designation.
    - (1) **Architectural**
      - (a) Exemplifies specific elements of an architectural style or period;
      - (b) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
      - (c) Demonstrates superior craftsmanship or high artistic value;
      - (d) Represents an innovation in construction, materials or design;
      - (e) Represents a built environment of a group of people in an era of history;
      - (f) Exhibits a pattern or grouping of elements representing at least one (1) of the above criteria; or
      - (g) Is a significant historic remodel?
    - (2) **Cultural:**
      - (a) Is a site of an historic event that had an effect upon society;
      - (b) Exemplifies cultural, political, economic or ethnic heritage of the Town; or
      - (c) Is associated with a notable person or the work of a notable person?
    - (3) **Geographic/Environmental:**
      - (a) Enhances the sense of identity of the Town; or
      - (b) Is an established and familiar natural setting or visual feature of the Town?
    - (4) **Prehistoric and historic archaeological structures or sites.** Prehistoric and historic archaeological structures or sites shall meet one (1) or more of the following:
      - (a) Exhibits distinctive characteristics of a type, period or manner of construction; or
      - (b) Is a unique example of structure;
      - (c) Has the potential to make an important contribution to the knowledge of the area’s history or prehistory;
      - (d) Is associated with an important event in the area’s development;
      - (e) Is associated with a notable person(s) or the work of a notable person(s);
      - (f) Is a typical example or is associated with a particular ethnic or other community group;
      - (g) Is a unique example of an event in local history; or
      - (h) Is geographically or regionally important.
  - c. **General Criteria.** Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):

- (1) Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state or nation;
- (2) Retains original design features, materials and/or character;
- (3) Is in the original location or same historic context, if it has been moved;
- (4) Has been accurately reconstructed or restored.

## 6. **Historic Districts**

- a. For the purposes of this section, a district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities.
- b. Significance is determined by applying criteria to the pattern(s) and unifying element(s).
- c. Nominations will not be approved unless the application contains written approval from owners of at least 70 percent of the properties within the district boundaries.
- d. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential.
- e. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
- f. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
- g. In addition to meeting at least one (1) of the criteria outlined in Article VI.S.6.h., below, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria. Each historic district shall meet one (1) or more of the following criteria:

### (1) **Architectural:**

- (a) Exemplifies specific elements of an architectural style or period;
- (b) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
- (c) Demonstrates superior craftsmanship or high artistic value;
- (d) Represents an innovation in construction, materials or design;
- (e) Represents a built environment of a group of people in an era of history;
- (f) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
- (g) Is a significant historic remodel.

### (2) **Cultural:**

- (a) Is the site of an historic event that had an effect on society;
- (b) Exemplifies cultural, political, economic or social heritage of the community; or
- (c) Is associated with a notable person(s) or the work of a notable person(s).

### (3) **Geographic/environmental**

- (a) Enhances the sense of identity of the community; or

(b) Is an established and familiar natural setting or visual feature of the community

(4) **Archaeology/subsurface**

- (a) Has the potential to make an important contribution to the area's history or prehistory;
- (b) Is associated with an important event in the area's development;
- (c) Is associated with a notable person(s) or the work of a notable person(s);
- (d) Has distinctive characteristics of a type, period or manner of construction; and
- (e) Is of geographical importance.

7. **Review of Alterations.** The owner is requested to consult with the Historic Preservation Board before making any alteration. The Board shall determine if the alteration is compatible with the designation. Property owners making alterations or constructing new buildings adjacent to registered building, landmarks, or districts are requested to consult with the Historic Preservation Board prior to beginning construction. For the purposes of this section, the term "alteration" shall mean any proposed modification to a designated historic site, structure or district that could have an affect on the character of the historic resources relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated. The Historic Preservation Board shall make its review in a timely manner.

a. **Criteria to Review Alterations.** In reviewing a proposed alteration, the Historic Preservation Board shall consider the project in terms such as design, finish, material, scale, mass and height. When the subject site is in an historic district, the Historic Preservation Board must also find that the proposed development is visually compatible with the development on adjacent properties, as well as any guidelines adopted as part of the given Historic District designation. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles, either of the architecture of an individual structure(s) or the character, of the surrounding structures. The Historic Preservation Board will use the following criteria to determine compatibility of a proposed alteration:

- (1) The effect upon the general historical and architectural character of the structure and property;
- (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
- (3) The size of the structure, its setbacks, its site, location and the appropriateness thereof, when compared to existing structure and the site;
- (4) The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
- (5) The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- (6) The condition of existing improvements and whether they are a hazard to public health and safety; and
- (7) The effects of the proposed work upon the protection enhancement, perpetuation and use of the property.

