



Dolores Land Use Code Update Adoption Draft | November 2021



Article 1: General Provisions

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Section 1.1. General Provisions

- A. Title**
This ordinance shall be known and may be referred to as the “Land Use Code of the Town of Dolores” this “Land Use Code,” this “Code,” or the “LUC.”
- 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. Enactment and Repeals**

Upon the adoption of this Code through Ordinance #556, Series 2021 and Ordinance #557, Series 2022, the following are hereby repealed in their entirety: The Zoning Ordinance of the Town of Dolores, Colorado ("Town") originally adopted July 31, 1979 with Ordinance #316 together with all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; ~~The Land Use Code has been approved through Ordinance #479 adopted on August 11, 2008.~~ 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.~~

Comment: ~~This section will be updated later in the drafting process to reflect the adoption of this version of the LUC.~~

~~Section 1.3~~ Section 1.2. Purpose and Applicability

A. 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 Town's adopted comprehensive plan. More specifically, this Land Use Code is intended to do the following:

1. Extend greater opportunities for traditional community living, working, housing, and recreation to all citizens and residents of Dolores;
2. Maintain property values by stabilizing expectations and ensuring predictability in development;
3. Preserve the historic, small town character of the community by directing new development appropriate locations and minimizing the visual impact of development;
4. 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;
5. 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.
6. 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;
7. 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.
8. 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.

B. 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.

C. Interpretation of Regulations as Minimum Standards

The provisions of the Code are the minimum standards necessary to accomplish its stated purposes. Where the conditions imposed by any provision of this Code are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or of any other Town, state, or federal law, ordinance, resolution, rule, or regulation of any kind, the regulations that are more restrictive or that impose higher standards or requirements shall govern.

D. Conflict with Private Restrictions

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 between the parties to the agreement. The Town shall not enforce private agreements.

E. 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).

~~Section 1.4.~~**Section 1.3. Fees**

A. Establishment

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.

B. Unpaid Fees or Taxes

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.

~~Section 1.5.~~**Section 1.4. 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.

Section 1.6. Section 1.5. Transitional Provisions

~~**Comment, new section.** The transitional provision are included to guide development that is in the processing pipeline at the time this LUC is adopted, as well as to identify the limited circumstances in which new regulations are applied to existing approvals.~~

B.A. Specific Approvals Preserved

All projects and permits approved or issued pursuant to earlier versions of the Dolores Land Use Code, whether completed before or after the adoption of this version of the LUC, by which zoning map amendments or uses for specific parcels of property were enacted with conditions, site development plans, or other requirements of the property owners, are specifically preserved and exempted from all repealed provisions of this LUC, and all such conditions, site development plans, or other requirements are continued in full force and effect as set forth in any individual approval, and are ratified, confirmed, and re-enacted the same as set forth in any individual approval.

C.B. Violations Continue

Any violation occurring under the previous LUC will continue to be a violation under this Code and be subject to penalties and enforcement pursuant to Article 1~~4~~⁸, Violations Enforcement, and Penalties, unless the use, development, construction, or other activity complies with the provisions of this Code.

D.C. Nonconformities Under Prior Ordinance

Any legal nonconformity under the previous LUC will also be a legal nonconformity under this Code, as long as the situation that resulted in the nonconforming status under the previous LUC continues to exist. If a nonconformity under the previous LUC becomes conforming because of the adoption of this Code, then the situation will no longer be a nonconformity.

E.D. Approved Projects

1. Validity

- a. Permits and approvals that are valid on the effective date of this Code shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- b. Where a building permit for a building or structure has been validly issued prior to the effective date of this Code, and construction is begun within six months of effective date of this LUC and diligently prosecuted to completion, the building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy for the use originally designated, even if the building, structure, or use is nonconforming under the terms of this Code.

2. Changes

No provision of this Code shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date.

3. Extensions

The decision-making body (Board, P&Z Commission, or Zoning Administrator) that granted an original approval may renew or extend the time of a valid approval under the previous LUC if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in Article 1 ~~7~~3, Specific Development Review Procedures.

4. Re-Application

Any re-application for an expired project approval or permit shall meet the standards in effect at the time of re-application.

F.E. Applications in Progress

1. Completed Applications

Complete applications for permits and other project approvals, submitted before the effective date and pending approval as of the effective date of this Code may, at the applicant's option, be reviewed wholly under the terms of the previous LUC. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit or abandoned application shall meet the standards in effect at the time of re-application.

2. No Applications Submitted

Projects for which no application has been submitted and accepted as complete prior to the effective date shall be subject to all requirements and standards of this Code.

G.F. Termination and Lapsing

1. Regardless of whether or not a completed application has been received prior to the adoption of this Code, any permit or approval issued following the adoption of this Code shall be subject to the termination provisions of ~~Section-6~~ 13.4.G.
2. If (a) a development permit or approval was approved pursuant to the previous LUC, and (b) under the previous LUC that type of permit or approval did not have a lapsing or renewal date, but (c) under this Code that type of permit or approval is subject to a renewal or termination date, then the permit or approval shall be subject to renewal or termination pursuant to the terms of the LUC, but the termination or renewal period shall be deemed to begin running on the date of approval of this Code, not the date of the prior permit or approval.