



**Dolores Land Use Code Update
Adoption Draft | November 2021**



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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Upon the adoption of this Code, the following are hereby repealed in their entirety: The Zoning Ordinance of the Town of Dolores, Colorado (“Town”) originally adopted July 31, 1979 with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.

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

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 1.3. 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 1.4. 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 1.5. 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.

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.

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 18, Violations Enforcement, and Penalties unless the use, development, construction, or other activity complies with the provisions of this Code.

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.

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 17, 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.

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.

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 Sec.6.4.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.

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Section 2.1. Rules of Construction

A. Text

In case of any difference of meaning or implication between the text of this Land Use Code and any illustration or figure, the text shall control.

B. 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.

1. "Day" means a calendar day unless working day is specified.
2. "Week" means seven calendar days.
3. "Month" means a calendar month.
4. "Year" means a calendar year, unless a fiscal year is indicated.

C. 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.

D. 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.

E. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

F. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

G. Technical and Nontechnical Terms

Words and phrases not otherwise defined in this Land Use Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Land Use Code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

H. Interpretation

1. Mandatory and Discretionary Terms

The words "shall," "must," or "will" are always mandatory, and the words "may" or "should" are always discretionary.

2. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- a. "And" indicates that all connected items, conditions, provisions, or events shall apply; and
- b. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

3. Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

4. Interpretation

The zoning administrator has authority to determine the interpretation or usage of terms used in this Zoning Code. Appeal of an interpretation made by the zoning administrator shall be to the Board of Adjustment.

5. Undefined Terms

The zoning administrator has the authority to provide the definition for a term where it is not defined in this Land Use Code. Appeal of a definition provided by the zoning administrator shall be to the Board of Adjustment.

Section 2.2. Interpretations

A. 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.

B. 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.

C. Procedures

1. 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.
2. 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.

D. 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.

E. Form

The interpretation shall be in writing and shall be sent to the Applicant by certified mail.

F. 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.

G. 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.

Section 2.3. Measurements and Associated Terms

A. Floor Area Measurement

Gross Floor Area: Total floor area designed for occupancy and use, including basements, mezzanines, and upper floors as measured from the centers of outside walls, excluding warehouse, storage, and utility rooms.

B. Height Measurement

1. Measurement

- a. 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. Maximum heights are specified as maximum dimension.
 - (1) This requirement applies to the entire building.
 - (2) Maximum overall height in feet is measured from grade vertically to the highest point of the structure, excluding any permissible height exceptions per this zoning code.

2. Permitted Exceptions¹

The following structures and features shall be exempt from the height requirements of this Code:

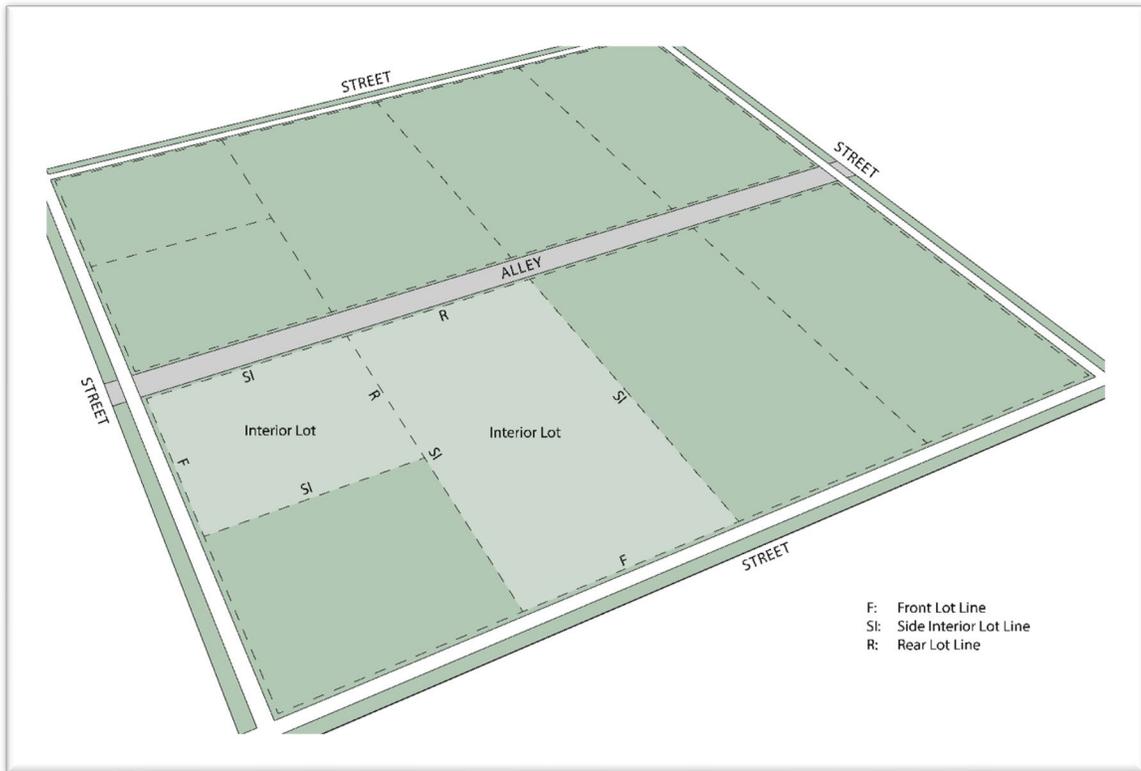
¹ Drafting note: we need to create a combined list of height and setback exceptions in Section 3.13.

- 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.

C. Lot Terms and Measurements

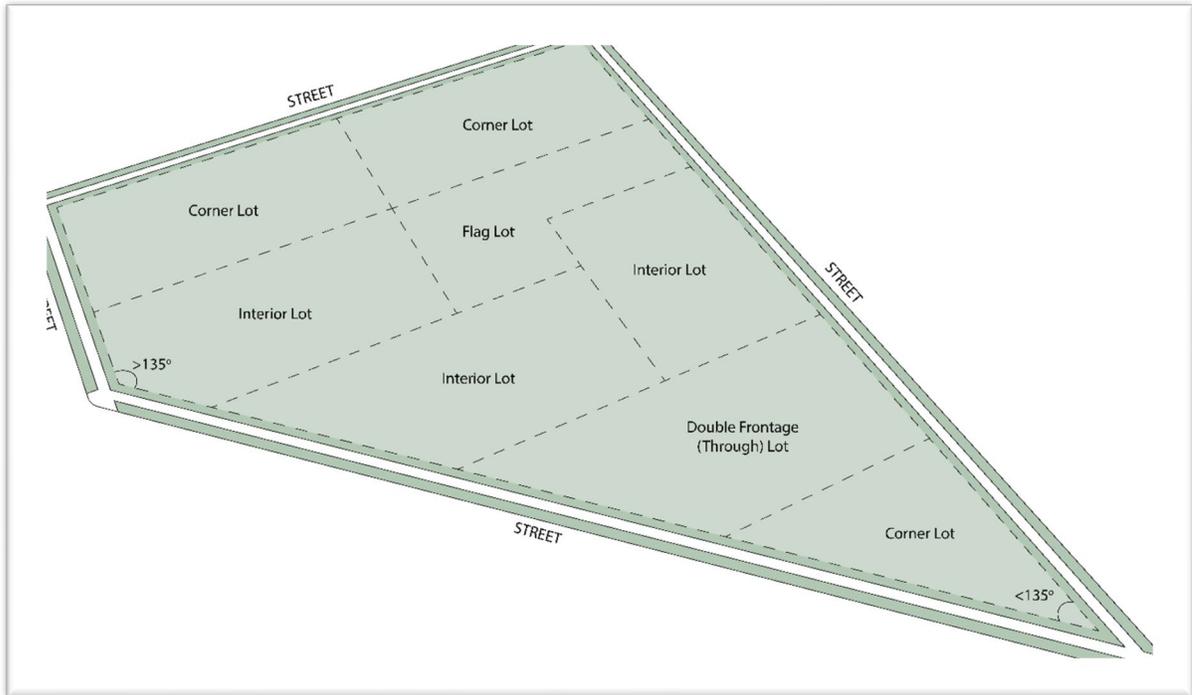
- 1. Lot: An undivided tract or parcel of land under one ownership having frontage on a public street and either occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract.
- 2. Lot Area: The net area of the lot, excluding portions of streets and alleys.
- 3. Lot Coverage: 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 feet from the walls of a building shall be excluded from coverage computations.
- 4. Lot Lines: A line of record bounding a lot which divides one lot from another lot or from a public or private street, alley or other public space.
 - a. Front Lot Line: The lot line abutting a public or private front street.

- b. Rear Lot Line: The lot line not intersecting a front lot line that is most distant from and most clearly parallel to the front lot line.



- c. Side Lot Line: Any lot line that is not a front, street-side, or a rear lot line abutting an interior lot.
 - d. Street-Side Lot Line: The lot line abutting a public or private side or non-front street.
5. Lot Types:
- a. Corner Lot: A lot located at the intersection of two or more streets.
 - b. Interior Lot: A lot other than a corner lot with only one frontage on a street other than an alley.
 - c. Through Lot or Double Frontage Lot: A lot other than a corner lot with frontage on more than one street other than an alley.

- d. Flag Lot: A lot not meeting the minimum lot width or public street frontage requirements, and where access to a public street is limited to a narrow strip of land or private access way.

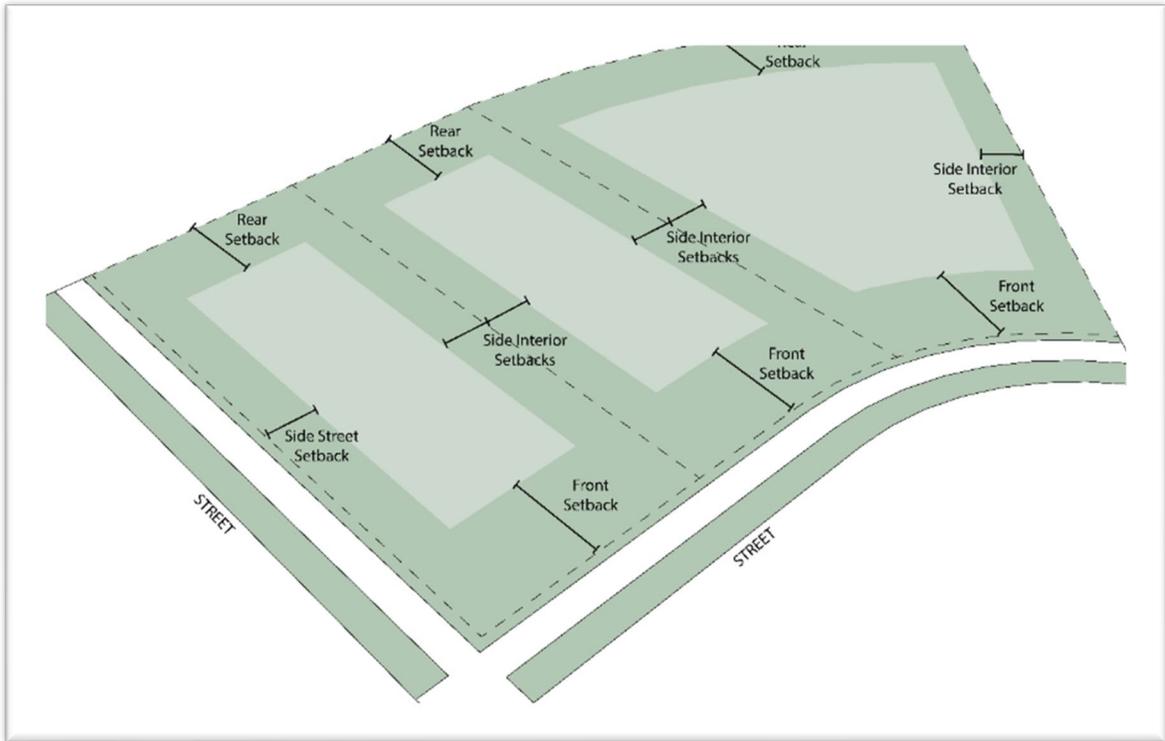


- 6. Lot Width:
 - a. Lot width shall be the length of the minimum required front yard setback line between the two side lot lines.
 - b. If the front yard setback line is an arc or a curve, the lot width shall be the length of said arc or curve.

D. Setback Terms and Measurements

1. Setback

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.



2. Setback Measurements for Nonstandard Lots

- a. Corner Lots: For lots with frontage on two intersecting streets, such a lot shall be considered to have two front lot lines and shall comply with front yard setbacks from each front lot line.
- b. 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.

3. Setback Encroachments

- a. Setback encroachments are building and site elements that project into or are located on the “non-buildable” side of a setback line, typically in a required setback area.
- b. Measurement
 - (1) Each setback encroachment shall be measured from the minimum required setback line towards the lot line; setback encroachments are always measured from the same point and are not cumulative.

- (2) No permitted setback encroachment shall be closer than two feet to any lot line with the exception of fences and walls and gardens and landscaping.

E. Separation or Distance Measurement

Where a standard includes a separation or distance requirement, it shall be measured as follows:

1. Between Buildings: The horizontal distance between the two closest portions of each building's exterior walls.
2. Between Uses: The horizontal distance shall be measured from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be established.
3. From an Adult Entertainment Establishment: The horizontal distance shall be measured from the midpoint of the closest customer entrance of the structure occupied by an adult entertainment establishment to the nearest point on a property line of the use or zone district from which the separation is to be established.
4. Between a Use and a Zone District: The horizontal distance shall be measured from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a zone district boundary from which the separation is to be established.

Section 2.4. 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.

A. A Terms

Accessory: A use, building or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage.

Accessory Dwelling Unit: A residential unit that is located on the same lot as a primary residential dwelling unit, either internal to or attached to the primary residential dwelling unit or in a detached structure.

Addition: Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adult Day Care: a facility that provides the staff assistance to clients that each requires for activities of daily living, including but not limited to eating, walking, and grooming.

Adult Use [does the Town have an adopted Adult Use or Sexually Oriented Business ordinance?]

Agriculture: A use of land for production and/or marketing of crops, livestock or products produced on site.

Agricultural Production Activity: Production of forage, grains, livestock, trees, and fruits, vegetables, nursery, floral, and ornamental stock with reasonable expectation of profit; commercial feed lots shall not be considered agriculture for purposes of this definition.

Alternative financial services: The use of a site for the provision of alternative financial services such as vehicle title loans, check-cashing, payday advance/payday loan, or money transfer as defined below. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

Check cashing business. An establishment that provides one or more of the following:

- a. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
- b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

Payday advance/loan business. An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

Money transfer business. An establishment that transfers funds for a fee.

Vehicle title loan business. An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

Amusement, indoor: Uses that provide commercial recreation or amusement indoors (except adult entertainment), including but not limited to: bowling alleys and pool rooms; indoor sports arenas, movie theaters and live theaters; indoor skating rinks (ice or roller); video arcades; and shooting arcades

Amusement, outdoor: Uses that provide commercial recreation or amusement outdoors (except adult entertainment), including but not limited to: drive-in movie theater; amusement park or theme park; fairgrounds; miniature golf establishments; golf driving ranges; water slides; and batting cages.

Apartment: A building on a single lot with three or more residential dwellings that may be located side-by-side or over one another and are contained within a single building and under a single roof..

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.

Assembly: A room or place such as a ballroom, auditorium, party room, gaming room, or convention hall that is intended or used to accommodate people in a group and is further divided into the following types:

Civic: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for the conducting of organized meetings, or other activities and accessory uses associated therewith, for non-commercial purposes.

Entertainment and Trade: A building or portion thereof used for groups of people to gather for an event, or regularly scheduled program. General assembly uses include arenas, auditoriums, banquet facilities, conference and reception centers, concert halls and theaters.

Religious: A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

Assisted Living Facility: As defined in Section 25-27-102, C.R.S., a residential facility that makes available to three or more adults not related to the owner of such facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services: Personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. The term "assisted living residence" does not include any facility licensed in this state as a residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by the department of public health and environment.

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.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

B. B Terms

Bars, taverns: An establishment where alcoholic beverages are served on the premises and where the total sales of alcohol exceeds the total sales of food.

Bed and Breakfast: A single-family, owner occupied, dwelling unit with or without an Accessory Dwelling Unit, that is used to accommodate transient guests for a fee, and which may offer a breakfast meal. This definition excludes Lodging Houses, Rooming Houses or Apartment Houses.

Block: A group of lots within defined and fixed boundaries of a subdivision and usually being an area surrounded by streets or other features, such as parks, trails, pedestrian accessways, or municipal boundary lines, which together shall not be longer than 600 feet.

Block Face: All lots on one side of a block.

Boarding, animal: The feeding, housing, and exercising of animals not owned by the owner of the property and for which the property owner may receive compensation.

Boarding or rooming house: A single detached dwelling unit in which the owner rents individual rooms and the individual rooms do not have individual cooking/restroom facilities. The owner resides on the premise. The unit is designed to serve as the residence of individuals subject to the following:

- a. Rooms may be rented on a monthly basis.
- b. The rooms are generally furnished by the owner.
- c. Communal cooking and restroom facilities are provided.
- d. Owner provides some housekeeping and linen services.
- e. The relationship between owner and resident is that of a landlord/tenant with references and deposits required of the resident.

Bufferyard: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

Build-to Zone: An area in which the front or street side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line.

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: 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 shipping containers or vehicles, even though immobilized, or signs or fences.

Building Coverage, Maximum: The maximum percentage of a yard or lot permitted to be covered by building and any other structures with a roof.

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.

Business Service: Services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

C. C Terms

Caliper: A standard for trunk measurement of plant nursery stock.

Campground, public and private: Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, travel trailers, recreational vehicles, and other camping outfits.

Canopy: An attached or detached structure, open on at least one side, that is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material. Permanent, freestanding canopies such as service station canopies are referred to as structural canopies for the purposes of sign regulation.

Carport: A structure to house or to protect motor vehicles owned or operated by the occupants of the main building which is open on at least one side.

Car wash: A building or area that provides facilities for washing and cleaning motor vehicles, excluding semi-tractors and/or semi-trailers, which may use production line methods with a conveyor, blower, other mechanical devices, or hand labor in the cleaning of the vehicle.

Cemetery/Crematorium: A facility or area used or intended to be used for the burial of the dead, including crematories, mausoleums, and mortuaries when operated in conjunction with, and within the boundaries of such cemetery.

Church: See Religious Assembly

Clear Sight Triangle: An area free of all obstructions that could interfere with the visibility of approaching drivers as defined in this code.

An intersection clear sight triangle is located at an intersection between two streets. The area is a triangular-shaped piece of land, measuring 40 feet in distance along the major street and 20 feet in distance along the minor street, both distances being measured from and along the back of the curb.

A driveway clear sight triangle is located at an intersection between an entrance or drive and a street. The area is a triangular-shaped piece of land, measuring 15 feet in distance along the street and 15 feet in distance along the entrance or drive, both distances being measured from and along the back of the curb.

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 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.

Community garden: An area managed and maintained by a group of individuals to grow and harvest food crops, or non-food crops, for personal or group consumption, for donation, or for sale that is incidental in nature.

Consumer maintenance and repair: A use category that includes uses that provide the repair and maintenance of a wide variety of consumer products.

Convenience store: A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Conoco" chains. These stores may also include pumps and/or storage tanks from which fuels are dispensed at retail. No servicing, maintenance or repair work shall be conducted on the business premises. This definition shall exclude truck stops.

Community Residential Home or Facility: As defined in Section 25.5-10.202, C.R.S., a group living situation accommodating at least four but no more than eight persons, which is licensed by the state and in which services and supports are provided to: persons with intellectual and developmental disabilities; the aged (persons 60 years old or older); or persons with behavioral or mental health disorders.

Craft Alcohol: The production of small batches of wine, hard cider, beer, or distilled alcoholic beverage as licensed by Colorado law.

