

**TOWN OF DOLORES, COLORADO**

**ORDINANCE NO. 560 SERIES 2022**

**AN ORDINANCE AMENDING PORTIONS OF THE DOLORES LAND USE CODE**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Dolores (“Town”) possesses the authority to zone, rezone, change, supplement, and revise the zoning classifications or designation of property and to regulate land uses within the Town.

WHEREAS, the Town is authorized by C.R.S. § 31-23-301 to regulate zoning and land use within the Town’s boundaries, and the Town has in fact adopted a comprehensive zoning scheme.

WHEREAS, as the result of a years-long process of public hearings, comprehensive review and revision of the Dolores Land Use Code, the Board of Trustees adopted Ordinance 556-2021 on December 13, 2021, and Ordinance 557-2022 on February 14, 2022, which repealed and replaced the Dolores Land Use in its entirety.

WHEREAS, Town Staff and the consultant employed by the Town of Dolores to guide the process of revising the Land Use Code have identified a number of corrections and amendments to the newly adopted Land Use Code that are necessary to correct clerical errors and clarify the intent of certain provisions.

WHEREAS, it is typical for local governments to enact such a “clean up” ordinance following a comprehensive revision.

WHEREAS, after public notice and final public hearing on September 6, 2022, as required by the Dolores Land Use Code and applicable law and regulations, the Town of Dolores Planning and Zoning Commission has recommended approval of proposed amendments set forth in Exhibit A, attached hereto and incorporated herein by reference.

WHEREAS after public notice and public hearing, the Town of Dolores Board of Trustees finds that the proposed amendments to the remaining provisions of the Town of Dolores Land Use Code promote the health, safety and welfare and are in the best interests of the citizens of the Town of Dolores and should be adopted.

WHEREAS, the Board of Trustees wish to exercise its express statutory authority to amend the Town of Dolores Land Use Code as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:**

SECTION 1. The Town of Dolores Land Use Code as adopted by Ordinance 556-2021 on December 13, 2021, and Ordinance 557-2022 on February 14, 2022, is amended as provided on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. The Dolores Land Use Code shall otherwise remain in full force and effect except as expressly amended herein.

SECTION 3. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. This Ordinance shall take effect October 26, 2022 or thirty (30) days after final publication whichever is later.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 26<sup>th</sup> day of September, 2022, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading on September 12, 2022.

DOLORES BOARD OF TRUSTEES:

By: \_\_\_\_\_  
Mayor Leigh Reeves

Attest:

By: \_\_\_\_\_  
Town Clerk Tammy Neely

Passed adopted and approved on the second and final reading this 26<sup>th</sup> day of September, 2022.

DOLORES BOARD OF TRUSTEES:

By: \_\_\_\_\_ Mayor Leigh Reeves

Attest:

By: \_\_\_\_\_ Town Clerk Tammy Neely

EXHIBIT A

1. Section 2.3(B) is repealed and reenacted to read as follows:

*An interpretation may be requested pursuant to Section 13.14, Land Use Code Interpretations.*

2. Section 2.4(B)2. is repealed and reenacted to read as follows:

*Permitted Exception. The following structures and features shall meet the requirements of the currently adopted building codes:*

- a. Chimneys, smokestacks or flues;*
- b. Cooling towers and ventilators;*
- c. Elevator bulkheads and stairway enclosures;*
- d. Tanks and water towers;*
- e. Utility poles and support structures;*
- f. Belfries, spires and church steeples; and*
- g. Monuments, flag poles and ornamental towers.*

3. Section 2.5(A) is amended to delete the definition of “Adult Use.”
4. Table 3.2 is amended to include “CMU” in to columns 5 through 8.
5. Table 4.1 is amended to add the words “Sec. 4.6(c)” to the Community Garden row of Table 4.1.
6. Section 8.4(E)3 is repealed and reenacted to read as follows:

*Small Use Exception. Any nonresidential individual use in a space that is 2,000 square feet or smaller shall be exempt from the minimum parking requirement of Table 8.1.*

7. Section 9.5(E)3(c) is repealed and reenacted to read as follows:

*c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community’s FIRM that are not subject to the provisions of subsection a and b above are elevated so that either:*

- (1) the lowest floor of the manufactured home is at or above the base flood elevation, or*
- (2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored.*

10. Section 12.7(F) is no longer applicable and is hereby repealed.
11. Section 13.7(D)8 is repealed.
12. Section 13.13(D) is repealed and reenacted to read as follows:

*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*