8. **Revocation of Designation.** If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Historic Preservation Board for a revocation of the designation or the Historic Preservation Board shall recommend revocation of the designation to the Town Board in the absence of the owner's application to do so.
- T. **Tree Removal Permits.** Planning Commission approval of a Tree Removal Permit shall be required prior to the removal of protected trees in accordance with Article V.E., Tree Preservation, shall be subject to the following procedures.
1. **Application for Tree Removal Permit.** Tree Removal Permits for the removal of protected trees in conjunction with the development, subdivision and/or re-subdivision of real property shall be obtained by making application to the Zoning Administrator or authorized designee on forms prescribed by the Town. The application shall accompany the final plat of the development and shall include a written document indicating the reasons for removal of the protected tree or trees and two (2) copies of a legible tree survey, drawn to the largest practicable scale, indicating the following:
- a. The location, caliper width, height, and common name of all single-trunk trees of six (6) inches caliper or greater, measured at four (4) feet above natural grade level, and at least 12 feet high; and all multi-trunk trees having a total caliper width of eight (8) inches, measured by combining the caliper width of the largest stem or branch with one-half (1/2) the caliper width of each additional stem or branch, all measured at four (4) feet above natural grade level, and at least 12 feet high.
  - b. The location, caliper width, height, and common name of all protected trees proposed to be removed.
  - c. The location and dimensions of all existing or proposed public street or alley rights-of-way, designated parking areas, utility easements, drainage easements, fence easements, pedestrian access easements or other public rights-of-way or easements.
  - d. The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, and other special relationships or significant features of the proposed subdivision.
  - e. Existing and proposed site elevations, grades and major contours.
  - f. The information required herein shall be summarized in legend form on the tree survey and shall include the reason for the proposed removal of the protected tree or trees.
  - g. Other trees on a case by case basis.
2. **Review of Application for Tree Removal Permit.** Upon receipt of a proper application for a Tree Removal Permit, accompanied by an administrative fee established by resolution of the Town Board, the Zoning Administrator shall review the application and may conduct field inspections of the development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the Zoning Administrator.
- a. The application for a Tree Removal Permit, if required, shall be considered an integral part of the application for final plat approval, and no final plat for any development subject to



the terms and provisions of this section shall be approved without approval of said Tree Removal Permit.

3. **Planning and Zoning Commission Action.** Following staff review and inspection, the Zoning Administrator shall forward the application for a Tree Removal Permit to the Planning and Zoning Commission for review. No public notice shall be required for the review of a tree removal permit.
4. **Required Findings.** A tree removal permit shall be approved only upon a finding that the subject development, subdivision or re-subdivision cannot reasonably be developed, based on economic and/or practical considerations, without removal of the protected tree or trees included in the permit application.
5. Any other tree of 2" or greater caliper and not on either list shall require permit and approval from Planning and Zoning Commission. Any native species not otherwise permitted.

**U. Sign Permits.** Sign permits may be approved by the Zoning Administrator, subject to the following provisions:

1. **Permits.** It shall be unlawful to erect, construct, reconstruct, alter, paint, or repaint, or change the use of any sign as defined in this section without first obtaining a sign permit; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance.
  - a. A one-time sign permit fee according to the Town of Dolores Permit Fee schedule shall be charged for each sign.
2. **Sign permit application.** Application for a sign permit, where such permit is required by Article V.G., Signs, shall be made upon forms provided by the Town of Dolores and shall include the following information:
  - a. A drawing to scale of the proposed sign.
  - b. A drawing to scale of the site plan or building facade showing the proposed location of the sign.
  - c. Name, address and telephone number of the Applicant.
  - d. Name, address and telephone number of the owner.
  - e. Name, address and telephone number of the person or firm responsible for the erection of the sign.
  - f. Location of the building, structure or tract to which, or upon which, the sign is to be attached or erected.
3. **Sign Permit Standards.** Sign Permits shall be approved upon determination that the proposed sign(s) will be consistent with the standards of Article V.G. of this Code.