D. D Terms

Day care: (or "child care") means care for children provided by an adult, other than a parent of the children or other person living with the children as a parent, on a regular or irregular basis, as applicable, for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours. The term does not include a place where day care is provided if a parent of a child for whom day care is provided remains on the premises.

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.

Drive-through (thru): The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a service station.

Dwelling: A IBC standard constructed structure or portion of such a structure that is designed, occupied or intended to be occupied as living quarters and includes facilities for cooking, sleeping and sanitation; but not including mobile homes, recreational vehicles, hotels, motels, clubs, boarding houses.

Dwelling Unit: One or more rooms designed for or occupied exclusively by one household.

Accessory Dwelling Unit: A dwelling unit attached to or within a single-family dwelling, or over a garage.

Attached Dwelling Unit: A dwelling unit with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings. Attached DUs include duplex, triplex, and townhouse units.

Detached Dwelling Unit: Any dwelling unit that does not have a wall, roof and/or floor in common with any other dwelling unit except an accessory dwelling unit.

Single-Unit Dwelling: A building that has one dwelling unit.

Three-Unit Dwelling (Triplex): Three attached dwelling units within a single building and under a single roof.

Townhouse: A series of three or more attached single unit dwellings.

Two-Unit Dwelling (Duplex): A building that has two attached dwelling units. within a single building and under a single roof.

E. E Terms

Eave. The edge of a pitched or flat roof; it typically overhangs beyond the side of a building

Educational Facility: A use category for public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools that provide educational instruction to students.

Electric vehicle charging station: An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle, and is classified based on the following levels:

Level 1 is considered slow charging, and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

Level 2 is considered medium charging, and operated on a forty to one hundred amp breaker on a two hundred forty volt AC circuit.

Level 3 is considered fast or rapid charging, and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

F. F Terms

Facade. The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements. The front facade is any building face adjacent to the front lot line.

Family: Two or more persons related by blood, marriage, adoption, or other legal means, including any number of minor children in foster care. A "family" is distinguished from a group occupying a boarding house, lodging house, bed and breakfast inn, fraternity/sorority house, hotel or clubhouse. See also Household.

Farm stand: A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of agricultural products.

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.

Financial institution: Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. Accessory uses may include automatic teller

machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

Flag: A flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Fuel sales: A facility engaged in the storage, distribution, and retail sales of vehicle fuels for personal vehicles, fleet vehicles, and/or trucks.

Funeral home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in the preparation of the deceased for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies; (d) the storage of funeral vehicles, and(e) facilities for cremation.

G. G Terms

Garden Center or Nursery: A business where retail and wholesale products and produce are sold to the customer. These centers, which may include a nursery and/or greenhouses, import many of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, and other garden and farm variety tools. Marijuana shall not be grown or sold at a garden center.

Grade: The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if there is less than five feet distance from the wall. In cases where walls are parallel to and within 20 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

Government offices and buildings: An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: employment offices, public assistance offices, motor vehicle licensing, and registration services.

Greenhouse: A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

Ground Source Heat Pump Definitions

Geothermal Boreholes: A hole drilled or bored into the earth into which piping is inserted for use a closed vertical loop geothermal system.

Ground Source Heat Pump System: A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

Ground Source Heat Pump System, Closed Loop: A mechanism for heat exchange that circulates a heat transfer fluid, typically food-grade anti-freeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

Ground Source Heat Pump System, Horizontal: A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches.

Ground Source Heat Pump System, Open Loop: A system that uses ground water as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.

Ground Source Heat Pump System, Vertical: A closed loop ground system heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

Heat Transfer Fluid: A non-toxic, biodegradable, circulating fluid such as potable water, a food-grade aqueous solution of propylene glycol not to exceed 20% by weight, or a food-grade aqueous solution of potassium acetate not to exceed 20% by weight.

Group Home: A structure in which housing is provided for a group of unrelated individuals or related and unrelated individuals pursuant to state statute.

Guest: A person who is visiting a household and is not paying any monetary or other consideration to occupy the unit.

H. H Terms

Historic: Having importance in the history, architecture, archaeology, or culture of Colorado, the Town of Dolores, Montezuma County, or the United States, as determined by the Historic Preservation Board.

Historic District: A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Historic Structure: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior; or

- ii. Directly by the Secretary of the Interior in states without approved programs.

Historic Properties: The resources, including buildings, structures, objects, sites, districts, or areas that are of historical significance.

Historic Preservation: The protection, enhancement, and maintenance of historic properties.

Home Occupation: An accessory commercial service, financial service, office, or retail sales use that is permitted to be carried on in a residence for financial gain that does not change the residential character and is clearly secondary to the use of the dwelling. The provision of short-term rentals is considered a lodging use and is not a home occupation.

Hospice: A facility where palliative and supportive care are provided to meet the needs of a terminally ill patient and the patient's family.

Hospital or Clinic: An establishment that provides diagnosis and treatment, both surgical and nonsurgical, for patients who have any of a variety of medical conditions through an organized medical staff and permanent facilities that include inpatient beds, medical services, and continuous licensed professional nursing services.

Hotel/Motel: A building or group of buildings designed and occupied as temporary lodging for less than 30 days for compensation. To be classified as a hotel or motel, an establishment shall contain a minimum of six individual guestrooms or units and shall furnish customary hotel or motel services.

Household: (1) A family plus up to four unrelated individuals living together in a single, not-for-profit housekeeping unit sharing on common kitchen facility; or (2) one or more persons occupying a dwelling unit as a single housekeeping unit, subject to a limit of not more than two adults per bedroom; or (3) any group of individuals and caretakers recognized as a household by Colorado law.

I. I Terms

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.

Individual business: One business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership. See also Tenant.

Industrial sales and service: A use category of firms that are engaged in the sale, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar users perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

Inoperable vehicle: Any vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes or any vehicle not having current license plates lawfully affixed thereto.

J. J Terms

Junk: Any worn out cast off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components.

Junk includes but is not limited to old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

Junkyard: An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed or handled, which are not intended to be recycled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

K. K Terms

Kennel, commercial: Any lot, building, structure, or premises where more than two dogs or cats over the age of six months, other than those owned by the kennel owner are kept or maintained for boarding, training, breeding or selling, exclusive of medical care or for quarantine purposes in excess of 24 hours. Female dogs bred for the sole purpose of the sale of puppies for profit, and female dogs numbering more than three constitute a commercial Kennel.

Kennel, noncommercial: A kennel at, in, or adjoining a private residence where more than two dogs or cats are kept for the hobby of the householder in using them in shows or obedience trials, personal pleasure or for the guarding or protecting of the householder's property. The occasional raising of a litter of puppies or kittens at the kennel and the occasional sale of puppies or kittens by the keeper of a noncommercial kennel should in no way change the character of the residential property.

L. L Terms

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.

Livestock and fowl: Livestock shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. Fowl shall include chickens, geese, ducks, turkeys and other poultry.

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].

M. M Terms

Manufactured Home: A home built on a nonremovable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufactured Home Construction and Safety Standards (HUD Code). A manufactured home does not include a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. Manufactured homes are classified as Type 1, homes that were certified on or after January 1, 1990; and Type 2, homes that were certified prior to January 1, 1990.

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.

Marijuana Definitions

Marijuana: The "usable form of marijuana" as set forth in Article XVIII, Section 14(1)(i) of the Colorado Constitution, or as defined in any applicable state law or regulation.

Marijuana Business, Medical: Any business that is licensed by the State, such as: medical marijuana dispensary, medical marijuana center, medical marijuana cultivation facility, or medical marijuana-infused product manufacturer or production facility.

Marijuana Dispensary: Any business licensed by the State that sells or otherwise distributes medical or non-medical marijuana or marijuana-infused products.

Marijuana Dispensary, Medical: A business that sells or otherwise distributes marijuana through one or more primary caregivers to patients for medical use.

Marijuana-infused Product: A product infused with marijuana that is intended for use or consumption other than by smoking including edible products, ointments, and tinctures.

Marijuana-infused Product, Medical: A product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. These products, when manufactured or sold by a licensed medical marijuana center or a medical marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the Colorado Food and Drug Act.

Marijuana, Medical: Marijuana or marijuana-infused products regulated and intended for medical use as defined by the State of Colorado in Article XVIII, Section 14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Marijuana Production Facility: A facility that cultivates marijuana, produces marijuana-infused products, or tests marijuana products; whether medical or non-medical.

Medical Use: Shall have the same meaning as is set forth in Article XVIII, Section 14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Merchandise: All items of movable personal property offered for sale to the public for which no title is required to be registered with or issued by the state.

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.

Mixed-Use: A building that includes residential and some other use, typically commercial. In most cases, the commercial use is the primary use and is located on the ground floor. The secondary use shall be residential and shall be located above the commercial space or, in limited cases, to the rear of the primary use.

Mobile Home: A dwelling unit built prior to June 15, 1976, to no state or nationally recognized building code. Mobile home does not include travel trailers, campers, camper buses, motor homes, or any closed vehicle designed to be towed by an automobile or truck.

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

Modular Home: A home built in a factory setting in units, transported to the home site, placed on a permanent foundation, and joined. Modular homes are required to meet the adopted building code and are permitted on any lot where residential development is permitted.

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.

N. N Terms

New Construction: Structures for which the start of construction commenced on or after the effective date of the initial ordinance codified herein and includes any subsequent improvements to such structures.

Nursing Home (Nursing Facility): A facility provider that meets the state nursing home licensing standards established pursuant to section 25-1.5-103(1)(a), C.R.S., and is maintained primarily for the care and treatment of inpatients under the direction of a physician.

O. O Terms

Occupied: Includes the words intended, designated or arranged to be occupied.

Occupiable space: Interior building space occupied by the building users. It does not include storage areas, utility space, or parking.

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: Natural areas as described in the Town's Comprehensive Plan, and as follows: either owned privately under a single common ownership or by a public entity with little or no structural enhancements, the primary purpose of which is to protect or house wildlife habitat, migration and breeding areas, scenic views, cultural values, sensitive plants or environments, wetlands, and water quality. The calculation of open space does not include areas under specific individual ownership, such as private yards and driveways.

Open storage: The storage for a period of five consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

Outdoor sales lot: Use of land for retail product sales where the majority of the goods are stored or displayed outside during both business and non-business hours. Outdoor sales lots include automobile and truck sales and rental; boat and recreational vehicle sales and rental; and manufactured home dealerships.

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.

P. P Terms

Park: Any dedicated and accepted public or private land available for recreational or scenic purposes.

Passive Open Space: Open space that is owned, managed, and maintained in its natural state.

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

Personal service: A use category for establishments providing non-medical services to individuals as a primary use.

Pervious surface: Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

Parking, commercial: A use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

Personal self-service storage: Real property designed and used for the purpose of renting or leasing individual storage space to tenants with access to such spaces for the purpose of storing and removing personal property.

Portable Storage Unit: Enclosed storage containers that are left at a location for temporary storage on-site, or for filling and moving to another site (which may include an off-site storage facility).

Porte-Cochere: A covered driveway entrance where vehicles stop to discharge passengers.

Principal Building:

1. A building accommodating the principal use to which the property is devoted.
2. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Principal Building Entrance: A street-level primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

Principal Use: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

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.

Public recreation facility: Facilities or equipment that are used for public recreational or natural resource purposes that have a relatively low flood damage potential, and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths, benches, ball fields, tennis and basketball courts, interpretive facilities, and golf courses.

Q. Q Terms

[reserved]

R. R Terms

Recreational vehicle: Vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are:

1. Travel Trailer: A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and six inches (8'6"), excluding awnings, and a body length of no more than 40 feet when factory equipped for the road.
2. Tent Camper: A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.
3. Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:
 - a. Slide-in camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
 - b. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.
4. Motorhome: A vehicular unit built on a self-propelled motor vehicle chassis.
5. Tiny House on Wheels: a structured intended for temporary living quarters that is: a validly licensed vehicle, certified by the Dolores Building Official, a portable unit designed to be affixed to a truck chassis, and has not less than 115 square feet nor more than 400 square feet of habitable space excluding lofts.

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.

Recycling processing facility: A facility that is not a junkyard and in which recoverable resources, such as newspaper, glassware and metal cans are collected, stored, flattened, crushed or bundled. This term does not include automobile or vehicle salvage or wrecking yards.

Religious Assembly: Religious assembly means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

Repair Services, Consumer: 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.

Research and testing laboratory: A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

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: 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 sales: A use category for businesses involved in the sale, lease, or rental of new or used products to the general public. Accessory uses may include offices, parking, outdoor sales lot, storage of goods, and assembly, repackaging or repair of goods for on-site sale.

Agricultural retail: Retail outlets that sell farm, ranch, and agricultural supplies but may include other merchandise.

General retail: An establishment engaged in the sale of good to the public at retail and that have the potential to create impacts on surrounding residential areas due to the scale of the building, hours of operations, volumes of automobile or truck traffic, or other factors.

Right-of-way: A strip of land dedicated or acquired for use as a public way, or that is acquired through an easement.

Runoff: Water or liquid that is not absorbed by the soil or landscape to which it is applied and flows from the area.

S. S Terms

Salvage yard: A lot or portion of a lot where junk, waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled, or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. This definition includes junkyard.

School, college, or university: A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Colorado Department of Education or a national collegiate or university accreditation agency. This definition also includes higher learning facilities for religious institutions.

School, : An institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the Colorado State Board of Education; includes public, private and parochial schools.

School, trade, business, technology, or vocational: A vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction.

Screen: A fence or wall which is designed and erected to obstruct and eliminate the public view of a storage or other area.

Seasonal decorations: Decorations and temporary signs that are clearly incidental, customary, and commonly associated with a holiday, birthday, anniversary, graduation or similar occasion.

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-premises consumption, provided that in no case shall the floor area devoted to such sales exceed 2,400 square feet

Setback: The distance measured from the lot or property line to a supporting point(s) or wall(s) of a structure or building in which consists of 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.

Shared or Co-Living Facility: A multiunit residential structure combining the benefits of private housing with the advantages of communal living whereby each owner has a home while also sharing common spaces and facilities with fellow residents.

Shelter, Animal: A facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit corporation for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them.

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.

Solar Energy Facilities Definitions

Accessory Use – An SEF designed primarily for serving on-site needs or a use that is related to the primary use of the property.

Concentrated Solar Power (CSP) –An SEF that uses mirrors to reflect and concentrate sunlight.

Photovoltaic (PV) – An SEF that converts sunlight into electricity through PV cells.

Practicable means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary Use - An SEF that is devoted to solar electric power generation primarily for use off-site.

Secondary Use – An SEF that is not the primary use of the property.

Solar Energy Facility (SEF) means a Solar Electric System that satisfies the parameters set out in Section 4.5.

Solar Electric System (SES) means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.

Solar Thermal System – Also known as solar hot water systems; an SEF that absorbs solar energy as heat which is then used to heat structures and water.

Stable, private: A detached accessory building in which horses or other beasts of burden owned by the occupant of the premises are kept, and in which no such animals are kept for hire, remuneration or sale, and are kept for the owner's private use only.

Stable, commercial: A stable other than a private stable.

Start of Construction: Includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date.

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.

Studio or instruction service: A small-scale facility for the production of or education in a fine art, dance, fitness, or performance program. Examples of these facilities include: individual and group instruction and training in the arts and production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction and fitness centers. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

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.

T. T Terms

Temporary sign: A sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate; or (2) if made of some other material, is neither permanently installed in the ground, nor permanently affixed to a building or structure that is permanently installed.

Temporary structure: A structure established for a fixed period of time as established by this chapter.

Temporary use: A use established for a fixed period of time as established by this chapter.

Tenant: A single incorporated use of a premises for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

Theater: A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators.

Towing service and storage yard: Any lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents.

Townhome (townhouse): A single-family dwelling unit constructed in a group of three or more attached units in which each unit is on a separate lot and extends from the foundation to the roof and has a yard or public way on at least two sides.

Trash: Something worth little or nothing.

Travel trailer: See Recreational Vehicle.

Travel trailer park: See Recreational Vehicle Park.

Truck, RV, and Heavy Equipment Repair: An establishment engaged in the repair of trucks, buses, agricultural equipment, construction equipment or other heavy equipment.

U. U Terms

Unlawful sign: A sign which contravenes this article or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous sign code was not obtained.

Urban agriculture: The practice of cultivating, processing, and distributing food in or around urban areas.

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.

Usable open space: That space on the same lot and contiguous to the principal building or buildings and which is either landscaped or developed and maintained for recreational purposes and excludes that portion of the lot which is utilized for off-street parking or loading space or for front yard setback requirements. Usable open spaces can be provided within a building or the roof top where facilities are provided for residents of the development.

Use: The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

Used: Includes the words intended, designated or arranged to be used.

Utility: A use category for the use of land for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

Utilities, major facilities/service yard means infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities and electric generation plants. This definition also includes service yards for utility providers.

Utilities, minor facilities/office means infrastructure facilities and services that need to be located in the area where the service is to be provided such as water and sewer pump stations, electrical transforming substations, wind energy conversion systems, solar collector systems, water conveyance systems or gas regulating stations.

Utility, public: A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

V. V Terms

Vegetation: Organic plants, including trees, shrubs, vines, and flowers.

Vehicle sales and rental: A facility used primarily for the sale or rental of consumer-oriented motor vehicles, such as automobiles, pick-up trucks, and motorcycles.

Vehicle maintenance and repair:

Major: Vehicle repair consisting of assembly or disassembly of engine parts, body parts, transmission, chassis, axles, etc. and/or the process of painting or upholstering.

Minor: Repairs consisting of a minor nature, such as: tune up, oil change, chassis lubrication, tire change or repair, wheel alignment, muffler repair or installation that meet the following:

- i. Repairs are made in fully enclosed bays;
- ii. Repairs are of a type that is typically completed in less than two hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, and comparable services); and
- iii. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors.

Vehicular use area: The area of a site devoted to vehicular parking and driving aisles.

Veterinary services: A facility, including an animal hospital for the diagnosis and treatment of pets and other large or small animals including, but not limited to, dogs, cats, birds, and horses; incidental grooming, boarding, or breeding of animals may also be provided.

W. W Terms

Warehousing: The storing of goods, wares, and merchandise, whether for the owner or others.

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

Wholesale: An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

Window: An opening in a wall, door, or roof of a building that allows the passage of light, sound, and sometimes air. An individual window is defined by an architecturally distinct opening. Individual windows may be further divided by muntins, mullions, or decorative elements such as grilles.

Wireless communication facility: A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the code. A WCF includes an antenna or antennas, base stations, support equipment, alternative tower structures, and towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of Section 16-4-7.

Wind Energy Conversion System Terms

Aggregated Project - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and

transformers that service the facility may be owned by a separate entity but are also included in the aggregated project.

Blade Arc - The arc created by the edge of the rotor blade that is farthest from the nacelle.

Fall Zone - The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. This area is no greater than the total height of the structure.

Feeder Line - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.



Meteorological Tower - For the purposes of this LUC, meteorological towers are those towers that are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Colorado Department of Transportation, or other similar applications to monitor weather conditions.

Micro-WECS - Micro-WECS are WECS of five (5) kW nameplate generating capacity or less mounted on a tower.

Non-Participating - Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

Project Site – The geographic area of an aggregated site or wind farm project that includes location of all turbines.

Property Line - The boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

Rated Power Output – the electric power output of a WECS at a constant hub height and wind speed of 25 mph.

Rotor Diameter - The diameter of the circle described by the moving rotor blades.

Shadow Flicker – Alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadow on the ground or a nearby stationary object.

Significant Shadow Flicker – More than 30 hours per year of shadow flicker on adjacent property.

Substations - Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than (35,000 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

Total Height - The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

Transmission Line - Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Tower - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

Tower Height - The total height of the WECS exclusive of the rotor blades.

WECS - Wind Energy Conversion System (WECS) - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to, power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

Wind Turbine - A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy by airfoils or similar devices to capture the wind.

X. X Terms

Xeriscape: Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

Y. Y Terms

Yard, service or storage: Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or materials.

Z. Z Terms

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.

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Section 3.1. 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 zoning districts:

Designation	Zoning Districts
R-35, R-10	Resource 35 and Resource 10
LLR-1, LLR-2	Large Lot Residential 1 and 2
NR-1, NR-2, NR-3	Neighborhood Residential 1, 2, and 3
MHP	Manufactured Home Park
DMU	Downtown Mixed-Use
CMU	Corridor Mixed-Use
P-1, P-2	Public 1 and 2
IND	Industrial
PUD	Planned Unit Development District

Section 3.2. Official Zoning Map

A. 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 on the Town’s website and 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.

B. 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 Sec.6.30, 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.

C. Interpretation of District Boundaries

1. 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.
 - (a) Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway, or alley.
 - (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
 - (c) Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
 - (d) Boundaries indicated as approximately following the centerline of irrigation ditches or drainage ways shall be construed to follow such centerline.

- (e) 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.
 - (f) 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 the area included in that change shall be subject to all regulations of the extended districts.
2. 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 Section 3.2.C.1(a) through (f), above, the property shall be considered as classified R-35, Resource-35, temporarily, and subject to Sec. 13.DD, Zoning Map and Land Use Code Amendments.

Section 3.3. Additional Standards

Structures and uses are subject to other applicable regulations outside of this article. For user reference, specific standards can be found in the following sections:

Additional Standards			
Article	Title	Article	Title
5	Site and Structure Standards	9	Hazards and Environmentally Sensitive Areas
6	Subdivision Standards	10	Outdoor Lighting
7	Landscaping, Screening, and Trees	11	Signs
8	Parking, Loading, and Access	12	Nonconformities

Section 3.4. Resource Districts



Fig. 3A: Rural development character

A. Purpose and Intent

1. R-35 (current)

The R-35 Resource-35 district is designed primarily to accommodate large lot single-unit dwellings, 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.

2. R-10 (current)

The R-10 Resource-10 district is designed primarily to accommodate large lot single-unit dwellings, 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.

B. Permitted Uses

1. Permitted and conditional uses are identified in Table 4.1: Primary Uses.
2. Accessory uses are identified in Table 4.3: Accessory Uses.

C. Area and Bulk Standards

Each lot and structure in an R-35 or R-10 district shall comply with the dimensional standards of Table 3.3:

Standard	R-35	R-10
Min. Lot Dimensions		
Lot Area/unit (sq. ft. or ac.)	35 ac [1]	10 ac [1]
Min. Lot Width (ft.)	200	200
Max. Lot Coverage (%)	n/a	n/a
Min. Setbacks (ft)		
Front Yard	25	25
Street Side	25	25
Interior Side Yard	20	20

Table 3.3: R-35 and R-10 Dimensional Standards

Standard	R-35	R-10
Min. Lot Dimensions		
Rear Yard	20	20
Structure Dimensions		
Min. Area/unit (sq. ft.)	900	900
Max. Height, Principal Bldg (ft.)	35	35
Max. Height, Accessory Structure	[2]	[2]
Notes	[1] 10 acres if primary access to the subject property is not via 11th Street / CR 31 [2] Height of principal building	

Section 3.5. Residential Districts



Fig. 3B: Large lot development character

A. Purpose and Intent

1. Large Lot Residential 1 (LLR-1) (was LLR)

The LLR-1 Large-Lot Residential district is designed primarily to accommodate single-unit dwellings in very low density development patterns. It is intended for application to areas designated “Large Lot Residential” on the Future Land Use Map in the Comprehensive Plan. Lot size: 43,560 sf (1 acre) or larger.

2. Large Lot Residential 2 (LLR-2) (new)

The LLR-2 Large Lot Residential 2 district is designed primarily to accommodate single-unit dwellings in low density development patterns. It is intended for application as a transition between smaller, more urban lots closer to the Town center and the larger LLR-1 lots located in areas designated “Large Lot Residential” on the Future Land Use Map in the Comprehensive Plan. LLR-2 may also be applied to allow the conversion of existing LLR-1 to somewhat smaller lot development through resubdivision where sufficient services are available. Lot size: 12,000 sf (roughly 1/3 acre) to 43,560 sf (1 acre).



Fig. 3C: Neighborhood residential development character

3. Neighborhood Residential 1 (NR-1) (updated R-1)

The NR-1 Neighborhood Residential 1 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. Lot size: 6,000 to 12,000 sf

4. Neighborhood Residential 2 (NR-2) (updated R-1)

The NR-2 Neighborhood Residential 2 district is designed primarily to accommodate single and two-unit dwellings along with some townhouse development designed in keeping with

existing neighborhoods. NR-2 is intended to be applied in neighborhoods and areas where existing development patterns reflect this range of lot sizes and in new or redeveloping areas where Town-scale residential lots are an appropriate development pattern. It is intended for application in areas designated “Town Residential” on the Future Land Use Map in the Comprehensive Plan. Lot size: Single family or duplex: 3,000 to 6,000 sf, smaller for townhouse

5. Neighborhood Residential 3 (NR-3) (updated MFR):

The NR-3 Neighborhood Residential 3 district is designed primarily to accommodate attached and multiunit dwellings. NR-3 zoning is appropriate adjacent to downtown Dolores and in areas walkable to downtown where full services are available. It is intended for application to areas designated “Multi-family Residential on the Future Land Use Map in the Comprehensive Plan. Lot size: Single family or duplex: 3,000 to 6,000 sf; smaller for townhouse; apartments permitted

B. Permitted Uses

1. Permitted and conditional uses are identified in Table 4.1: Primary Uses.
2. Accessory uses are identified in Table 4.3: Accessory Uses.

C. Area and Bulk Standards

1. Each lot in a residential district shall comply with the dimensional standards in Table 3.4: Dimensional Standards for Residential Structures.
2. Non-residential structures permitted in residential districts shall comply with the standards for a one-unit development in that district.
3. Where a front build-to-line is required, at least 60 percent of the front façade of the building must be located within the specified build-to range as shown in Fig. 3D. Where there is an existing block face average build-to location, new construction and redevelopment shall comply with that build-to location.

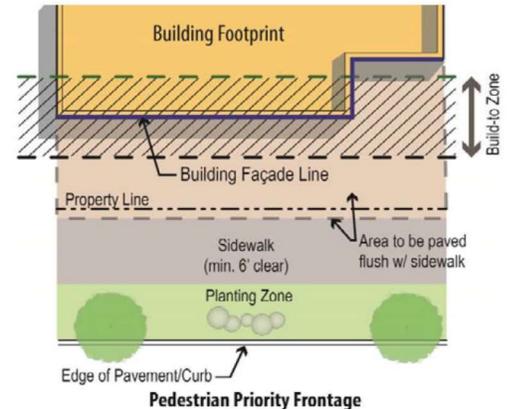


Fig. 3D: Build-to Zone

D. Development and Design Standards

Additional applicable development and design regulations can be found in the following sections:

Additional Standards			
Article	Title	Article	Title
6	Site and Structure Standards	11	Hazards and Environmentally Sensitive Areas
7	Subdivision	12	Outdoor Lighting
8	Landscaping, Screening, and Trees	13	Operational Performance Standards
9	Parking, Loading, and Access	14	Signs
10	Connectivity and Mobility	15	Nonconformities

Table 3.4: Dimensional Standards for Residential Structures

	LLR-1	LLR-2	NR-1	NR-2/ NR-3, DMU		NR-1 [1], NR-2, NR-3, DMU		NR-3, DMU		NR-3			
Standard						Town House [2]	3-4 DU Multifamily	5-8 DU Apartment	9+ DU Apartment				
Min. Lot Dimensions													
Lot Area (min/max)													
Single Family min/max (sq. ft.)	43,560/ no max.	12,000/ 43,560	6,000/ 12,000	3,000/ 6,000									
Duplex min/max (sq. ft.)	43,560/ structure	12,000/ structure	6,000/ structure	3,000/ structure									
3-4 unit Multifamily home	43,560/ structure	12,000/ structure	6,000/ structure	6,000/ structure									
Townhouses and Apartments						1200/unit	7000/ structure	10,000/ structure	10,000/ structure		10,000/ structure		
Min. Lot Width (ft.) All districts except DMU	70	70	50	50		20	50	20	50		50		
DMU				n/a		n/a	n/a	n/a	n/a				
Max. Lot Cover. (%) All districts except DMU	20	50	50	60		70	70	70	70		70		
DMU				100		100	100	100	100				
Front Build-to Line (ft)													
	See Sec. 3.5.C.2												
Min/max range (ft)	n/a	n/a	n/a	n/a		10-20 ft	10-20 ft	10-20 ft	10-20 ft		10-20 ft		
Min. Setbacks (ft)													
				NR	DMU	NR	DMU	NR	DMU	NR	DMU	NR	DMU
Front Yard	25	25	10	10	0	n/a	6/0	n/a	6/0	n/a	6/0	n/a	6/0
Street Side	25	25	10	10	0	10	6/0	10	6/0	10	6/0	10	6/0
Interior Side Yard	20	20	6	6	0	6	6/0	15	6/0	6	6/0	15	6/0
Rear Yard	20	20	6	6	25	6	6/25	10 [3]	6/25	10 [3]	6/25	10 [3]	6/25
Det. Acc. Struct, from alley	0	0	0	0	0	0	0	0	0	0	0	0	0
Structure Dimensions													
Min. Area/unit (sq. ft.)	800	800	800	800		800/unit	400/unit	400/unit	400/unit		400/unit		
Max. Height, Principal Bldg (ft.)	35	35	35	35		35	35	35	35		35		
Max. Height, Access. Bldg (ft)	[4]	[4]	[4]	[4]		27	27	27	27		27		
Notes	[1] May require conditional use permit approval in NR-1 district. [2] Side setbacks measured at exterior of building, not between individual units [3] 20 abutting LLR-1 or LLR-2 [4] Height of principal building												

1. Lots Fronting on a Cul-de-Sac

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.

2. Accessory Structure Setbacks

(a) Minimum Rear Yard Setback: 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.

(b) Accessory Buildings: Detached accessory buildings shall have a side yard of not less than five feet measured from any side lot line, alley right-of-way or easement line.

Section 3.6. Manufactured Home Park District (MHP)



A. Purpose and Intent

The MHP Manufactured Home Park district is designed primarily to accommodate single-unit uses. It is intended for application to areas designated “Mobile Homes” on the Future Land Use Map in the Comprehensive Plan.

B. Uses

1. Permitted and conditional uses are identified in Table 4.1: Primary Uses.
2. Accessory uses are identified in Table 4.3: Accessory Uses. Accessory RV parking is limited to the following:
 - (a) Maximum total RV parking: equivalent of 10% of allowed manufactured home spaces.
 - (1) Minimum lot and setback standards in Table 3.5 are applicable around the exterior of any individual RV space, when not adjoining any other RV space, or the exterior of a group of adjoining RV parking spaces, but are not applicable to interior RV spaces in an adjoining group. The Table 3.5 structure dimensions are not applicable to RVs.
 - (b) Maximum stay: 24 months
 - (c) Minimum stay: 2 months

C. Area and Bulk Standards

MHP district development shall comply with the dimensional standards in Table 3.5:

Standard	MHP
Min. Park Dimensions	
Park Area	1.9 acres
Min. Street Frontage(ft.)	50
Min. Lot Dimensions	
Min. Lot Dimensions per MH	
Single-section home	30' x 100'
Multi-section home	Increase min. single-section width by 10' per additional section, length remains 100'
Max. Lot Coverage (%)	60
Min. Lot Area/space (sq. ft.)	3,000
Min. Lot Width/space (ft.)	40

Table 3.5: MHP Dimensional Standards

Standard	MHP	
	Manufactured Home	Other Nonresidential Structures
Min. Setbacks (ft) between a building and a property line		
Front	15	10
Exterior Street Side	15	10
Interior Street Side	10	10
Rear	10	10
Minimum distance between manufactured homes	12 [2]	10
Structure Dimensions	Manufactured Home	Other Residential Structures
Min. Floor Area per Principal Dwelling Unit (sq. ft.)	500	400
Max. Height, Principal Bldg (ft.)	20	35
Max. Height, Accessory Structure	[1]	[1]
Notes	[1] Height of principal building [2] Measured from nearest walls of adjacent manufactured homes or from exterior wall of any accessory structure, such as a covered porch, and the adjacent manufactured home or adjacent accessory structure.	

D. District-Specific Standards for Manufactured Home Parks or Subdivisions

Manufactured home parks or subdivisions shall comply with the following standards:

1. Applicability

Existing manufactured home parks or manufactured home subdivisions shall not be enlarged, expanded, or additional manufactured homes permitted unless the same shall be brought into compliance with the standards of this subsection and the area regulations of this Section 3.5, Manufactured Home Park zone district regulations.

2. Internal Site Layout

- (a) Manufactured home parks or manufactured home subdivisions shall have an internal driveway not less than 20 feet wide and the internal driveway shall have an all-weather, durable dust-free surface.
- (b) Each manufactured home site in manufactured home parks and manufactured home subdivisions shall be clearly designated and arranged so that all manufactured homes have access to the internal driveway.
- (c) Manufactured home parks and manufactured home subdivisions shall be properly graded and well drained, so as to prevent the accumulation of surface water.
- (d) Each manufactured home site shall be improved with a four-inch concrete or gravel pad. No trailer with a footprint larger than the pad shall be placed on a site.

3. Development Standards

- (a) All parks and individual manufactured home sites shall be provided with safe, convenient, all season pedestrian access of adequate width for the intended use.
- (b) Manufactured home parks and manufactured home subdivisions shall be improved with adequate and sufficient night lighting to enable persons to walk in such areas at night without difficulty.

- (c) All refuse shall be stored in bear resistant, fly-tight, water-tight, rodent-proof, dog-proof containers, which shall be located no more than 150 feet from each manufactured home site. Containers shall be provided in sufficient number and capacity to properly store all refuse generated in the manufactured home park or manufactured home subdivision.
- (d) Exposed ground surfaces in all parts of a manufactured home park or manufactured home subdivision shall be protected with a vegetative growth compliant with Article 7, Landscaping, Screening, and Trees, that is capable of preventing soil erosion and of eliminating objectionable dust.
- (e) A detached, accessory storage building or buildings shall be provided within a manufactured home park or manufactured home subdivision containing a minimum storage capacity of 10 cubic yards per manufactured home site.
- (f) Exterior boundaries of manufactured home parks and manufactured 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 manufactured home park. Landscaping and fences or walls shall be compliant with Article 7, Landscaping, Screening, and Trees,
- (g) Manufactured home parks and manufactured home subdivisions shall connect to the sanitary sewer system.
- (h) All utility lines shall be installed underground.
- (i) Each manufactured home park or manufactured 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 acres, whichever is less, of the total area of the manufactured home park or manufactured home subdivision. Lawns, parking, driveways, access way, streets, etc. shall not be considered part of the required recreational area and facilities.
- (j) Any manufactured home that is replaced shall meet the requirements of this LUC.

Section 3.7. Mixed-Use Districts

A. Purpose and Intent

1. Downtown Mixed-Use (DMU) (combined CB-1 and CB-2)

The DMU Downtown Mixed-Use 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.



Fig. 3E: Downtown mixed-use development character

2. Corridor Mixed-Use (CMU) (was CH)

The CMU Corridor Mixed-Use 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 “Commercial Highway” on the land use map of the Comprehensive Plan. New single-family and duplex development is not permitted in the CMU district but residential uses that existed as of the adoption date of this LUC are considered compliant uses and permitted to maintain their residential status.



Fig. 3F: Corridor mixed-use development character

B. Uses

1. Permitted and conditional uses are identified in Table 4.1: Primary Uses.
2. Accessory uses are identified in Table 4.3: Accessory Uses.

C. Area and Bulk Standards

1. Residential development: Each residential lot in a mixed-use district shall comply with the dimensional standards in Table 3.4: Dimensional Standards for Residential Structures.
2. Mixed-Use and Non-Residential Structures: Each mixed-use or non-residential lot in a mixed-use district shall comply with the dimensional standards in Table 3.6: Dimensional Standards for Mixed-Use and Non-Residential Structures.

Table 3.6: Standards for Mixed-Use and Non-Residential Structures

Standard	DMU	CMU	P2
Min. Lot Dimensions			
Lot Area/unit (sq. ft. or ac.)	[1]	[1]	[1]
Min. Lot Width (ft.)	[1]	[1]	[1]
Max. Lot Coverage (%)	100	70	50
Min. Setbacks (ft)			
Front Yard	0	0	25
Street Side	0	0	25
Interior Side Yard	0	0	10
Rear Yard	25	25	10
Detached Accessory Structure, Setback from Alley	0	0	25
Structure Dimensions			
Min. Area/unit (sq. ft.)	Res: 400	Res: 400	400
Max. Height, Principal Bldg (ft.)	35	35	35
Max. Height, Accessory Structure	[2]	27	[2]
Notes	[1] Must meet setback, height, and lot coverage requirements. [2] Height of principal building		

D. District-Specific Site and Structure Standards

1. DMU and CMU Location of Residential Use

- (a) Residential development in mixed-use structures shall be located either behind the front 30% of the building or above the ground floor.
- (b) Single and two-unit dwellings are only permitted in mixed-use structures or as a replacement for a single or two-unit dwelling that pre-existed the effective date of this LUC. Replacement dwelling units are subject to conditional use permit review.
- (c) Existing commercial structures may not be converted to residential use on the ground floor.

2. Downtown Core Standards

The following standards apply on either side of Railroad Avenue and Central Avenue between N 3rd and S 9th:

- (a) Townhomes and apartment buildings are permitted by conditional use only.
- (b) The ground floor of a mixed-use or non-residential building must have a minimum floor-to-ceiling height of 11 feet.

- (c) The ground floor of a mixed-use or non-residential building shall contain the following minimum floor area designed for commercial use:
 - (1) Lots with street frontage of less than 50 feet: at least 800 sq. ft. or 25 percent of the buildable lot area, whichever is greater; or
 - (2) Lots with 50 feet or more of street frontage: at least 20 percent of the buildable lot area.

Section 3.8. Downtown Design

A. Front Setbacks and Build-To Lines

The front setback of each primary structure in the DMU district shall meet one of the following standards, as applicable. If the setback or build-to required by this section differs from Table 3.6, this section shall govern.

1. If the entire width of the front façade of either of the adjacent buildings is built to the front property line, then the entire width of the front façade of the proposed building shall also be built to the front property line.
2. If part of the width of the front façade of either of the adjacent buildings is built to the front property line, then at least 50% of the width of the front façade of the proposed building shall also be built to the front property line.
3. If no part of the front façade of either of the adjacent buildings is built to the front property line, then the front façade of the proposed building shall be built no more than 5 feet further from the front property line than the front façade of the adjacent building nearest the street.
4. When the requirements of subsections 1, 2, or 3 above are applied to a building on a corner lot, they shall only require comparison with the front façade of the adjacent building facing the same street as the proposed building (not adjacent buildings that face different streets).
5. If only one of the adjacent lots on the same block face is occupied with a primary structure, the requirements of subsections a, b, c, and d above shall only require comparison with the one adjacent lot that is occupied with a primary structure. If neither of the adjacent lots facing the same block face is occupied with a primary structure, then the requirements of subsections 1, 2, 3, or 4 above shall require comparison with the nearest building located on the same block face and facing the same street.

B. Maximum and Minimum Building Heights

Regardless of the maximum height permitted in Table 3.6, no primary or accessory structure shall be taller than:

1. The tallest building on the block face where the proposed building is located, or
2. 10 feet taller than the tallest building on the block across the street from the front façade of the proposed structure, whichever is less. (See Figure3.A.)