**V. Temporary Use Permits.** Temporary Use Permits may be issued by the Planning Commission, subject to the following provisions.

1. **Temporary use permit application.** Application for a temporary use permit shall be made upon forms provided by the Town of Dolores. The application shall be submitted at least 15 days prior to any desired agenda date, and, at a minimum, shall include the following information:
  - a. Name, address and telephone number of the Applicant.
  - b. Any and all information necessary to determine that the proposed temporary use complies with any adopted standards.
2. **Zoning.** The use for which the permit is requested shall be authorized as a Temporary Use in the district in which the use is to be located.
3. **Conditions.** The Applicant shall meet all conditions for such Temporary Use Permit set forth in this Chapter.
4. **Time limit.** A time limit for the discontinuance of the Temporary Use shall be specified on the Temporary Use Permit.

**W. Zoning Development Permits**

1. **Applicability.** No Building Permit may be issued and no person(s) may engage in any development (including grading) within the incorporated area of the Town of Dolores without obtaining a Zoning Development Permit (Appendix "A" to this Code). Every application for a zoning permit shall be accompanied by two (2) copies of a plan or plat showing the building, structure, or sign in sufficient detail to enable the Zoning Administrator or the Building Official to ascertain whether the proposed construction, reconstruction or conversion, moving and/or alteration is in conformance with the provisions of the applicable zone district and this Code.
  - a. No Zoning Development Permit shall be issued for a building or structure on a lot which abuts a street and located on the side thereof from which all dedication has not been made according to the street plans and standards as adopted from time to time by the Town of Dolores.
  - b. In accordance with 10-12-123, 24-65.5-101 C.R.S. as amended, not less than thirty (30) days before the date scheduled for the initial public hearing before the Planning and Zoning Commission or by the Town Board, the applicant for development of a surface estate is required to send notice by first class mail to:
    - (1) Any mineral estate owner, having severed mineral interest within the proposed development. The notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing and the name of the applicant, the Zoning Administrator. Such notice shall contain the name and address of the mineral estate owner.
    - (2) To identify the mineral estate owner, the applicant shall examine the records in the Office of the County Clerk and Recorder of the County in which the real property is located. Notice shall be sent if the records establish any of the following:
      - (a) The identity of the owner of the mineral estate,
      - (b) That an applicable request for notification is of record,

(c) That the mineral estate owner has recorded an instrument satisfying any applicable dormant mineral interest act.

If the records do not identify any mineral estate owners, the applicant shall be deemed to have acted in good faith and shall not be subject to further obligations or held responsible for errors or omissions in such records.

2. **Revocation of Zoning Development Permits.** Failure to comply with any condition(s) of approval, as determined by the Board of Trustees, shall result in inability to obtain any rights granted conditionally there under, in accordance with Article I.I. and town revocation of the Zoning Development Permit upon 30 day notice to the Developer and opportunity for hearing and Town determination of non-compliance with conditions.
3. **Denial of Zoning Development Permit.** If an application for a Zoning Development Permit is not approved, the Zoning Development Permit shall be returned to the Applicant with a written statement detailing the reasons for such disapproval.
4. **Conflict.** Any zoning permit or Building Permit issued in conflict with the provisions of this Code shall be null and void, and may not be construed as waiving any provision of this Land Use Code.

**X. Certificates of Occupancy**

1. **Applicability.** No building hereafter erected, converted or structurally altered shall be used or occupied and no land or nonresidential building may be changed in use unless or until a Certificate of Occupancy shall have been issued by the Building Official of the Town of Dolores stating that the building or proposed use of land or building complies with the provisions of this Code and other building and health laws of the Town of Dolores.
2. **Application.** A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Code.
3. **Record.** A record of all Certificates of Occupancy shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

## ARTICLE VII.

### **NON-CONFORMITIES**

#### **A. Nonconforming uses and structures**

1. **Nonconforming status.** The burden of establishing that a nonconforming use or structure lawfully exists under this Code shall, in all cases, be the owner's and not the Town's. The use of land, use of a structure, or a structure itself shall be deemed to have nonconforming status when each of the following conditions are satisfied:
  - a. The use or structure does not conform to the regulations prescribed in the district in which such use or structure is located and was in existence and lawfully constructed, located and operating prior to, and at the time of, the event that made such use or structure nonconforming.
  - b. The event that made such use or structure nonconforming was one of the following: annexation into the Town of Dolores, adoption of this Code or a previous zoning ordinance, or amendment of this Code or a previous zoning ordinance.
  - c. The nonconforming use or the use occupying the nonconforming structure has been operating since the time that the use or structure first became nonconforming without abandonment, as abandonment is defined in Article VII.A.5. below.
2. **Expansion.** No nonconforming use may be expanded or increased.
3. **Change of use.**
  - a. Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
  - b. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Zoning Development Permit.
  - c. A change from one (1) nonconforming use to another nonconforming use may be made by securing a Zoning Development Permit provided such change is to a permitted use in a more restrictive zoning district classification. For the purpose of interpreting these provisions, the zoning districts shall be considered to be arranged in a hierarchy as they are listed in Article III.A. Districts established, from the most restrictive R-1, Residential District to the least restrictive LI, Light Industrial District. The P and PUD Districts shall not be considered part of the hierarchy. In addition, for the purpose of interpreting this paragraph C, a use that is authorized in a district with a conditional use permit shall not be considered a permitted use in such district.
4. **Ordinary Repair and Maintenance.** Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. This section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Building Official who declares a structure to be unsafe and orders its restoration to a safe condition.
5. **Abandonment.** Whenever a nonconforming use or a conforming use in a nonconforming structure is abandoned, all nonconforming rights shall cease and the use of the premises shall

Land Use Code

henceforth conform to this Code. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Any nonconforming use that is discontinued for, or that remains vacant for a period of 12 months, shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

6. **Destruction.** If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Code. In the case of partial destruction of a structure occupied by a nonconforming use not exceeding 60 percent of its replacement value, reconstruction may be permitted, provided, however: subject to the approval of a Special Exception pursuant to Article VI.R. and the following standards:
  - a. The size and function of the nonconforming use shall not be expanded; and
  - b. Work on the restoration of the use must begin within 3 months and be completed within 12 months of the time of the calamity.

**B. Nonconforming lots.**

1. **General.** A single family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the underlying zone district and was an official “lot of record” prior to the adoption of the Town’s original Zoning Ordinance [Oct. 27, 1987], if:
  - a. The “lot of record” is in separate ownership or contiguous to lots in the same ownership; and
  - b. The proposed single family dwelling can be located on the lot so that the yard, height, and other dimensional requirements of the underlying zone district can be met, or a Variance is obtained from said dimensional requirements pursuant to Article VI.Q. of this Code.
2. **Undivided lot.** If two (2) or more lots or combinations of contiguous lots in a single ownership (including husband and wife as, in all cases, a single owner) are of record at the effective date of the adoption or amendment of this Code, regardless of time of acquisition, or all or parts of the lots do not meet the requirements established for lot width and area, the lots shall be considered an undivided parcel, and no portion shall be used or occupied which does not meet the width and area requirements of this Code.
3. **Lot Reduction.**
  - a. No lot or interest therein shall be transferred, conveyed, sold or subdivided so as to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this Code, or to leave remaining any lot in violation of the dimensional requirements of this Code.
  - b. No lot or portion of a lot required as a building site under this Code shall be used as a portion of a lot required as a site for another structure.
  - c. No Building Permit shall be issued for any lot or parcel of land that has been conveyed, sold, or subdivided in violation of this subsection. Any transferee who acquires a lot in violation of this subsection without knowledge of such violation, and any subsequent transferee, shall have the right pursuant to Colorado law to rescind and/or receive damages from any transferor who violates the provisions of this paragraph.