C. Building Design Standards

1. Maximum Building Size

No single primary building shall have a building footprint of more than 10,000 square feet of gross floor area.

2. Maximum Building Width

The width of the building façade (as viewed from the street frontage), shall be no more than 35% wider than the width of the widest façade on any other building on the same block face or on the block face immediately across the street.

3. Facades and Articulation

Each multi-family residential principal structure shall meet the standards of subsections (b) and (c) below. Each non-residential principal structure or mixed-use principal structure (i.e., containing both residential and non-residential uses) shall meet at least two of the three standards in subsections (a) through (c) below, with the choice of those standards to be at the option of the owner:

- (a) Transparency: A minimum of ten percent of each facade area that faces a street must be composed of transparent materials. At least 1/2 of this amount must be

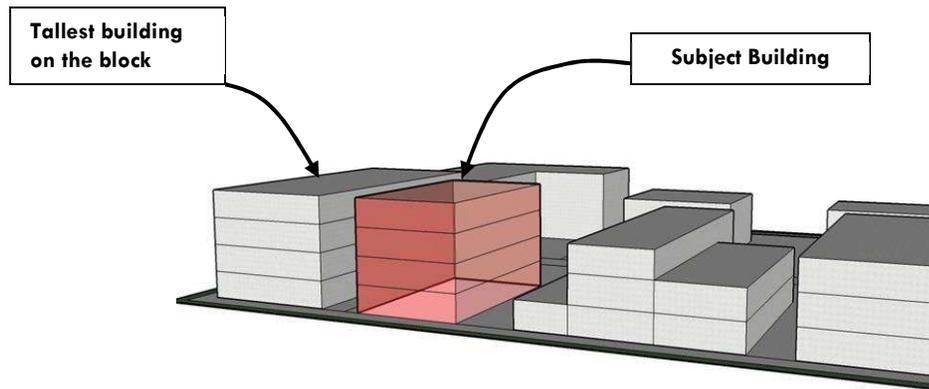


Figure 3.G: No primary structure may be taller than the tallest building on the block, or more than 10 feet taller than the tallest building on the block face across the street, whichever is less.

provided so that the lowest edge of the transparent materials is no higher than four feet above the street level.

- (b) Wall Plane Articulation: Each facade greater than 50 feet in length abutting a street, measured horizontally, must incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any facade must exceed 50 horizontal feet.
- (c) Roof Articulation: Where sloping roofs are used, at least one projecting gable, hip feature, or other break in the horizontal line of the roof ridgeline (as viewed from the street frontage must be incorporated for each 50 lineal feet of roof. Where flat

roofs are used, the design or height of the parapet must include at least one change in setback or height of at least three feet along each 50 lineal feet of façade.

- (d) Entryway Design and Location: Each principal building must have clearly defined, highly visible main entrances for occupants and/or customers with features designed to emphasize the importance of the entrance, which must include at least one of the following features, with the choice of the features to be at the option of the owner:
 - (1) A canopy or portico;
 - (2) A roof overhang;
 - (3) A horizontal recess or projection;
 - (4) An arcade or arch;
 - (5) Architectural moldings integrated into the building design; or
 - (6) An architectural feature used to emphasize the entryway of another building in the DMU district.

4. Pedestrian-Oriented Design Features

- (a) Multi-family Residential Buildings: Each multi-family dwelling development must be designed so that all principal entrances of principal buildings shall have direct access to a sidewalk, walkway, path, or pathway that leads to a public street.
- (b) Non-residential and Mixed-Use Buildings: Each principal structure containing non-residential or mixed uses must be designed so that ground-floor façades that face public streets include arcades, display windows, entry areas, awnings, or similar features designed to attract or protect pedestrians along no less than 60 percent of their horizontal length. In addition, all principal entrances of principal buildings not facing an alley must have direct access (i.e., access without having to cross a public street) to a sidewalk, walkway, path, or pathway that leads to a public street.

Section 3.9. Public Districts

Public districts are intended to identify and allow for the establishment of public, quasi-public, and civic uses in the community.

A. Purpose and Intent

1. Parks and Open Space (P1)

The P1 Parks and Open Space district is intended to protect and preserve open spaces that are held in either public or private ownership. P1 districts may include parks, open spaces, trails, wetlands, floodplains, environmentally sensitive areas, and unique habitats and landscapes. To preserve access to clean air, pure water, natural recreation areas, and scenic natural beauty, the subdivision and development of land is restricted in P1 districts.

2. Public, Civic, and Institutional, Small (P2)

The P2 Public, Civic, and Institutional district is intended to be used for civic and community service structures and uses, such as religious assembly, public safety facilities, and schools, within either a neighborhood or commercial setting.

B. Uses

1. Permitted and conditional uses are identified in Table 4.1: Primary Uses.
2. Accessory uses are identified in Table 4.3: Accessory Uses.

C. Dimensions

Each lot and structure in a public district shall comply with the dimensional standards in Table 3-7:

Standard	P1	P2
Min. Lot Dimensions		
Lot Area/unit (sq. ft. or ac.)		n/a
Min. Lot Width (ft.)		n/a
Max. Lot Coverage (%)		50
Min. Setbacks (ft)		
Front Yard		25
Street Side		25
Interior Side Yard		10
Rear Yard		10
Structure Dimensions		
Min. Area/residential unit (sq. ft.)		400
Max. Height, Principal Bldg (ft.)		35
Max. Height, Accessory Structure		[1]
Notes	: [1] Height of principal building	

Section 3.10. Industrial District



Fig. 3H: Industrial development character

A. Purpose and Intent

The IND Industrial District is intended to provide for a variety of businesses, including warehouses, research and development firms, repair shops, wholesale distributors, and light manufacturing. This district may include supporting office and commercial uses where appropriate. Uses permitted in this district are intended to serve community and regional needs. This district is intended to be located away from low- and medium- density residential development. The IND district implements the Light Industrial classification of the Comprehensive Plan and should take access from a primary connector or principal arterial street.

B. Uses

1. Permitted and conditional uses are identified in Table 4.1: Primary Uses.
2. Accessory uses are identified in Table 4.3: Accessory Uses.

C. Area and Bulk Standards

Each lot and structure in an IND district shall comply with the dimensional standards in Table 3-8:

Standard	Non-Residential
Min. Lot Dimensions	
Lot Area (sq. ft. or ac.)	8,000
Min. Lot Width (ft.)	80
Max. Lot Coverage (%)	n/a
Min. Setbacks (ft)	
Front Yard	25
Street Side	25
Interior Side Yard	10
Rear Yard	20
Structure Dimensions	
Max. Height, Principal Bldg (ft.)	35
Max. Height, Accessory Structure	20

Section 3.11. Supplementary Dimensional Standards

A. Setback Encroachments

1. Setback encroachments are building and site elements that project into or are located on the “non-buildable” side of a setback line, typically in a required setback area.
2. Permitted encroachments, identified below, are allowed where the required dimension is measured by a setback line, not a build-to line.
3. Measurement
 - (a) Each setback encroachment shall be measured from the minimum required setback line towards the lot line; setback encroachments are always measured from the same point and are not cumulative.
 - (b) No permitted setback encroachment shall be closer than two feet to any lot line with the exception of fences and walls and gardens and landscaping.
4. The following encroachments shall meet the specified standards:

Table 3.9 Permitted Setback Encroachments

Projection	Front Setback	Street Side Setback
Building Element		
Approved accessibility ramps	Any distance	Any distance
Bay windows	4'	4'
Belt courses, sills, lintels, pilasters, pediments	2 in.	2 in.
Breezeways, unenclosed	Not permitted	Not permitted
Chimneys not greater than 6 ft. in width	2'	2'
Eaves, roof overhangs, cornices, gutters, and downspouts	3'	3'
Porches, stoops, decks, terraces, balconies, and associated stairs:	8	5
Shading devices such as awnings and canopies	5'	5'
Stairs and fire escapes (unenclosed)	Not permitted	Not permitted
Window wells	Any distance	3'
Site Elements		
Accessory Structure	Not Permitted	Not Permitted
Clothes lines and poles	Not permitted	Not Permitted
Fences and walls	Any distance	Any distance
Flagpoles and signs	Any distance	Any distance
Flatwork	Any distance	Any distance
Gardens and landscaping	Any distance	Any distance
Ornamental lights	Any distance	Any distance
Play equipment	Not permitted	Not Permitted
Swimming pools and hot tubs including mechanical equipment and deck	Not permitted	Not Permitted
Trash containers	Not permitted	Not Permitted
Mechanical, Electric, and Plumbing Elements		
Evaporative coolers or air conditioners (window)	2'	2'

Table 3.9 Permitted Setback Encroachments

Projection	Front Setback	Street Side Setback
Evaporative coolers or air conditioners (ground)	Not permitted	Not Permitted
Gas and electric meters	2'	2'
Solar energy collectors and heat storage units of up to 200 sq. ft. of collector surface area	Not permitted	Not Permitted
Transformers	Not permitted	Not Permitted
	2'	2'

B. Building Height Encroachments

1. Measurement

- (a) Each height encroachment shall be measured from the maximum building height.
- (b) Building height encroachments are not cumulative in that they are always measured from the same point.

2. The following building height encroachments shall meet the specified standards:

Table 3.10 Permitted Height Encroachments

Projection	Height Increase, max (feet)
Air conditioner and evaporative coolers	20'
Chimneys and smoke stacks	15'
Antennas and towers (except as provided in Sec. xx, Wireless Communication Facilities)	30'
Flues and vents	15'
Emergency sirens and similar devices	Any distance
Mechanical, electrical, and plumbing equipment	25'
Parapet walls, safety railings, and screening walls	25'
Parking decks in urban form districts (U-)	Not permitted
Solar panels	3' above max. height or no more than 10' above roofline, whichever is less
Unoccupied belfries, flagpoles, spires, silos, water towers, and windmills	30'

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Article 4: Use-Specific Standards

Section 4.1. General Provisions

The following general standards apply to the uses identified in this article.

- A. No building or structure shall be erected, converted, enlarged, replaced, reconstructed, or altered for use, nor 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 Land Use Code for the district in which the building or structure or land is located.
- B. A lot may contain more than one use.
- C. Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
- D. Uses are either permitted by-right in a district, permitted by-right with specific development or design regulations, or require a conditional use permit in order to be developed.

Section 4.2. Use Table Organization

- A. This section identified the uses that are permitted on a lot or in a development as follows:
 - 1. Table 4.1 identifies the primary uses permitted in each zone district.
 - 2. Table 4.3 identifies the accessory uses permitted in each zone district.
- B. Definitions for individual uses are provided in Article 2, Measurements and Definitions.

Section 4.3. Primary Use Classification General Descriptions

A. Organization

- 1. To organize the uses in the Table 4.1, Permitted Primary Uses, land uses and activities are classified into general “use categories” that are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The use categories in Table 4.1 are:
 - (a) Residential
 - (b) Civic and Institutional
 - (c) Commercial
 - (d) Industrial, Wholesale, and Storage
 - (e) Transportation, Utilities, and Communication
- 2. Where there are also groups of uses with a use type, the use type may also be organized into “use groups” and “use type subgroups” where there are a number of possible variations of a use type, such as residential dwellings or group living. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.
- 3. The use categories and use groups are described below for the purpose of providing a general description of each use category and use group along with examples of primary and some accessory uses that might be permitted within the category or group. Not all of

these uses are permitted in every zone district. Accessory uses described in this section may also be allowed as primary uses in some zone districts. To determine which uses are permitted in which district, see Table 4.1.

B. Residential Uses

1. Use Category Description: This is a category of uses offering habitation on a continuous basis that is established by property ownership or tenancy with a minimum term of at least 30 days. This use category also includes group residential facilities.
2. Use Types
 - (a) Household Living: This use type is characterized by residential occupancy of a dwelling unit by one or more persons. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging.
 - (b) Group Living: This use type is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living". Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may also reside at the site.

C. Public, Civic, and Institutional Uses

1. Use Category Description: This is a use category for public, quasi-public, and private uses that provide unique services that are of benefit to the public at-large.
2. Use Types
 - (a) Assembly, Civic: Civic assembly uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. Civic assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations, as well as places of community assembly such as libraries and museums.
 - (b) Education: This use type includes institutions of learning that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.
 - (c) Government and Public Safety: This use type includes structures and sites for services proved by governmental agencies.
 - (d) Health Care and Social Assistance: This use type is characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.
 - (e) Parks, Recreation, and Open Space: This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities,

concessions, caretaker's quarters, and parking for cars and RVs as permitted by the Town.

D. Commercial Uses

1. Use Category Description: This is a use category for any retail, consumer service, or office use.
2. Use Types
 - (a) Adult and Child Care: This use type includes a range of day care services.
 - (b) Amusement and Recreation: This use type includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise: (1) establishments involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests. Excluded are restaurants, bars, and night clubs that provide live entertainment in addition to the sale of food and beverages, which this code categorizes as "eating and drinking establishments."
 - (c) Animal Sales and Services: This use category groups uses related to animal care.
 - (d) Assembly, Entertainment and Trade: These commercial assembly uses include convention centers, theaters, stadiums, arenas, and wedding venues.
 - (e) Commercial Services: This use category includes uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products. Personal services are also included, characterized by establishments that provide individual services related to personal needs such as barber shops or dry cleaners.
 - (f) Eating and Drinking Establishments: This is a use category for businesses that prepare or serve food or beverages for consumption on or off the premises, such as restaurants and bars, along with specialty food and beverage production such as coffee roasting, microbreweries, and microdistilleries. Accessory uses may include outdoor seating, offices, and parking.
 - (g) Financial Services: This use category includes establishments that have a primary purpose of: providing custody, loans, exchange, or issuance of money; extending credit; and transmitting funds, including via drive-in facilities and automatic teller machines.
 - (h) Lodging: Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests. This use type includes hotels, motels, and bed and breakfast inns.
 - (i) Office: This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by

activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals. This category may also include laboratory services that are conducted entirely within an office-type setting. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

- (j) Personal Vehicle and Sales and Services: This use type includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.
- (k) Retail Sales: This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public. Such uses may include, but are not limited to: convenience food store, drug store, grocery store, hardware store, general merchandise store, garden supplies, furniture, home furnishings, and equipment. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for in-site sales.

E. Industrial, Wholesale, and Storage

1. Use Category Description: This is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.
2. Use Types
 - (a) Industrial and Construction Services: This use type is characterized by companies that are engaged in the repair or servicing of heavy machinery, equipment, products, or by-products, or the provision of heavy services including construction or contracting. Accessory activities and uses may include sales, offices, parking, and storage.
 - (b) Industrial Manufacturing, Assembly, or Processing: A use type including establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished, and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.
 - (c) Warehousing, Wholesale, and Distribution: This use type includes facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

- (d) Waste and Salvage: This is a use category for uses that collect, store, process, or sell waste or salvage materials, or collect and process recyclable material, for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.

F. Transportation, Utilities, and Communication

1. Transportation: this is a use category that includes uses involving public and private modes of vehicular transportation.
2. Utilities and Public Facilities: This use type includes structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity. Utility uses may or may not have regular employees at the site and the services may be public or privately provided.
3. Wireless Communication Facilities: This use type includes structures, locations, and equipment for the transmission of voice, data, image, or video programming.

Section 4.4. Uses by District

Land and buildings in each zone district may be used for any of the principal land uses authorized in for that district in Table 4.1 and according to the type of approval specified in that table.

A. Schedule of Use Regulations

The Permitted Use Table shall be interpreted as follows:

1. Permitted Uses

Uses identified with a /P/ in a district column are permitted in the specific district, subject to compliance with any applicable use standards and all other provisions of this Code.

- (a) Permitted uses must be in compliance with all applicable standards in this Land Use Code. Some uses have use-specific standards in Section 4.5. These standards are cross-referenced for convenience in Table 4.1.
- (b) The location of a use in a structure is limited in some zone districts and identified with a “PL” in the district column.

2. Conditional Uses

Uses identified with a /C/ in a district column may be permitted in the specific district only upon approval of a Conditional Use Permit by the Board of Trustees in accordance with the procedures and standards of Sec. 13.L, Conditional Use Permits.

3. Use Not Permitted

Uses identified with a dash / -- / in a district column are not allowed in the specific district.

B. Interpretation

1. Classification of New or Unlisted Uses

Every type of potential use cannot be addressed or foreseen in this code. When a use is proposed that is not specifically listed in the applicable use table, the following procedures shall be applied.

2. Uses Not Subject to Use Interpretation

The following categories of uses typically impose substantial impacts on a site, adjacent sites and structures, pedestrians or cyclists, the road network, or public infrastructure. Where a new use is proposed that is not identified in the applicable use table and that can be categorized into one of these categories, the applicant shall file an application for Sec.6.14, Land Use Code Interpretation, to determine if the use will be permitted. Through this process, the Town will have the opportunity to review and determine the impacts of the proposed use and establish any specific conditions that may be appropriate to allowing the use.

- (a) Agricultural Uses
- (b) Industrial Services
- (c) Manufacturing, Processing, and Assembly
- (d) Waste and Salvage

3. Request for Use Interpretation

Requests for a use not prohibited in the previous section and not specifically addressed in any zoning district shall be submitted to the Zoning Administrator for review, based on the following standards.

- (a) The Zoning Administrator shall determine whether the proposed use is listed in the applicable use table as a use permitted by right, with prescribed conditions, or as a conditional use in any zoning district.
- (b) If the use is not addressed in the appropriate use table, the Zoning Administrator shall select the use listed which most closely approximates the proposed use, using criteria such as:
 - (1) Appropriate use category in Section 4.3;
 - (2) Conformance with the currently adopted comprehensive plan and purpose of the zoning district in which the use is proposed;
 - (3) Types of equipment and/or processes to be used;
 - (4) Aesthetics, traffic characteristics, and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation) on adjacent and surrounding uses and structures;
 - (5) Number of employees, visitors, or customers generated;
 - (6) Parking demands associated with the use; and

- (7) Special public utility requirements for serving the proposed use type, including, but not limited to, electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities;
- (c) Once a similar use is determined, the Zoning Administrator shall issue a zoning determination letter and the proposed use shall comply with any conditions and review procedures that may apply to that use, including prescribed conditions, as applicable.
- (d) If, based on the criteria identified above, and the Section 4.3, Use Categories, the Zoning Administrator determines that a use can reasonably be determined to be similar to more than one use or category of uses, the Zoning Administrator shall select the use or category of uses that provides the most exact, narrowest, and appropriate fit.
- (e) The determination as to whether a proposed use is similar in nature and class to another use within a district shall be considered an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Zoning Administrator to be similar shall thereafter be included in the enumeration of the uses via the appropriate code amendment process.

4. Determination of Non-Similarity

- (a) The Zoning Administrator may determine that a proposed use is not substantially similar to any use identified in Table 4.1 because either:
 - (1) The potential impacts of the use are significantly more impactful on the site, street, or neighborhood, than other permitted uses in the same use category and that the use would not otherwise be permitted without prescribed conditions or through a public review process; or
 - (2) There are no similar uses permitted on the site or in the applicable zone district;
- (b) When this is the case, the Zoning Administrator shall provide the applicant with a written determination of non-similarity within 14 business days of the request for interpretation.

5. Post-Decision Actions

- (a) Following a determination of non-similarity, the applicant may submit an application for Sec. 13.DD, Land Use Code Text Amendment.
- (b) The Zoning Administrator's decision is appealable to the Board of Adjustment but the Board of Adjustment may not approve variances to Table 4.1.

Table 4.1: Primary Uses

	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35	
	Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /-/ Not Permitted													
RESIDENTIAL														
Households Living (dwelling unit/structure)														
1 du/structure	P	P	P	P	P	P	C	PL	--	--	--	P	P	
2 du/structure	P	P	P	P	P	P	PL	PL	--	--	--	--	--	Sec. 4.5.A
Townhomes (3 or more attached units)	C[1]	C[1]	C[1]	P	P	--	C	P	--	--	--	--	--	Sec. 4.5.A
3-4 du/structure multifamily	--	--	C[1]	P	P	--	PL	PL	--	--	--	--	--	Sec. 4.5.A
5-8 du/structure apartment	--	--	--	--	P	--	C	PL	--	--	--	--	--	
9+ du/structure apartment	--	--	--	--	P	--	--	PL	--	--	--	--	--	
Manufactured Home	--	--	--	--	--	P	--	--	--	--	--	--	--	Sec. 4.5.A
Group Household Living														
Groups Recognized by Colorado Statutes														
Community Residential Facility, Large (9 to 15)	--	--	P	P	P	P	P	P	--	--	P	--	--	Sec. 4.5.A
Community Residential Facility, Small (8 or fewer)	P	P	P	P	P	P	P	P	--	--	P	P	P	Sec. 4.5.A
Independent Groups														
Assisted Living Facility	--	--	C	C	P	--	P	P	P	--	P	P	P	
Nursing Home	--	--	C	C	P	--	P	P	P	--	P	P	P	
Shared or Co-Living Facility	--	--	--	--	--	--	C	--	--	--	--	--	--	
PUBLIC, CIVIC, AND INSTITUTIONAL														
Assembly														
Civic Assembly		--	--	--	P	P	P	P	P	--	P	--	--	
Religious Assembly	P	P	P	P	P	P	P	P	C	--	P	--	--	

Table 4.1: Primary Uses

	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35	
	Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /--/ Not Permitted													
Education														
School, College or University	--	--	--	--	--	--	C	P	--	--	P	--	--	
School, Primary and Secondary	P	P	P	P	P	--	P	P	--	--	P	--	--	
School, Trade, Business, Technology, Vocational	--	--	--	--	--	--	--	P	C	--	P	--	--	
Government and Public Safety														
Emergency Services	P	P	P	P	P	--	P	P	P	P	P	P	P	
Government Buildings and Offices	--	--	--	--	--	--	P	P	P	--	P	--	--	
Government Facilities, Yards, and Storage	C	--	--	--	--	--	--	P	P	P	P	--	--	
Health Care and Social Assistance														
Hospice Facility	--	--	--	--	P	--	--	P	--	--	P	--	--	
Hospital or Health Care Facility	--	--	--	--	--	--	P	P	--	--	P	--	--	
Office and Clinical Services	--	--	--	--	--	--	P	P	--	--	P	--	--	
Parks and Recreation														
Recreation and Play Fields	P	P	P	P	P	P	C	C	--	P	P	--	--	
COMMERCIAL														
Amusement and Recreation														
Amusement, Indoor														
Large (20,000 sf GFA or more)	--	--	--	--	--	--	C	C	--	--	--	--	--	
Small (less than 20,000 sf GFA)	--	--	--	--	--	--	P	P	--	--	--	--	--	
Amusement and Recreation, Outdoor														
Large (1 acre or larger)	--	--	--	--	--	--	--	--	--	P	P	--	--	
Small (less than 1 acre)	--	--	--	--	--	--	--	C	--	P	P	--	--	
Adult Entertainment	--	--	--	--	--	--	--	--	C	--	--	--	--	
Animal Sales and Services														
Boarding/Kennel	C	C	--	--	--	--	--	C	--	--	--	--	--	

Table 4.1: Primary Uses

	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35	
	Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /-/ Not Permitted													
General Sales and Services	--	--	--	--	--	--	--	P	--	--	--	--	--	
Shelter, Animal	--	--	--	--	--	--	--	--	P	--	--	--	--	
Veterinary														
Small Animal	--	--	--	--	--	--	--	P	P	--	--	--	--	
Large Animal	--	--	--	--	--	--	--	--	P	--	--	--	--	
Assembly, Entertainment and Trade														
Large (50,000 or more sf GFA)	--	--	--	--	--	--	C	C	--	--	--	--	--	
Small (less than 50,000 sf GFA)	--	--	--	--	--	--	P	P	--	--	--	--	--	
Adult and Child Care														
Adult Day Care (16 or more adults)	--	--	--	--	--	--	P	P	--	--	P	--	--	
Adult Day Care (up to 15 adults)	--	--	--	--	--	--	--	P	--	--	P	--	--	
Day Care Center (more than 6 kids)	C	C	C	C	C	P	P	P	--	--	P	--	--	
Day Care Home (up to 6 kids)	P	P	P	P	P	P	C	C	--	--	--	--	--	
Commercial Service														
Business Service	--	--	--	--	--	--	P	P	P	--	--	--	--	
Cemetery/Crematorium	--	--	--	--	--	--	--	--	P	C	P	--	--	
Personal Service	--	--	--	--	--	--	P	P	--	--	--	--	--	
Repair Service, Consumer	--	--	--	--	--	--	P	P	P	--	--	--	--	
Studio or Instruction Service	--	--	--	--	--	--	P	P	--	--	--	--	--	
Eating and Drinking Establishment														
Bar or Tavern	--	--	--	--	--	--	P	P	--	--	--	--	--	
Craft Alcohol	--	--	--	--	--	--	P	P	P	--	--	--	--	
Restaurant														
with drive-thru	--	--	--	--	--	--	--	P	--	--	--	--	--	
without drive-thru	--	--	--	--	--	--	P	P	--	--	--	--	--	
Financial Services														

Table 4.1: Primary Uses

	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35	
	Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /--/ Not Permitted													
Financial Institution, no drive-thru	--	--	--	--	--	--	P	P	--	--	--	--	--	
with drive-thru	--	--	--	--	--	--	--	P	--	--	--	--	--	
Alternative Financial Services	--	--	--	--	--	--	--	P	P	--	--	--	--	
Lodging														
Bed and Breakfast Inn	P	P	P	P	P	--	C	--	--	--	--	--	--	Sec. 4.5.B
Boarding or Rooming House	C	C	C	C	C	--	--	--	--	--	--	--	--	Sec. 4.5.B
Hotel/Motel	--	--	--	--	--	--	P	P	--	--	--	--	--	
RV Park	--	--	--	--	--	--	--	C	C	C	C	--	--	Sec. 4.5.B
Short-Term Rental														Sec. 4.5.B
Office														
Business or Professional	--	--	--	--	--	--	P	P	P	--	--	--	--	
Parking, Commercial														
Parking, primary use	--	--	--	--	--	--	--	C	C	--	--	--	--	
Retail Sales														
General with drive-thru	--	--	--	--	--	--	--	P	--	--	--	--	--	Sec. 4.5.B
without drive-thru	--	--	--	--	--	--	C	P	--	--	--	--	--	Sec. 4.5.B
Vehicle Sales and Service, Personal														
Car Wash	--	--	--	--	--	--	--	P	P	--	--	--	--	
Service Station, fuel only	--	--	--	--	--	--	--	P	P	--	--	--	--	
with convenience store	--	--	--	--	--	--	--	P	P	--	--	--	--	
Vehicle Sales and Rental	--	--	--	--	--	--	P	P	P	--	--	--	--	
Outdoor Sales Lot	--	--	--	--	--	--	--	P	P	--	--	--	--	
Vehicle Maintenance and Repair, Minor (5,000 sf or less)	--	--	--	--	--	--	P	P	P	--	--	--	--	Sec. 4.5.B
Vehicle Maintenance and Repair, Major (> 5,000 sf)	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 4.5.B

Table 4.1: Primary Uses

	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35	
	Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /--/ Not Permitted													
INDUSTRIAL, WHOLESALE, AND STORAGE														
Energy Production														
Solar Energy Facilities	--	--	--	--	--	--	--	--	P	C	P	--	--	
Wind Energy Conversion Systems	--	--	--	--	--	--	--	--	P	C	P	--	--	
Industrial and Construction Services														
Auction House	--	--	--	--	--	--	--	--	P	--	--	--	--	
Contractor Yard, General/Trade	--	--	--	--	--	--	--	--	P	--	--	--	--	
Heavy	--	--	--	--	--	--	--	--	P	--	--	--	--	
Industrial Sales and Services	--	--	--	--	--	--	--	--	P	--	--	--	--	
Truck, RV, and Heavy Equipment Rental, Sales, and Service	--	--	--	--	--	--	--	--	P	--	--	--	--	
Manufacturing, Assembly, or Processing														
Light, Artisan/Craft	--	--	--	--	--	--	C	C	P	--	--	--	--	
General	--	--	--	--	--	--	--	--	P	--	--	--	--	
Heavy, Hazardous, Objectionable	--	--	--	--	--	--	--	--	C	--	--	--	--	
Marijuana (new standards to be added)														
Warehouse and Storage Services														
Outdoor Storage, Commercial or Industrial	--	--	--	--	--	--	--	--	P	--	--	--	--	
Personal, Self-Service Storage	--	--	--	--	--	--	--	P	P	--	--	--	--	
Warehouse, Commercial	--	--	--	--	--	--	--	P	P	--	--	--	--	
Wholesale and Distribution	--	--	--	--	--	--	--	--	P	--	--	--	--	
Waste and Salvage														

Table 4.1: Primary Uses

	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35	
	Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /--/ Not Permitted													
Junk or Salvage Yard	--	--	--	--	--	--	--	--	C	--	--	--	--	
Refuse Hauling Facility	--	--	--	--	--	--	--	--	C	--	--	--	--	
TRANSPORTATION, UTILITIES, AND COMMUNICATIONS														
Transportation														
Bus/Public Transit Station or Terminal	--	--	--	--	--	--	--	P	P	--	--	--	--	
Train Passenger Terminal	--	--	--	--	--	--	--	P	--	--	--	--	--	
Utilities and Public Facilities														
Major	--	--	--	--	--	--	--	--	P	--	P	--	--	
Minor (e.g., lift stations, substations, pump stations)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Offices, Buildings, Yards, and Land	--	--	--	--	--	--	--	--	P	--	P	--	--	
Wireless Communication Facilities														
Wireless Communication Facilities	P	P	P	P	P	P	P	P	P	P	P	C	C	Sec. 4.5.E
AGRICULTURE														
Agriculture														
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Stand	P	P	--	--	--	--	--	--	--	--	P	--	--	
Greenhouse, Non-Commercial	P	P	--	--	--	--	--	--	--	--	P	--	--	
Commercial	--	--	--	--	--	--	--	--	P	--	--	--	--	
Stable														
Commercial	--	--	--	--	--	--	--	--	P	--	--	--	--	
Private	P	--	--	--	--	--	--	--	--	--	--	P	P	

Section 4.5. Use-Specific Standards

In addition to applicable Art. 5, Site Layout Standards, the following regulations apply to the listed uses when referenced in the use regulations of a particular zoning district.

A. Residential Uses

1. Affordable Housing

Residential uses noted as C[1] on Table 4.1, Primary Uses, are allowed as a permitted use when at least one unit in the project is offered as deed-restricted affordable housing.

2. Household Living in Mixed-Use Districts

In the DMU1 and DMU2 districts residential dwelling units shall be located above the first floor or behind the front 30% of the structure.

3. Group Home

A group home may provide a living arrangement for not more than eight residents per home 60 years of age or older, or for the physically or developmentally disabled, and not more than two 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.
 - (2) A group home shall provide one off-street parking space for visitors and one for each employee (typical peak staff), in addition to off-street parking otherwise required pursuant to Art. 8, Parking, Loading, and Access.
 - (3) In no case shall the total number of persons residing on premises (including staff) be more than one 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 off street parking space for visitors and one for each employee (typical peak staff), in addition of off-street parking otherwise required pursuant to Article 8, Parking, Loading, and Access.
 - (4) In no case should the total number of persons residing on premises (including staff) be more than one per 400 square feet of usable floor area.

4. Manufactured Homes

Type 1 Manufactured Homes (Certified on or after January 1, 1990) are requirement for placement on new manufactured home lots or the replacement of existing manufactured or mobile homes.

B. Commercial Uses

1. 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 separate bedrooms for compensation. One off-street parking space per bedroom offered for use for temporary overnight accommodations, in addition to off-street parking otherwise required pursuant to Art. 8, Parking, Loading, and Access.

2. General Retail (Indoors)

The footprint of each general retail (indoor) structure shall be limited to 10,000 square feet.

3. Recreational Vehicle/Travel Trailer Park

Recreational vehicle/travel trailer park and incidental facilities shall comply with the standards in this section.

- (a) Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight and short duration camping (4-month maximum);
- (b) Each space shall be at least 1500 sq. ft. in area;
- (c) Each space shall be at least 22 ft. in width;
- (d) Each park shall be served by central town water and sewer facilities;
- (e) 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
- (f) Provisions shall be made for adequate all-weather walkways to each space.

4. Short-Term Rentals

[to be added]

5. Vehicle Maintenance and 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.

C. Industrial Uses

D. Wireless Communication 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 Code 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:

- (1) Within a one-mile search radius for proposed towers over 60 feet;
- (2) Within a half-mile search radius for proposed towers under 60 feet; or

- (3) 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:
 - (1) 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;
 - (2) 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
 - (3) Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

2. Tower Height

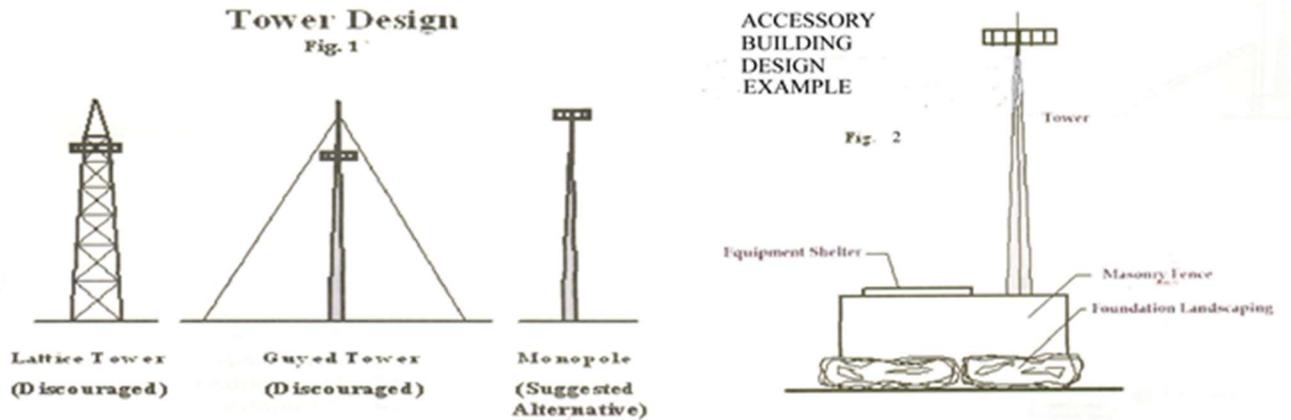
- (a) The maximum height of all commercial wireless antennas and supporting towers shall not exceed the distance to the nearest lot or parcel boundary on the subject lot or parcel or 120 feet, whichever is less
- (b) No tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line, less five 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 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 Art. 7, Landscaping, Screening, and Trees.

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. 4.8.

11. Tower Construction Requirements

All towers erected, constructed or located within the Town, and all wiring therefore, shall comply with the requirements of all IBC and IFC 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.

E. Solar Energy Facilities (SEF)

1. Applicability

- (a) These standards apply to the establishment of any new photovoltaic or solar thermal SEFs within the Town. Concentrated solar power systems are prohibited.
- (b) An SEF established prior to the effective date of this LUC shall not be required to meet the requirements of this LUC, however:
 - (1) Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this LUC. Only the modification or alteration is subject to this LUC;
 - (2) Substantial conformance review determinations (described below) are not major amendments to a project's existing permits; and
 - (3) Routine operation and maintenance or like-kind replacements do not require a zoning compliance permit.

2. Tier Descriptions

Solar energy facilities are divided into three tiers that describe the intensity and impact of the use on the property and adjacent properties.

- (a) Tier 1: Accessory Solar Energy Facilities meet the following criteria:
 - (1) Is an accessory use on the site that provides energy primarily for on-site use; and
 - (2) Can be building-mounted or ground-mounted, which may include: rooftop systems, building-integrated solar (e.g., shingle, hanging solar, canopy, new technology), or covered permanent parking or other hardscape areas.
- (b) Tier 2: Intermediate Solar Energy Facilities meet the following criteria:
 - (1) Is the primary use on the site or a secondary use that exceeds the size criteria for a Tier 1 SEF.
 - (2) Provides energy for on-site or off-site use, and
 - (3) Can be building-mounted or ground-mounted and may include rooftop systems, building-integrated solar, and covered permanent parking or other hardscape areas.
- (c) Tier 3: Large-Scale Solar Energy Facilities are large-scale, primary or secondary SEFs that provide energy for on-site or off-site use.

3. Standards for Ground-Mounted SEFS

- (a) Size: The maximum footprint for a ground-mounted SEF shall be as follows:
 - (1) Tier 1:
 - (i) Residential and mixed-use districts: 2,000 sf or 25% of the lot size, whichever is less.
 - (ii) Industrial and public districts: 4,000 sf or 25% of the lot size, whichever is less.

- (2) Tier 2:
 - (i) IND district: up to 10 acres.
 - (ii) P2 district: up to 20 acres.
- (3) Tier 3: Prohibited in Dolores.
- (b) Height: The maximum height for a ground-mounted SEF shall be as follows:
 - (1) Residential districts: 10 feet
 - (2) All other districts: 20 feet
- (c) Setbacks: Ground-mounted SEFs shall comply with the following setback standards:
 - (1) All SEFs shall meet the setback requirements of the individual zone district where located.
 - (2) Tier 2 SEFs in mixed-use and industrial districts shall provide 100-foot minimum setback between the edge of the SEF installation boundary and any residential district.
 - (3) Tier 1 and Tier 2 SEFs may not be located between the front building line and the street.

4. Standards for Building-Mounted SEFS

- (a) Height
 - (1) Tier 1 SEFs shall be subject to the maximum height for zone district or a maximum of five feet above the height of the roofline, whichever is less. Additional height may be requested through the conditional use review process.
 - (2) Tier 2 SEFS shall be subject to the maximum height for the zone district or a maximum of 10 feet above the height of the building, whichever is greater. Additional height may be requested through the conditional use review process.

5. Permit and Annual Compliance Plan Required

- (a) Complete permit submission requirements and processes are provided in Sec. 13.Y, Solar and Wind Energy Facilities Permitting
- (b) Following approval, all SEF permit holders are required to submit an annual compliance statement that confirms that the system is still active and compliant with the permit and that provides current owner and emergency contact information. This requirement shall not preclude the Town from undertaking a separate compliance report where confirmation of data provided by the facility's operator is desired.

6. Generally Applicable Standards

- (a) Off-Site Facilities: When the SEF is located on more than one parcel, there shall be an easement agreement or other Town-approved documentation that includes methods for the notification of all impacted parties.
- (b) Septic System Avoidance: The SEF shall not be located over a septic system, leach field area or identified reserve area;

- (c) Conform to Development Standards for Underlying Zone: The SEF shall be ground mounted, or when located on a structure, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein.
- (d) If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent parcel or the night sky.
- (e) The site shall comply with Article 7, Landscaping, Screening, and Trees.
- (f) The facility shall be enclosed by a six-foot tall fence (eight feet if razor or barbed wire will be used), barrier, or other appropriate means designed to prevent or restrict unauthorized persons or vehicles from entering the parcel(s). Fences or barriers shall incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.
- (g) Signs: Signs on SEFs are prohibited. Permanent or temporary commercial signs (including flags, streamers, or decorative items) are prohibited from being displayed on any SEF equipment. For emergency and safety purposes, SEF equipment shall display identification of the manufacturer, facility owner and/or operator, and an emergency contact number.