Land Use Code

- C. **Nonconforming signs.** Any sign that is permitted to remain in place as a nonconforming use may be continued in use until the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.
1. **Abandonment.** Abandonment of a non-conforming sign shall immediately terminate the right to maintain such a sign. When a sign has been abandoned as defined above, the Town shall send a letter requesting removal of the abandoned sign. If said sign is not removed within sixty (60) days, the Town may remove the sign at the property owner's expense. Abandonment of a sign shall be evidenced by:
    - a. The expiration of a Town of Dolores Business License for a business advertised on a sign by more than 30 days; or
    - b. The cessation of business, other than the customary cessation for a seasonal business, for more than 30 days other than sale or transfer of ownership.
  2. **Violation of this section.** Any violation of this section shall immediately terminate the right to maintain such a sign.
  3. **Destruction, damage or obsolescence.** A sign, or a substantial part of it, shall be considered to have been destroyed or dismantled if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.
  4. **Change of sign.** Notwithstanding the standards of Sec. V.G. to the contrary but subject to the terms of this subsection, any nonconforming sign may be changed so as to decrease the degree of nonconformity with respect to size, illumination, height or any other requirement of this Code. Where a new nonconforming sign is proposed to replace a nonconforming sign, a Sign Permit may be issued for such new sign if the new sign is in compliance with at least two (2) of the three (3) primary criteria related to: illumination, maximum size, or maximum height. Once such a change is made, the sign shall not thereafter be changed back to increase the degree of nonconformity.
  5. **Existing signs.** All signs, other than billboard, existing on the effective date of Ordinance #436, series 1999, [December 13, 1999], including wall mounted signs, signs directly painted on the façade, and directional, projecting, free standing, and roof mounted signs shall be legal and excepted from the sign standards of this Code.
  6. **Abatements.** Billboards shall be abated, or otherwise eliminated, within two (2) years from effective date of Ordinance #436, series 1999, [December 13, 1999] or on expiration of current variance, if any, whichever is first. The two (2) year abatement period, plus the previous time period in which such signs were used, is calculated to provide sufficient time for the complete amortization of a sign investment.
    - a. Exception. The term "billboard" as used herein shall not include off-premises signs erected in accordance with all the requirements of Article V.G.5.e, Directional signs.

**ENFORCEMENT AND PENALTIES .**

- A. Any person, firm or corporation who shall violate any of the provisions of this Code or who shall fail to comply with any provisions hereof within the corporate limits of the Town of Dolores shall be guilty of a misdemeanor and upon conviction shall be subject to a fine. Any person violating any of the provisions of this Code shall be fined \$500 upon conviction, or imprisoned for a period of up to 180 days, or both such fine and imprisonment. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- B. Any person, being the owner or agent of the owner of any land located within a subdivision, who transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision before such plat has been approved by the Board of Trustees and recorded or filed in the office of the Montezuma County Clerk shall pay a penalty of to the Town of \$500 for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- C. The penalties provided herein shall be cumulative of other remedies provided by state law as provided in Colorado Revised Statutes 31-23-216.5 or 31-23-308 and the power of injunction may be exercised in enforcing this Code whether or not there has been a criminal complaint filed.
- D. Any person aggrieved by a violation or apparent violation of the provisions of this ordinance may file a written complaint with the Zoning Administrator, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed, if such violation is found to exist.
- E. When it is determined that there has been a violation of any provision of the Land Use Code, written legal notice of violation shall be served in the following manner:
  - 1. Determine and include a list of violations, refer to the section or sections of the Code violated.
  - 2. Determine and specify a time for compliance with relevant Land Use Code provisions 30 days from the service of the notice.
  - 3. Serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on, or sent by registered or certified mail to his/her last known mailing address, residence or place of business.

**APPENDIX****TOWN OF DOLORES—ZONING DEVELOPMENT PERMIT [PER LUC ARTICLE VI.W]**

Compliance with applicable Town Land Use Code "Site Development Standards" for each of the categories must be verified by the Zoning Administrator and Building Official prior to consideration of applications for Building Permits.

**1. APPLICANT SHALL COMPLETE:**

Property Owner	Mailing Address	Phone
Contractor	Mailing Address	Phone
Subject Property Street Address		
Legal Description; or ____ Attached		
Existing Use(s) – Please list all current uses on the site		
Proposed Use(s)	Proposed No. of Dwelling Units	Proposed Square Footage
Lot Size	Proposed Bldg. Height	Proposed Lot Coverage
		No. Off-street Parking Spaces
Access _____	Driveway width _____	Min. Lot Area _____
Sidewalk _____	Type of Outdoor Lighting _____	Tree & Landscaping _____
Is the proposed building site adjacent to or across the street from a single-family dwelling or property zoned for a single family dwelling(s)? _____ [If so, compliance with the Land Use Code Article V.I., Compatibility Standards is required.]		
Proposed Setbacks:	Front	Side
		Rear
Water service approval?		Sanitation service approval?