7. Abandonment

- (a) Applicability
 - (1) An SEF, other than a Tier 1 system, that ceases to produce electricity on a continuous basis for 12 months shall be considered abandoned unless the property owner or facility operator demonstrates by substantial evidence satisfactory to the Town that there is no intent to abandon the facility.
 - (2) A property owner or facility operator with an abandoned system shall follow the decommissioning plan to remove the system. If the system was approved without a decommissioning plan, the property owner or facility operator shall remove all equipment and facilities and restore the site to original condition upon abandonment.
 - (3) Facilities deemed by the Town to be unsafe and facilities erected in violation of this section shall also be subject to this section.
- (b) Determination of Abandonment
 - (1) Based on the information provided in an annual compliance statement or verified zoning complaint, the zoning administrator shall have the right to request documentation and/or affidavits from the property owner regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred. The zoning administrator shall submit the documentation and administrator's findings to the Town Board, property owner, and facility operator and schedule a public hearing for a determination of abandonment.

- (2) Upon a determination of abandonment or other violation(s), the Town shall send a notice to the property owner and facility operator, indicating that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within a reasonable timeframe established by the Town, unless the Town determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the Town may advise the property owner and facility operator of such alternative means of resolving the violation(s).
- (3) If the property owner or facility operator does not comply, the Town may remove the SEF and restore the site and may thereafter:
 - (i) Draw funds from the bond, security, or financial assurance that was established during permitting, and
 - (ii) Initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

8. Decommissioning

A decommissioning plan shall be prepared for Tier 2 applications and submitted with site plan review application. The plan shall address the following:

- (a) Defined conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for 12 months, etc.)
- (b) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations, and restoration of property to condition prior to development of the SEF. This shall include a revegetation plan. The applicant may propose retaining some site improvements, such as roads and infrastructure, subject to landowner consent and Town approval.
- (c) Timeframe for completion of decommissioning activities, not to exceed one year.
- (d) Description and copy of any lease or any other agreement with landowner regarding decommissioning.
- (e) Name and address of person or party responsible for decommissioning.
- (f) Plans and schedule for updating the decommissioning plan.
- (g) A professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Town that:
 - (1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit and shall be deposited in an escrow account with an escrow agent acceptable to the Town.

- (2) The Town shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within one year of the end of project life or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.
 - (3) The Town is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - (4) The Town is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Town's right to seek reimbursement from applicant, operator, or their successor(s) for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant, operator, or their successor(s), or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.
- (h) Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Dolores Town Clerk

F. Wind Energy Conversion Systems (WECS)

1. Applicability

- (a) These standards apply to the construction of any new WECS within the Town.
- (b) A WECS legally established or permitted prior to the effective date of this LUC shall not be required to meet the requirements of this LUC, however:
 - (1) Physical modification or alteration to an existing WECS that materially alters the size, type, or components of the WECS shall be subject to this LUC. Only the modification or alteration is subject to this LUC;
 - (2) Substantial conformance review determinations (described below) are not major amendments to a project's existing permits; and
 - (3) Routine operation and maintenance or like-kind replacements do not require a permit.

2. Wind Energy Conversion System Tier Descriptions

- (a) Tier 1: Accessory Wind Energy Conversion Systems meet the following criteria:
 - (1) Is designed to supplement other electricity sources as an accessory use to existing facilities, wherein the power generated is used primarily for on-site consumption, and
 - (2) Consists of one or more wind turbines, which may be roof-mounted;
- (b) Tier 2: Intermediate Wind Energy Conversion Systems meet the following criteria:
 - (1) Is the primary use on the site or is a secondary use that exceeds the criteria for a Tier 1 WECS,
 - (2) Consists of one or more wind turbines, all of which are ground-mounted, and
 - (3) Is designed primarily to serve a local load.

- (c) Tier 3: Large-Scale Wind Energy Conversion Systems for Commercial Generation meet the following criteria:
 - (1) Consists of one or more wind turbines, and
 - (2) Has a total facility rated capacity of greater than 1 MW.

3. Standards for Ground-Mounted WECS

- (a) Size: The maximum footprint for a ground-mounted WECS shall be as follows:
 - (1) Tier 1:
 - (i) Residential and mixed-use districts: 2,000 sf or 25% of the lot, whichever is less
 - (ii) Industrial, and Public 2 districts: 4,000 sf or 25% of the lot, whichever is less.
 - (2) Tier 2:
 - (i) IND district: up to 10 acres
 - (ii) P2 district: up to 20 acres
 - (3) Tier 3: Prohibited in Dolores.
- (b) Height

The following height standards are applicable to WECS towers:

Table 4.2: WECS Tower Height, Maximum

Zone District	Lot Size	Tier 1	Tier 2	Tier 3
Residential	Up to 20,000 sf	Height determined by available setback	Not permitted	Not permitted
	20,000 to 43,560 sf	80 feet	80 feet	Not permitted
	Over 1 acre	100 feet	100 feet	Not permitted
Mixed-Use	All	80 feet	Not permitted	Not permitted
Industrial and P2	Up to 20,000 sf	Height determined by available setback	Not permitted	Not permitted
	20,000 to 43,560 sf	80 feet	200 feet	Not permitted
	1 to 4.99 acres	200 feet	200 feet	Not permitted
	5 acres or more	200 feet	No limit [1]	Not permitted

- (c) Setbacks
 - (1) Tower locations shall comply with zone district setbacks and any of the additional setback standards identified in this section. Ground-mounted Tier 1 and Tier 2 WECS may not be located between the front building line and the street.
 - (i) Towers shall be setback a minimum of 0.5 x total height from any primary structure.

- (ii) The owner of a primary structure on the same lot as a Tier 1 or Tier 2 tower may waive this setback as applied to that lot and apply a reduced setback of 0.25 x total height.
 - (iii) The setback may not be waived for primary structures on an adjacent lot.
 - (iv) All new primary structures shall be located at least 0.5 x total height from an existing tower.
 - (v) No further setback waivers are permitted, nor may this requirement be waived or varied by the zoning administrator or board of adjustment.
- (2) Towers shall be setback a minimum distance equal to 500 feet or 0.5 x the total height (tower plus extended blade), whichever is higher, from:
- (i) All property lines,
 - (ii) Any overhead utility lines, and
 - (iii) Any public roadway right-of-way.
- (3) Guy cables and other support devices shall be setback at least 10 feet from all property lines and occupied buildings. Guy cables must be marked and clearly visible to a height of six feet above the guy cable anchors.
- (4) The setback shall be measured from the centerline of the turbine and applied in a diameter around the tower.
- (d) Tower Separation: At a minimum, there shall be a separation between towers of not less than 3 times the rotor diameter.
- (e) Clearance: The minimum height of the lowest position of the rotor blade shall be at least 30 feet above the ground and 30 feet above the highest existing structure or tree within a 250-foot radius.

4. Standards for Building-Mounted WECS

- (a) A Tier 1 building-mounted WECS shall be subject to the maximum building height specified for the district or a maximum of 30 feet above the height of the building to which it is attached, whichever is greater. Additional height may be requested through the conditional use review process.
- (b) The maximum number of Tier 1 building-mounted WECS permitted by district type is:
 - (1) Residential and mixed-use: Two per primary structure, one per accessory structure
 - (2) Industrial and P2 districts: no limit, may be mounted on primary or accessory structures.

5. Permit and Annual Compliance Report Required

- (a) Complete permit submission requirements and processes are provided in Sec. 13.Y, Solar and Wind Energy Facilities Permitting.
- (b) Following approval, all permit holders are required to submit an annual compliance report that confirms that the system is still active and compliant with the permit and

that provides current owner and emergency contact information. This requirement shall not preclude the Town from undertaking a separate compliance report where confirmation of data provided by the facility's operator is desired.

6. Safety and Installation

WECS facilities shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards that may be created to adjacent properties, public infrastructure, communities, aviation, etc. The following lists public safety matters that shall be addressed and implemented in the development of the WECS facility:

- (a) WECS facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Code (NEC). Concurrently with permits for construction, the Applicant(s) shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
- (b) WECS facilities shall comply with applicable FAA regulations and comply with conditions regarding WECS facility installation established by affected airports. If approved by the FAA, all WECS facilities shall implement a FAA approved Aircraft Visual Warning System (AVWS) that allows for the use of aircraft warning lights to be minimized.
- (c) Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No WECS shall be permitted which lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- (d) All WECS structures must be unclimbable by design or protected by anti-climbing devices. All climbing apparatus shall be removed from the lower 10 feet of the tower, or ladder access shall be restricted.
- (e) Appropriate warning signage (e.g., "Danger, High Voltage") shall be placed where it is clearly visible by persons standing near the tower base or other ground-mounted electrical equipment.
- (f) All electrical and control equipment shall be safely and appropriately enclosed from unintentional access by means such as lockable equipment cabinetry, enclosed tower with lockable access door, or similar.
- (g) All access doors on towers shall be locked or fenced.

7. Design

- (a) Color: When not conflicting with colors required by the Federal Aviation Administration or other federal agencies, the WECS facility shall remain painted or finished in the color

that was originally applied by the manufacturer. Bright, luminescent, or neon colors are prohibited.

- (b) Signal Interference
 - (1) No WECS facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
 - (2) No WECS facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- (c) Location and Views: WECS Facility structures shall be located to make maximum use of existing terrain, vegetation, and structures for the purposes of maintaining the viewshed. The site shall comply with Article 7, Landscaping, Screening, and Trees.
- (d) Lighting: WECS Facilities, including buildings and structures, shall not be artificially lighted except to the extent requires by FAA regulations. Minimal ground level security lighting is permitted.
- (e) Shadow Flicker: WECS facilities shall be designed so that there is no significant shadow flicker at an adjacent property, measured at the nearest wall of inhabited structures, unless waived in writing and recorded against the property by the landowner in the Montezuma County Clerk & Recorder's office.
- (f) Sound:
 - (1) Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dBA for any period of time.
 - (2) The 55 dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.
 - (3) The noise level generated by a WECS must also not increase ambient sound levels by more than 3 dBA at any sensitive noise receptors, including residences, hospitals, libraries, schools, and places of worship, within 2,500 feet of the site property line.
- (g) Signs: WECS facilities shall not display commercial permanent or temporary signs (including flags, streamers, or decorative items) on any WECS equipment. For emergency and safety purposes, WECS equipment shall display identification of the turbine (or other equipment) manufacturer, facility owner and/or operator, and an emergency contact number.
- (h) Outdoor Storage: Except during construction, re-construction or decommissioning, outdoor storage is not permitted within the project boundary.

- (i) Underground Lines: Intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines, standards, or applicable law. The actual installed burial depth of underground wiring shall be verified by the developer of the WECS facility. The developer shall provide certification from the installing contractor of the actual installed burial depth of all underground wiring. Such certification shall be under the penalty of perjury. The collection system may be placed overhead adjacent to public roadways, near substations or points of interconnection to the electric grid, or in other areas as necessary.

8. Maintenance and Inspections

- (a) All WECS must be maintained in operational condition meeting all of the requirements of this section and other permit conditions at all times, subject to reasonable maintenance and repair outages.
- (b) The Town may elect to have a WECS inspected for structural and operational integrity by a Colorado licensed professional engineer. The Town has the right to enter the premises of the wind energy facility at any reasonable time to inspect the WECS. The Town will give at least 24 hours' notice of its intent to inspect the WECS.

9. Transfer and Replacement

- (a) If ownership or operation of a WECS changes, the new owner or facility operator must present full contact information and proof to the Town that all required bonds and insurance policies remain in full force a minimum of 30 days prior to the transfer of ownership.
- (b) Any replacement of or modification or alteration to a WECS, excluding regular maintenance and repair, requires an amendment to the original approval, which amendment shall not be unreasonably withheld.
- (c) Replacement of a WECS may occur without Town approval when there will be:
 - (1) No increase in the total height of the WECS,
 - (2) No change in the location of the WECS,
 - (3) No additional lighting on the WECS, except to the extent required by the FAA, and
 - (4) No increase in noise produced by the WECS.

10. Abandonment

- (a) Applicability
 - (1) A WECS, other than a Tier 1 system, that ceases to produce electricity on a continuous basis for 12 months shall be considered abandoned unless the property owner or facility operator demonstrates by substantial evidence satisfactory to the Town that there is no intent to abandon the facility.
 - (2) A property owner or facility operator with an abandoned system shall follow the decommissioning plan to remove the system. If the system was approved without a decommissioning plan, the property owner or facility operator shall remove all

equipment and facilities and restore the site to original condition upon abandonment.

- (3) Facilities deemed by the Town to be unsafe and facilities erected in violation of this section shall also be subject to this section.

(b) Determination of Abandonment

- (1) Based on the information provided in an annual compliance statement or verified zoning complaint, the zoning administrator shall have the right to request documentation and/or affidavits from the property owner or facility operator regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred. The zoning administrator shall submit the documentation and administrator's findings to the property owner, facility operator, and county commission and schedule a public hearing for a determination of abandonment.

- (2) Upon a determination of abandonment or other violation(s), the Town shall send a notice hereof to the property owner and facility operator, indicating that the responsible party shall remove the WECS and all associated facilities, and remediate the site to its approximate original condition within a reasonable timeframe established by the Town, unless the Town determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the WECS and restoration of the site, the Town may advise the property owner and facility operator of such alternative means of resolving the violation(s).

- (c) If the property owner or facility operator does not comply, the Town may remove the WECS and restore the site and may thereafter:

- (1) Draw funds from any bond, security or financial assurance established as part of the permitting process, or
- (2) Initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

11. Decommissioning

A decommissioning plan shall be prepared for Tier 2 application and submitted with the conditional use review application. The plan shall address the following:

- (a) Defined conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for 12 months, etc.)
- (b) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations and restoration of property to condition prior to development of the WECS. This shall include a revegetation plan. The applicant may propose retaining some site improvements, such as roads and infrastructure, subject to landowner consent and Town approval.
- (c) Timeframe for completion of decommissioning activities, not to exceed one year.

- (d) Description and copy of any lease or any other agreement with landowner regarding decommissioning.
- (e) Name and address of person or party responsible for decommissioning.
- (f) Plans and schedule for updating this decommissioning plan.
- (g) A professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Town that:
 - (1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit to be deposited in an escrow account with an escrow agent acceptable to the Town.
 - (2) The Town shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one year of the end of project life, inoperability of individual WECS turbine, or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.
 - (3) The Town is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - (4) The Town is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Town's right to seek reimbursement from applicant, operator, or their successor(s) for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant, operator, or their successor(s), or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.
- (h) Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Dolores Town Clerk.

G. Ground Source Heat Pump Systems

1. Ground Source Heat Pump Systems

- (a) Permitted Districts: Ground source heat pump systems in accordance with the standards in this section are allowed as an accessory use in all zoning districts.
- (b) Installation of Vertical Systems
 - (1) Vertical systems may only be installed by a geothermal installer or vertical closed loop (VCL) driller accredited by the International Ground Source Heat Pump Association (IGSHPA) or installer with an equivalent accreditation or certification from a nationally-recognized organization, as determined by the zoning administrator.
 - (2) Detailed plans of a vertical system shall be reviewed and approved by the zoning administrator prior to installation.
- (c) Generally Applicable Standards

- (1) System Requirements
 - (i) Only closed loop ground source heat pump systems utilizing heat transfer fluids are permitted. Open loop ground source heat systems are prohibited.
 - (ii) Ground source heat pumps and related boreholes shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organization and shall apply with adopted building code standards. The manufacturer specifications shall be submitted as part of the application.
- (2) Depth: All horizontal closed loop systems shall be installed to no more than 20 feet in depth.
- (3) Setbacks
 - (i) All components of ground source heat pump systems including pumps, borings, and loops shall be setback at least five feet from all property lines.
 - (ii) Above-ground equipment associated with ground source heat pumps shall not be installed in a front yard of any lot or in the side yard of a corner lot adjacent to a public right-of-way except in industrial districts.
 - (iii) All parts of the heat pump system shall be located a minimum distance of 25 feet from any on-lot or adjacent lot wells.
 - (iv) Ground source heat pumps systems shall not be located in or encroach upon any public drainage, utility roadway, or trail easement.
- (4) Screening: Ground source heat pump systems are considered mechanical equipment and are subject to mechanical screening requirements of the zoning district.
- (d) Abandonment: If the ground source heat pump system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The property owner shall shut down the system as follows:
 - (1) The heat pump and any external mechanical equipment shall be removed.
 - (2) Pipes or coils beneath the land surface shall be drained and filled with grout. The top of the pipe, coil, or boring shall be uncovered and grouted.

Section 4.6. Accessory Uses

**Table 4.3:
Accessory Uses**

	LL R	ne w	R1	ne w	MR F	MH P	CB 1 + CB 2	CH	LI	ne w	P	R 10	R35	
	LL R1	LL R2	NR 1	NR 2	NR 3	M HP	D M U1	CM U	IN D	P1	P2	R 10	R 35	Add. Use Stand.
Key	/P/ Permitted, /PL/ Permitted with Use Limitations, /-/ Not Permitted													
Dwelling														
Accessory Dwelling Unit [1]	P	P	P	--	--	--		--	--	--	--	P	P	Sec. 4.6.A
Caretaker or guard residence, accessory	--	--	--	--	--	--		--	P	--	P	--	--	
Shelter [2]	P	P	P	P	P	P	P	P	P	--	P	--	--	
General														
Accessory Use or Structure	P	P	P	P	P	P	--	--	P	--	P	P	P	Sec. 4.6.B
Drive-Thru	--	--	--	--	--	--	--	P	--	--	--	--	--	
Greenhouse, noncommercial	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupation	P	P	P	P	P	P	P	P	--	--	--	P	P	Sec. 4.6.C
Kennel, Private	P	P	P	P	P	P	--	--	--	--	--	P	P	
Outdoor Sales Lot	--	--	--	--	--	--	--	P	P	--	--	--	--	
Outdoor and Sidewalk Seating	--	--	--	--	--	--	P	P	--	--	--	--	--	
Outdoor storage	--	--	--	--	--	--	--	--	P	--	--	--	--	
Park/playground	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational Vehicle Park	--	--	--	--	--	P	--	--	--	--	--	--	--	Sec. 3.6.B
Restaurant	--	--	--	--	--	--	P	P	--	--	--	--	--	
Retail sales	--	--	--	--	--	--	P	P	--	--	--	--	--	
Solar energy facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy facility	P	P	P	P	P	P	P	P	P	P	P	P	P	

[1] Shall be located on a lot with a single-unit detached or duplex dwelling.

[2] Accessory to public, civic, and institutional uses only.

A. Accessory Dwelling Units

1. Applicability

Accessory dwelling units (ADUs) in applicable zones are permitted on any parcel where a single-unit detached dwelling unit or duplex is permitted or currently exists. Where each duplex unit is on an individual lot, each lot may have an ADU.

2. Ownership and Occupancy

- (a) The property owner shall live in either the primary or accessory dwelling unit.
- (b) The accessory dwelling unit shall not be sold separately or subdivided from the primary dwelling unit or lot unless both lots created by the subdivision conform to the minimum lot size for the zone district where located.

3. Dimensional Standards and Location

- (a) All new and existing ADUs must be located in a habitable structure that meets applicable Town building and life safety codes. ADUs shall not be located in:
 - (1) Non-habitable areas within buildings or accessory structures (e.g., shed, garage),
 - (2) Commercial (office/retail) or industrial (warehouse) spaces, or
 - (3) Outdoors in a temporary structure (e.g., tent, yurt, treehouse, or other similar structure) or in a recreational vehicle, mobile home, travel trailer, commercial or passenger vehicle or trailer, or any portable storage unit.
- (b) ADUs must have separate water and sewer taps.
- (c) One accessory dwelling unit is permitted per residential lot. The ADU shall be located on the same lot as the primary unit and the primary unit must be constructed prior to the accessory dwelling unit.
- (d) Accessory dwelling units may be internal or attached to the primary dwelling unit or separate, detached accessory dwelling unit that may or may not be attached to a detached garage.
- (e) Unless specifically addressed in this section, accessory dwelling units are subject to the same zone district dimensional regulations for a principal building; e.g., setback requirements and lot coverage standards.
 - (1) A detached accessory dwelling unit shall not cover more than 30 percent of the available rear yard between the primary structure building line and the rear yard setback line.
 - (2) These standards do not apply to legally established detached garages that contain an accessory dwelling unit. Any expansion of a detached garage for conversion into an ADU shall comply with the appropriate setback and yard requirements for the detached garage.
 - (3) Maximum height for a new, detached accessory dwelling unit shall not exceed the height of the principal dwelling unit unless the ADU still conforms to the height limit for the zone district.