I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of Town and State codes applicable to the proposed development, any and all conditions placed upon the proposed development by the Board of Trustees and all information requested by this document. I also understand that if I violate any applicable provisions of Town and/or State codes, I may be required to remedy such violation(s) through appropriate legal process imposed by the Town, including moving or removing structures and ceasing of construction and/or uses.

Signature of Applicant

Date

**2. APPLICANT SHALL ATTACH TWO (2) COPIES OF A COMPLETE, SCALED AND DIMENSIONED, SITE AND ACCESS PLAN OR PLAT SHOWING THE EXISTING AND PROPOSED BUILDING(S) OR**

Land Use Code

Town of Dolores

Adopted: [March 9, 1998] Amended: (August 9, 2008, June 18, 2012)

Page 133



**Appendix "A":**

Zoning Development Permit

STRUCTURE(S) IN SUFFICIENT DETAIL TO DEMONSTRATE THAT THE PROPOSED CONSTRUCTION, RECONSTRUCTION OR CONVERSION, MOVING AND/ OR ALTERATION CONFORMS WITH THE APPLICABLE PROVISIONS OF THIS CODE. THE SITE PLAN SHALL BE USED TO CREATE A PERMANENT RECORD AND MUST PRESENT ALL INFORMATION CLEARLY.

3. APPLICANT SHALL FILE A CERTIFICATE OF NOTICE AS REQUIRED BY ARTICLE VI W (1) (B) IN ACCORDANCE WITH 10-12-123, 24-65.5-101-106 COLORADO REVISED STATUTES.

4. ZONING ADMINISTRATOR SHALL VERIFY COMPLIANCE WITH (INITIAL TO INDICATE APPROVAL):

Application Completeness \_\_\_\_\_ (IF INCOMPLETE, RETURN APPLICATION TO APPLICANT)

Zoning \_\_\_\_\_ Conditional Use Permit # \_\_\_\_\_  
Floodplain Development Permit # \_\_\_\_\_ Board of Adjustment Resolution # \_\_\_\_\_

List Conditions of Approval or Attached: \_\_\_\_\_

Should Bldg. Permit Application Be Considered? YES \_\_\_\_\_ NO \_\_\_\_\_

Comments \_\_\_\_\_

Signature of Zoning Administrator \_\_\_\_\_ Date \_\_\_\_\_

5. ZONING ADMINISTRATOR AND BUILDING OFFICIAL SHALL VERIFY COMPLIANCE WITH STDS. FOR (INITIAL TO INDICATED APPROVAL):

Use \_\_\_\_\_ Height \_\_\_\_\_ Setbacks \_\_\_\_\_

Access \_\_\_\_\_ Driveway width \_\_\_\_\_ Parking Spaces \_\_\_\_\_  
Lot Coverage \_\_\_\_\_ Min. Lot Area \_\_\_\_\_ Compatibility \_\_\_\_\_

Sidewalk \_\_\_\_\_ Outdoor Lighting \_\_\_\_\_ Tree & Landscaping \_\_\_\_\_

Water Supply \_\_\_\_\_

Sanitation \_\_\_\_\_

Can Building Permit Be Applied For? YES \_\_\_\_\_ NO \_\_\_\_\_

Comments \_\_\_\_\_

Signature of Building Official \_\_\_\_\_ Date \_\_\_\_\_

6. IF THE BUILDING OFFICIAL SO AUTHORIZES, AN APPLICATION(S) FOR A BUILDING PERMIT THAT CONFORM MATERIALLY WITH ALL INFORMATION PROVIDED ABOVE MAY BE SUBMITTED TO THE BUILDING DEPARTMENT.

Land Use Code

Town of Dolores

Adopted: [March 9, 1998] Amended: (August 9, 2008, June 18, 2012)

Page 134