(4) The footprint of a detached accessory dwelling unit shall not exceed the footprint of the principal dwelling unit.

(f) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit, but the structure may not be altered in any manner that would increase the degree of height or setback non-conformity and provided the ADU complies with all other applicable standards such as parking and storage.

4. Size

(a) The gross floor area of an attached or internal accessory dwelling unit shall not exceed the gross floor area of the primary dwelling unit.

(b) The gross floor area of a detached accessory dwelling unit shall be no more than 80 percent of the gross floor area of the principal dwelling unit. A detached ADU may be as small as permitted by the adopted Building Code.

5. Construction

(a) Accessory dwelling units must contain a kitchen or a food prep area, bathroom, sleeping area, and 100 square foot or larger storage area, all for the sole use of the unit.

(b) Water and sewer service shall be provided pursuant to the Dolores Municipal Code.

(c) Mobile homes, manufactured housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.

(d) A new street address for a new ADU is required to assist in emergency response.

6. Design

(a) An ADU, either detached or an extension of an existing structure, shall meet all design standards applicable to the primary structure.

(b) Accessory dwelling units shall have a separate entrance with a clearly labeled street address.

7. Parking

The accessory dwelling unit shall have at least one dedicated off-street parking spaces in addition to the parking required for the primary dwelling unit.

8. Home Occupations

Home occupations are permitted in an accessory dwelling unit.

B. Accessory Use or Structure, General

Accessory uses or structures may be permitted subject to the following conditions:

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 120 square feet shall be considered an accessory building. Any structure larger than 120 sq. ft. requires a building permit. All accessory structures regardless of size are subject to setbacks and spacing between buildings.

C. Community Garden

1. Community gardening is permitted on rooftops that are structurally capable of supporting the garden.
2. Use Standards
 - (a) The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
 - (b) A minimum three-foot wide, clearly marked entrance path shall be provided from a public right-of-way to the garden.
 - (c) The on-site sale of community garden products is prohibited except when permitted as an approved temporary use.
 - (d) The use of motorized equipment is restricted to hours beginning at 7:00 AM and ending at 9:00 PM.
 - (e) An on-site trash storage container must be provided and located as close as practicable to the rear lot line or, when located on a lot with other uses, the rear side of the community garden. Compost bins or piles must also be located in the same location. Trash must be removed from the site at least once a week.
 - (f) The keeping of animals is prohibited.
 - (g) Within a residential zoning district, operating hours for community garden activities are restricted to between 5:00 AM and 11:00 PM daily.
 - (h) Customary accessory uses are regulated in the accessory use section.
3. Community gardens in residential zones shall be restricted to one, non-illuminated identification sign not exceeding eight square feet and eight feet in height and set back a minimum of five feet from the front and side property lines. In all other zoning districts, signs shall comply with the permanent sign standards for the applicable zoning district.

D. Drive-Through (Thru) Facility

The following standards shall apply to businesses that contain a drive-through establishment, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

1. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments located within 50 feet of any residential zone district shall not be audible beyond the subject property line.
2. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

E. 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 person who does not occupy the property as their residence may be employed as part of the home occupation where one additional off-street parking space is provided, in addition to off-street parking otherwise required pursuant to Article 8, Parking, Loading, and Access.
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 Section 4.8.

F. Short-Term Rentals

[placeholder for draft regulations]

Section 4.7. Temporary Uses

A. General Standards for Temporary Uses

All temporary uses shall be subject to the issuance of a temporary use permit, and shall meet the following general requirements, unless otherwise specified in this Code:

1. Impact on Subject Property and Surrounding Properties and Uses

- (a) The temporary use shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
- (b) Permanent alterations to the site are prohibited.
- (c) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use, or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
- (d) If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- (e) Off-street parking shall be adequate to accommodate the proposed temporary use.
- (f) Trash containers shall be provided on site for debris, and all waste from the permitted use shall be properly disposed of.
- (g) The size, nature, or location of the temporary use shall not be reasonably likely to cause a clear and present danger of injury to persons and property.

2. Compliance with Applicable Regulations

- (a) The temporary use shall comply with all applicable general and specific regulations of this section, and this LUC, unless otherwise expressly stated.
- (b) Temporary uses are only permitted on private property with the written permission of the property owner.
- (c) All temporary signs associated with the temporary use shall be properly permitted and removed when the activity ends or the permit expires, whichever occurs first.
- (d) The temporary use shall not violate any applicable conditions of approval that apply to a principal use on the site.
- (e) The applicant or operator must obtain any other required permits, such as health or building permits, prior to the commencement of the temporary use.
- (f) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet all requirements of the LUC.

B. Asphalt or Concrete Batching Plant

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 months. Extensions may be provided due to weather constraints.
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.

C. Construction Field Office, Construction Storage Yard

Temporary construction field offices and storage yards may be permitted between the issuance of a building permit and the issuance of a certificate of occupancy as follows:

1. In the residential districts, and for residential construction in a mixed-use district:
 - (a) This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.
 - (b) The Zoning Administrator may order the use to be discontinued and in no event shall such temporary use continue after subdivision construction is 90 percent complete.
2. In the mixed-use and industrial districts:
 - (a) This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.
 - (b) The Zoning Administrator may order the use to be discontinued and in no event shall such temporary use continue after construction is substantially complete.

- (c) Sheds, warehouses, and open air storage used by contractors in connection with the building of a principal building or the development of an area may be erected and used provided they shall be removed from the premises within ten days after substantial completion of the project or unusual suspension of work.
- (d) The authorization of extended use of construction trailers except to facilitate ongoing construction upon the premises may be granted by the Zoning Administrator subject to the following conditions:
 - (1) Adequate utilities are connected to construction trailers.
 - (2) No construction trailer shall be closer to any public road than 150 feet. However, if, for safety reasons, topography or size of the property prohibits the required 150 feet from any public road, a reduction of the distance may be approved by the Zoning Administrator, but in no case shall the construction trailer be closer than 25 feet from any public road.
 - (3) Temporary use permits shall be issued for a period not to exceed six months. One extension of the temporary use permit may be approved by the Zoning Administrator upon written request from the applicant, not to exceed an additional six months.
 - (4) Any extension of the construction trailer after the first year must be approved by the Planning and Zoning Commission. The Planning and Zoning Commission may extend the use of the construction trailer for one year. After the first year, the Planning and Zoning Commission may continue to allow for the continued use of the construction trailer at one-year intervals.

2. Farmer's Market

- (a) Number of Vendors - limited to a maximum of 25 agricultural vendors, and up to five non-agricultural vendors; only one non-agricultural vendor is allowed for every five vendors of agricultural products.
- (b) Operating Hours - shall only operate, including any setup or breakdown activities, a total of 12 hours per day between the hours of 7:00 AM and 10:00 PM.
- (c) Maximum Area - shall not occupy an area larger than 20,000 square feet and shall meet the zone district required setbacks and off-street parking.
- (d) Operating Rules - Each farmer's market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, insurance, security requirements and responsibilities, and appointment of a market manager who directs the operation of all vendors.

3. Outdoor and Sidewalk Seating

- (a) Eating and drinking establishments may provide accessory outdoor seating areas, including rooftop seating, that meet the following generally applicable criteria:
 - (1) Outdoor seating areas may not occupy required landscape area, required parking spaces, or required parking area access aisles.

- (2) An outdoor seating area exceeding 25% of the indoor building floor area is counted as floor area for purposes of determining off-street parking and loading requirements.
 - (3) The use of mechanically produced sound, amplified sound, or live music shall only be permitted in conformity with the Town's noise standards.
 - (4) All outdoor uses shall be maintained free of garbage and other debris.
 - (5) The hours of operation for the outside seating shall be consistent with the hours of operation of the inside use.
 - (6) The outdoor seating area shall not obstruct any fire exit, fire escape, or other required ingress or egress.
- (b) Public sidewalk seating may be permitted in compliance with the following conditions:
- (1) The area of occupancy must be abutting and contiguous to the restaurant in which food preparation, sanitation and related services for the sidewalk cafe will be performed.
 - (2) Sidewalk seating may not be enclosed by fixed walls, unless such walls are necessary to comply with requirements to serve alcohol, and shall be open to the air, except that it may have a canopy.
 - (3) There shall be a minimum width of four feet of clear, unimpeded sidewalk remaining for pedestrians between the curb and the area of sidewalk seating.
 - (4) The sidewalk seating shall be located a minimum of five feet from driveway and alleys, and ten feet from intersections.
 - (5) All curbs, alleys, sidewalks, and public rights-of-way adjacent to the sidewalk seating shall be kept in a clean and orderly condition.
 - (6) All outdoor seating shall be maintained free of garbage and other debris.
 - (7) An encroachment permit may be required.

4. Outdoor Sale/Promotional Event

The temporary outdoor displaying of wares, including for temporary parking lot sales, shall be permitted by temporary use permit in the DMU and CMU districts within a parking area, sidewalk, or yard provided the following conditions are met:

- (a) All sales/events shall meet the following criteria:
- (1) The sale/event may not be located so as to block any required sight triangle or the view of on-coming traffic;
 - (2) This section shall not apply to the sale of motor vehicles, trailers or boats;
 - (3) Hours of operation shall coincide with the hours of operation for the principal use.
 - (4) All merchandise shall be secured during non-operational hours.
 - (5) A sub-lessee may not occupy a parking lot for the purpose of conducting independent sales activity;

- (b) Sales/events held on private property shall also meet the following criteria:
 - (1) The event shall be located within the confines of the retailer's owned or leased property;
 - (2) The event shall be located at least 10 feet from all property lines;
 - (3) No merchandise shall block any public pedestrian way, and a minimum clearance width of three feet from any public sidewalk shall be provided;
 - (4) No merchandise may be placed on landscaping, or within three feet of either side of a working doorway, or within 10 feet directly in front of a working doorway;
 - (5) Minimum off-street parking requirements shall be maintained;
 - (6) Merchandise shall not be hung resulting in a clearance less than eight feet above a pedestrian way. Additionally, any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm, including movement driven by the movement of air or by mechanical or electrical means.

(c) Use of Public Sidewalks and Rights-of-Way

The Board of County Commissioners may permit temporary outdoor sales and promotional events to be located on a public sidewalk or in a public right-of-way subject to conditions established by the Board in approving the temporary use.

5. Portable Storage Unit

- (a) A portable storage unit may be permitted on a residential premises subject to the following:
 - (1) A portable storage unit is intended to be used only for temporary storage. It is not intended to be used for long-term, on-site storage, and any such use in any zoning district is expressly prohibited.
 - (2) The outside dimensions shall not exceed 16 feet in length, eight feet in width and nine feet in height.
 - (3) The unit must be placed on a paved surface. Portable storage units are prohibited on public streets or within any street right-of-way.
- (b) A portable storage unit may be placed on a non-residential zoned premises provided:
 - (1) The unit is located in a manner which does not hinder pedestrian or vehicular access to the premises, and does not obstruct intersection sight distance.
 - (2) In emergency situations, the planning and development director may extend the length of time a portable storage unit can be located on a site.

6. Public Event on Private Property

- (a) This categories of temporary use may not be applied when any other temporary use standards are applicable. Event uses that include the use of public property are regulated as special events.
- (b) A temporary use permit is required when the public event on private property is anticipated to displace more than 10 percent of the required parking for an existing

residential use, or 25 percent of the required parking for an existing non-residential use on the site.

7. Recycling Drop-Off Center

- (a) The area used for recycling activities shall be limited to 500 square feet.
- (b) Recyclables may be deposited in refuse-type containers, storage igloos, kiosks, or other containers.
- (c) No processing of the recyclables shall take place except for the depositing of materials and the collection of materials for transport to a different recycling center or other location for sorting and processing.
- (d) No household hazardous waste shall be accepted at a recycling center.
- (e) The proposed recycling center cannot remove the required parking for the existing use.

8. Seasonal Sales

- (a) The use may only be located on a vacant lot, or on a lot occupied by a non-residential use. The use shall not operate as an accessory to a principal residential use on a lot. In addition, the use shall not be located on a lot which adjoins a residential use unless the lot is located on a major thoroughfare.
- (b) The use shall be located on an arterial street classification or higher.
- (c) The use shall not involve or require the construction of a permanent building. A portable building may be permitted on site, and shall be removed within 48 hours of the expiration of the temporary use permit. Where required for security purposes as identified by the city, a recreational vehicle may be parked on the site for the duration of the use; the recreational vehicle used for security purposes may not be used as a residence.
- (d) Goods or merchandise displayed in conjunction with a seasonal sale shall not exceed nine feet in height.
- (e) Any signage which identifies the use shall be in accordance with the temporary sign standards.
- (f) Five off-street parking spaces shall be provided for the use.
- (g) The use, including all sale items, parking and maneuvering shall observe a setback of 15 feet from all property lines, and sale items shall not be located in the sight distance triangle.
- (h) The operator is responsible for the removal of any vestige upon cessation of the seasonal sale, including signage.

9. Temporary Office or Classroom

The authorization of a manufactured structure to be utilized in any district for educational or commercial activities is subject to the following conditions:

- (a) When associated with commercial construction, a valid and active building permit shall be in place for the construction of a permanent mixed-use or commercial structure. Temporary office space may be approved by the Zoning Administrator for a period of one year or less, and may be extended while a valid and active building permit remains in place.
- (b) A temporary classroom may be approved for 12 months as a temporary use. Temporary classrooms that are anticipated to be used for longer than 12 months may be approved as accessory structures pursuant to Section 4.6.B.

Section 4.8. Operational Performance Standards

A. 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.

B. Exemption

The following are exempt from the performance standards of this section:

1. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and
2. 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.

C. General

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

D. 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.

E. 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.

F. 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.

G. Fire and Explosive Hazard Material

1. 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.

2. 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.

H. 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.

I. 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.

J. 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.

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Article 5 Site Layout and Structure Design Standards

Section 5.1 Residential Design Standards

A. Design Standards: Single Unit, Two Unit, Three Unit, and Townhouse

1. Purpose

The purpose of the residential design standards is to preserve and enhance the quality and character of the built environment in the Town. More specifically, the purposes of this section are to:

- (a) Encourage high quality development as a strategy for investing in the Town's future;
- (b) Emphasize the Town's unique and creative community character;
- (c) Avoid repetitive and monotonous development and streetscapes;
- (d) Protect and enhance property values;
- (e) Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land; and
- (f) Promote structural sustainability through the use of materials appropriate to the Town's climate and altitude.

2. All Principal Residential Buildings

All principal residential buildings shall be designed to comply with the following standards:

- (a) New residential development shall incorporate the following architectural design elements:
 - (1) Front entrance emphasis using one of the following design features:
 - (i) Entrance through a front porch;
 - (ii) Locate the entrance in a recessed or projecting bay;
 - (iii) Sidelights, trim, and/or transom windows abutting the front door; or
 - (iv) Front entry covered by a roof or canopy differentiating it from the overall roof type.



Fig. 5-A, Sample entry features

Top left: recessed door with roof

Top right: sidelight windows

Bottom left: entry through front porch

- (2) The front façade of new residential buildings shall provide a minimum of 15% window and door coverage per story. The use of vertical-oriented double-hung windows is preferred over horizontal sliding windows.
 - (3) Garage doors for attached garages on the front facade shall not exceed 40% of the total width of the front façade.
- (b) No front facade shall be repeated more than once every three lots on the same side of the street. Each facade used to satisfy this requirement shall distinctly differ from other facades in a minimum of four of the following design elements.
- (1) Placement of windows and doors on the front façade;
 - (2) Use of different materials on the front façade;

- (3) Substantial variation in the location and proportion of garages and garage doors;
- (4) Variation in the use, location, or proportion of front porches;
- (5) Substantial variations in rooflines, that may include roof pitch;
- (6) Use of dormers;
- (7) Variation of building type between ranch, two-story, or split level;
- (8) Other distinct and substantial facade design variations approved by the Planning & Zoning Commission.

3. Two and Three Unit Dwellings

Two- and three-unit dwellings shall also comply with the following standards:

- (a) Front porches shall be incorporated for all front entrances.
- (b) All units shall be provided with at least one entrance connected by sidewalk to a public sidewalk or street. A storage room of at least 10' by 10' shall be provided for each residential unit.

4. Townhome Dwellings

- (a) The attached dwellings in any one townhouse structure shall be required to have distinctly different front facades. No attached single-unit structure front facade shall be repeated more than once every four structures on the same side of the street. Options for façade differentiation include:
 - (1) Placement of windows and doors;
 - (2) Use of different materials;
 - (3) Substantial variation in the location and proportion of garages and garage doors;
 - (4) Variation in the use, location, or proportion of front porches;
 - (5) Substantial variations in rooflines, that may include roof pitch;
 - (6) Use of dormers; or
 - (7) Other distinct and substantial facade design variations approved by the Planning & Zoning Commission.
- (b) Any building (excluding parking garages and other accessory buildings) viewed from a public right-of-way or public open space shall either face the right-of-way or open space, or shall have a façade facing public view that is designed in keeping with the character of the front façade, including the utilization of similar fenestration and materials.

B. Design Standards: Multiunit Dwellings

Multiunit dwellings shall comply with the following standards:

1. Each dwelling unit shall have a minimum floor area of 400 square feet,
2. Each dwelling unit shall have a balcony or a patio of at least 64 square feet/unit;
3. No more than four apartment units shall share a common entrance stairway;

4. A storage room of at least 10' by 10' shall be provided for each residential unit.
5. Walls with long, flat facades over 40 feet in length shall be designed 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.

C. Parking

1. Generally Applicable to All Principal Structures

Service and vehicular access shall be provided off the alley. Where there is no alley the Zoning Administrator shall determine the appropriate location for access based on traffic circulation, land use, and public safety.

2. Two-Unit and Multiunit Dwellings

- (a) All required off-street parking shall be provided in the rear of the property. Strip parking along street frontages is not permitted.
- (b) Off-street parking access shall be provided from an alley. Where alley access is unavailable, access shall be provided from a single common driveway.

Section 5.2 Mixed-Use and Commercial Development

A. Purposes

The mixed-use and commercial design standards are intended to promote high-quality design that works within the context of the surrounding development, neighborhood, or Town in general. The standards are further intended to:

1. Provide visual interest and variety while still ensuring context-appropriate design that works with surrounding structures;
2. Enhance the pedestrian scale of development and the streetscape;
3. Mitigate negative visual, pedestrian, and neighborhood impacts from the scale, bulk, and mass of large buildings;
4. Balance the community's economic and aesthetic goals; and
5. Encourage building and site design that fosters community sustainability goals, including adaptive reuse where possible.

B. Applicability

The design standards in this subsection apply to all new commercial, mixed-use, and industrial structures except those located in the Downtown Mixed-Use (DMU) district.

C. Building Design

1. Façades

The majority of a building's architectural features and treatments shall not be restricted to a single façade. Building details, including roof forms, windows, doors, trim, and siding materials, shall reflect the architectural style of the building. All publicly-visible sides of a mixed-use or commercial building shall display a similar level of quality and architectural detailing.

2. Building Orientation

The front façade shall be oriented toward a public street and pedestrian walkways.

3. Building Styles

Franchise architecture is discouraged in favor of design that is architecturally compatible with the character of the neighborhood or district.

4. Roofs

Flat roofs shall include parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. Parapet roofs should be of sufficient height to conceal HVAC units and other similar roof-mounted apparatus from public view from adjacent street levels. Parapet roofs shall have cornices or be stepped. The Planning & Zoning Commission may waive or reduce the parapet requirement for roof-mounted solar equipment or green roofs.

5. Parking

Parking shall be located to the side or rear of the primary structure.

Section 5.3 Neighborhood Manners – Residential Adjacency

A. Applicability

The following standards apply to all zone districts except Downtown Mixed-Use.

B. Standards

1. Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses. The module or wing adjacent to a residential use shall be no more than one story taller than the residential structure.
2. Facade Configuration
 - (a) Service functions like refuse collection, incidental storage, and similar functions shall be integrated into the architecture of the building unless an alternate location places these functions farther from adjacent residential uses.
 - (b) Windows shall be arranged to avoid direct lines-of-sight into abutting residential uses.
 - (c) Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts.
3. The residential compatibility standards in this subsection apply when nonresidential or mixed-use development is proposed adjacent to lots used by or zoned for detached or attached single-family structures in a residential district.
4. Where these adjacency standards apply, the following uses or features shall be prohibited as principal or accessory uses:
 - (a) Public address/loudspeaker systems;
 - (b) Outdoor storage; and
 - (c) Uses providing delivery services via large tractor trailers (not including package delivery services).

5. Off-street parking for the nonresidential or mixed-use structure shall be established in one or more of the locations listed below. The locations are listed in priority order; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.
 - (a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
 - (b) Adjacent to lot lines abutting nonresidential development;
 - (c) Adjacent to lot lines abutting mixed-use development;
 - (d) Behind the building;
 - (e) In front of the building; or
 - (f) Adjacent to lot lines abutting residential uses.
6. In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged. A cross-access easement shall be recorded.
7. Landscaping/Screening
 - (a) Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.
 - (b) Any parking designated for trucks, recreational vehicles and other large vehicles shall be placed in a location which is not adjacent to either any street or to any residentially zoned property.
8. Operation
 - (a) Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 pm.
 - (b) Loading or unloading activities shall take place only between the hours of 7:00 am and 11:00 pm.
 - (c) Alternate hours of activities may be approved through the conditional use permit process.

Section 5.4 Generally Applicable Structure Design Standards

A. Materials

1. Purpose

The choice of building materials is important to ensure that structures in Dolores are:

- (a) Developed in a manner that responds to the climate of Southwestern Colorado, including periods of extensive solar radiation, high heat, and very low moisture or rainfall;
- (b) As fire-resistant and ignition resistant as is feasibly possible;

- (c) Uniquely designed while still grounded by some basic materials design standards; and
- (d) Constructed with safe and efficient materials that are in keeping with both historic and modern Dolores.

2. Applicability

All multifamily, mixed-use, and commercial building walls that are clearly visible from a public street or right-of-way shall comply with the following standards:

3. Generally Applicable Materials Standards

- (a) Stronger and heavier materials (masonry) should be located below lighter materials (wood).
- (b) Material changes should occur at logical construction locations.
- (c) Equivalent or Better: Materials, techniques, and product types prescribed here are permitted. Where indicated, equivalent or better practices and products in terms of quality, maintenance, and durability as shown by the manufacturer's specifications and industry studies, may be proposed to the Town for review according to the Alternative Compliance process established in Article 17.

4. Primary Façade Materials

Any of the following building materials shall be used on a minimum of 75% of the facade area. This measurement shall be calculated as a percentage of the wall portion of the facade, exclusive of windows, doors, or other openings.

- (a) Brick, natural stone, block, or integrally-colored synthetic stone;
- (b) Adobe;
- (c) Fire-retardant treated wood or Town-approved fiber cement siding;
- (d) Stucco (cement plaster), however, prefabricated stucco panels and sprayed on stucco finishes are prohibited;
- (e) Cast iron, copper, stainless steel (18-8 or better), or titanium metal;
- (f) Vinyl siding that meets ASTM Standard 3679 that has anti-weathering protection and a minimum warranty of 50 years; and
- (g) Aluminum siding with a manufacturer's projected lifespan of 40 years or more.

5. Secondary Materials

Any of the following materials are permitted on a maximum of 25% of the façade area and on all side and rear elevations.

- (a) All permitted primary facade materials,
- (b) Metal,
- (c) Ground- or split-faced block (integrally colored),
- (d) Glass block,
- (e) Decorative tile,

- (f) Pre-cast masonry, and
- (g) EIFS (Exterior Insulation and Finishing System) and other synthetic materials may be used above the second story,

6. Prohibited Materials

- (a) Styrofoam and all other foam-based products, and
- (b) Faux and/or thin-brick or stone panels.

7. Additional Permitted Materials and Elements

- (a) Cornices and soffits may be comprised of wood, metal, vinyl, or synthetic materials.
- (b) Gutters and downspouts may be vinyl and/or metal, in accordance with industry standards.
- (c) Parapet wall materials, exclusive of copings, shall match the building wall.

Section 5.5 Sidewalks and Pathways

- A. Sidewalks are required along both sides of all public streets in accordance with Town standards. The minimum width for sidewalks and pathways is five feet.
- B. Provisions shall be made on all development sites to encourage the use of bicycle and pedestrian travel through the integration of bicycle and pedestrian paths, trails and/or bicycle lanes that connect to parks, open spaces, schools, public transit, and shopping areas.
- C. Bicycle and pedestrian paths, trails, and/or bicycle lanes shall also connect to collector and collector streets. Easements and/or rights-of-way shall be provided for bicycle/pedestrian paths between and within developments as necessary to provide pedestrian and bicycle linkages between developments, unless the applicant can demonstrate that to do so would be infeasible.
- D. The following standards apply to multifamily, mixed-use, and non-residential development,
 - 1. A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the principal building entrance.
 - 2. For multi-structure developments, pedestrian walkways or sidewalks shall connect all primary building entrances and must be provided along any facade featuring an entrance that exits into a parking area or travel lane. Pedestrian walkways shall also connect all on-site common areas, parking areas, storage areas, open space, and recreational facilities.

Section 5.6 Alley Easements Required

- A. Alley easements shall be provided in all residential areas.
- B. Where there is an existing or planned alley system in a mixed-use or non-residential area, alleys shall be provided and lots shall be provided vehicle access from the alley.
- C. Where an existing or planned alley system does not exist, the Planning Commission may waive the alley easement requirement provided other definite and assured provision is made for safe service access, such as off-street parking, consistent with and adequate for the uses proposed.

Section 5.7 Drainage

A. Purpose

The purposes of understanding and addressing stormwater drainage issues in Dolores include:

1. Protecting human life, health, and property;
2. Minimizing the expenditure of public monies for costly flood control projects;
3. Minimizing erosion and sedimentation problems and enhancing water quality;
4. Minimizing future operational and maintenance expenses; and
5. Providing for inspection and monitoring procedures necessary to ensure compliance with this article.

B. Adequate Drainage Required

All developments shall provide for new drainage facilities, the improvement of any existing drainage facilities, channel improvements, grading, driveway adjustments, culvert improvements or any other improvement, drainage facility or work which is necessary to provide for the stormwater drainage needs of a development, in accordance with the requirements and design standards of this section, shall be included but not limited to any drainage facilities, improvements or other work which is necessary to:

1. Provide for the conveyance of all stormwater from the development when fully developed to an adequate discharge point;
2. Fulfill any purpose for which the requirements of this section are imposed;
3. Adequately protect the development from flooding, including the effects of the one-hundred-year flood;
4. Properly control any increase in the upstream or downstream stage, concentration or water surface elevation caused by the development;
5. Provide for the conveyance of off-site storm drainage based on ultimate developed watershed conditions through the development.

C. Drainage Study Required

The applicant shall be responsible for submitting a drainage plan for the site prepared and stamped by a registered professional engineer licensed in Colorado. The applicant shall further provide all easements and construct all drainage facilities called for in the approved plan.

D. Contents of Drainage Study

A drainage study shall include or identify the following:

1. A contour map showing all existing and proposed water courses, including the seasonal course limits of tributaries, indicating the surface conditions and locations of points of departure from the development.
2. Computations of ten-year flows and one-hundred-year flows, in addition to an indication of the limits of the one-hundred-year floodplain plotted on the contour map.

3. Computations of the increase or decrease in flows anticipated as a result of the development, the capacity and velocity through all drainage structures, including open channels, and the revised floodplains shall be plotted on a contour map.
4. In no case shall the area within the one-hundred-year floodplain be used for structural development without specific approval of the Town Board.
5. Detention ponds and/or infiltration galleries shall be included in the drainage plan to reduce peak runoff rates and to minimize pollution release to receiving streams when such can be reasonably fit into the development and when they will not create unusual maintenance responsibilities for the Town.

E. 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.

F. 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.

G. Catch Basins

Standard drop inlet catch basins shall be constructed.

H. Water and Sewer System Protection

Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.

Section 5.8 Traffic Impact Analysis

- A. The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Where new development meets any of the applicability criteria listed in 5.8.B below, the application shall submit an evaluation of system capacity in the form of a Traffic Impact Analysis (TIA), that considers the following factors: street capacity and level of service; vehicle access and loading; on-street parking impacts; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety.
- B. A TIA shall be required with applications for development review when:
 1. Trip generation during any peak hour is expected to exceed 200 trips per day or more than 100 trips during any one-hour peak period, based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual (or any successor publication); or
 2. A TIA is required by the Planning and Zoning Commission or Town Board as a condition of any land use application approved pursuant to the requirements of this Code; or
 3. The Town Administrator may require a TIA for:

- (a) Any project that proposes access to a street with Level of Service “D” or below;
- (b) Any application for a rezoning
- (c) Any case where the previous TIA for the property is more than two years old; or
- (d) Any case in which the Town Administrator determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

Article 6: Subdivision Standards

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Section 6.1 Purpose

These subdivision standards are adopted for the following purposes:

- A. To protect and to provide for the public health, safety and general welfare of present and future residents of the Town;
- B. To guide the future growth and development of the Town in accordance with the Comprehensive Plan and other adopted plans and policies;
- C. To ensure provision of adequate public facilities and services for subdivisions;
- D. To provide for the coordinated development of adjoining properties to the benefits of future residents and the general public.
- E. To provide for optimum traffic circulation within the subdivision and throughout the Town;
- F. To ensure protection, sound use and management of natural resources and open spaces through sound development design practices;
- G. To provide for access to open space, recreational facilities and other amenities for all residents; and
- H. To provide reasonable protection from possible nuisances and hazards.

Section 6.2 Scope and Applicability

A. Applicability

- 1. This article applies to all plats and subdivision of land within the corporate limits of the Town of Dolores, including property that is being annexed into the Town.
- 2. Subdivisions shall be designed to comply with all applicable standards in this Code, including Article 5, Site Layout Standards.

B. Creation of Building Site

No building or other development permit shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

- 1. The lot or tract and is part of a plat of record, properly approved by the Board of Trustees and filed in the plat records of Montezuma County, Colorado; or
- 2. The parcel, tract, or lot faces upon a dedicated street and was legally created 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 principal building conforming to all the requirements of this Code may be issued on each such original separately owned parcel without first complying with Article 7 B 2 a. preceding.

C. Platting Unzoned Property

- 1. No subdivision plat shall be approved within the Town limits of the Town of Dolores until the area covered by the proposed plat has been assigned a zone district by the Board of Trustees of the Town of Dolores, Colorado.

2. 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.
3. 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 applicable zone district applicable 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, decide the zoning and annexation at the same time.

Section 6.3 Layout and Design, Generally (new)

A. Natural Hazard Areas

Land subject to hazardous conditions such as landslides, mud flows, rock falls, snow drifts, possible mine subsidence, mine shafts, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and construction plans.

B. Adjoining Subdivisions

A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street right-of-ways, utility and drainage easements, open space, view corridors, and pedestrian/bicycle paths.

Section 6.4 Building Lots

A. 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 in mixed-use, commercial, or industrial zone districts shall be adequate to provide for the off-street parking and loading facilities required by the type of use and development contemplated.

B. Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

C. Street Frontage Required

Each lot or building tract shall front on a public street.

D. 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.

E. 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.

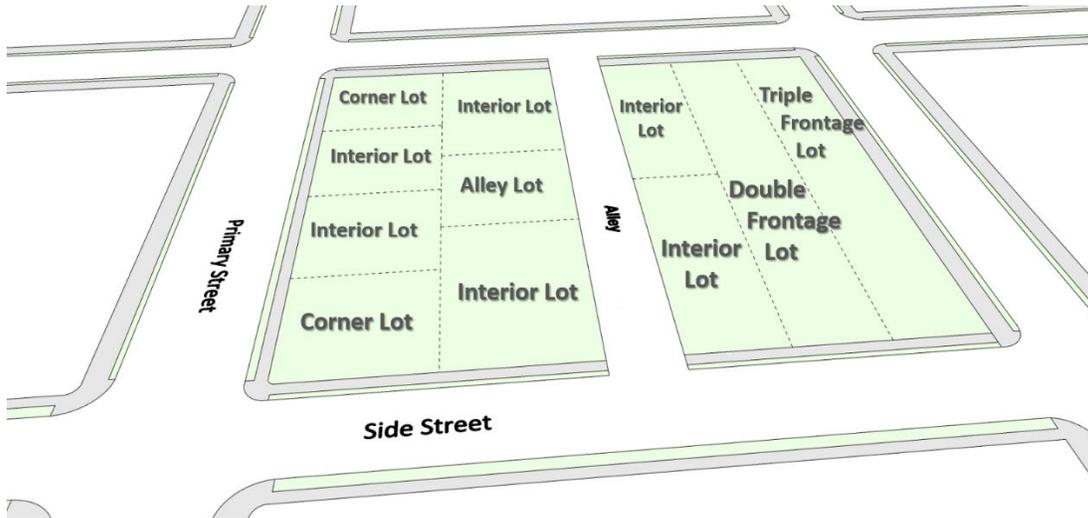


Figure 6.A: Lot types diagram

F. Floodplain

No residential lot or parcel intended for residential or nonresidential occupancy shall include any land included within the 100-year floodplain.

Section 6.5 Streets and Alleys

A. Specifications

1. All streets and alleys shall be designed in accordance with the Dolores Master Streets Plan and [insert name of street engineering specifications manual].
2. The Town Administrator may grant an exception to one or more street design standards where the standard is inappropriate and the exception will result in the level of safety, service, and quality intended by such standards.

B. Developer Responsibility

1. Perimeter and internal subdivision 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.
2. Off-site street construction [does the Town have standards for this?]
3. Major structures, such as retaining walls, box culverts, and bridges that are appurtenant to a proposed street or parking lot construction shall be provided by the developer.
4. The developer shall pay the cost of purchasing and installing street posts, markers, and traffic signs of the type as used throughout the Town at each street intersection.
5. 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.

C. Street Layout

1. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots.
2. Provision shall be made for street layout, extension and connectivity that bears a logical relationship to the topography and, where applicable, to the location or anticipated location of existing or planned streets on adjacent properties.
3. 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.

D. Street Connections

1. The system of streets designated for the subdivision 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.

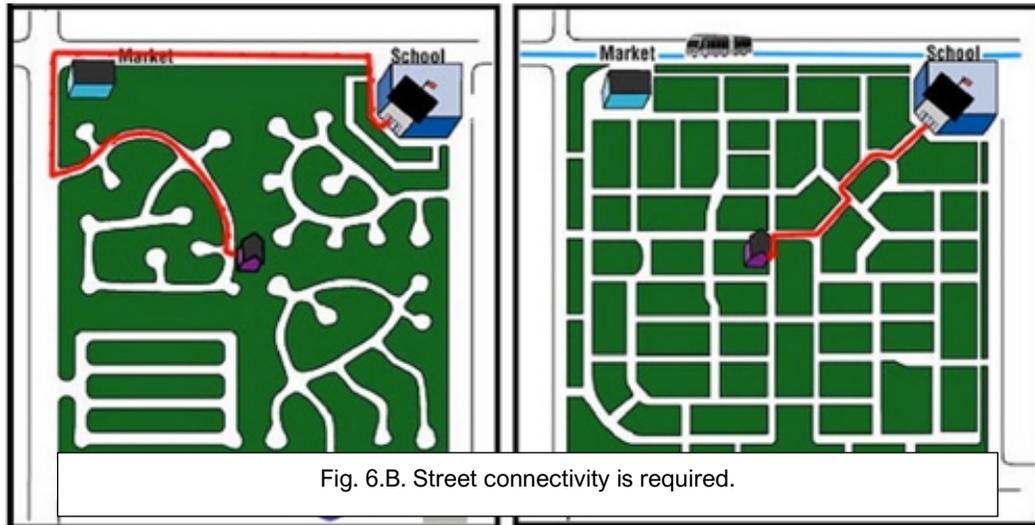


Fig. 6.B. Street connectivity is required.

- 2. 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.

2. Street Intersections

- (a) All streets shall be laid out to intersect as near as possible to right angles.
- (b) All streets shall intersect at right angles for a minimum of 50 feet from the edge of the intersection.
- (c) More than two 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.



Fig. 6.C Reserve strips are prohibited

3. Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

4. Block Lengths

Block lengths shall not be less than 100 feet or more than 600 feet.

5. Cul de Sacs and Dead End Streets

- (a) Permanent cul-de-sacs and dead-end streets should only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical. Ordinarily, cul-de-sacs shall be discouraged as they do not result in a continuation or conformance to existing streets or streets pattern.
- (b) Cul de sacs shall not exceed 600 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.

- (c) Whenever cul-de-sac streets are created, at least one ten-foot-wide pedestrian access easement shall be provided, to the maximum extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street, pedestrian sidewalk or trail/pathway. See Figure 7.C: Pedestrian Accessways.

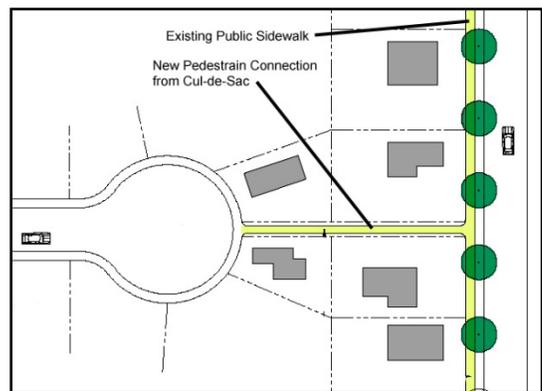


Fig. 6.D: Pedestrian Accessways

- (d) 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.

6. 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.

E. Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet following standards.

Table 6-1: Street Design Standards

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'

1. Street Grade and Curves

Streets may have a maximum grade of seven percent. Centerline grade changes with an algebraic difference of more than two 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.

2. 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.

3. Alley Easements Required

- (a) Alley easements shall be provided in all residential areas.
- (b) Where there is an existing or planned alley system in a mixed-use or non-residential area, alleys shall be provided and lots shall be provided vehicle access from the alley.
- (c) Where an existing or planned alley system does not exist, the Planning Commission may waive the alley easement requirement provided other definite and assured provision is made for safe service access, such as off-street parking, consistent with and adequate for the uses proposed.

4. Minimum Alley Width

The minimum right of way width of an alley shall be 20 feet. The minimum improved surface width of alleys shall be 15 feet.

5. 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 by-pass or turn lanes when they are required.

6. Sight Distance

All portions of the grade line must meet sight distance requirements for the design speed. The minimum stopping sight distance is the distance required by the driver of a vehicle, traveling at the design speed, to bring the vehicle to a stop after an object on the road becomes visible.

7. 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.

F. Construction Materials

All streets shall be constructed with three courses of chip seal (triple chip seal).

Section 6.6 Sidewalks and Pathways

- A. Sidewalks are required along both sides of all public streets in accordance with Town standards. The minimum width for sidewalks and pathways is five feet.
- B. Provisions shall be made in all developments to encourage the use of bicycle and pedestrian travel through the integration of bicycle and pedestrian paths, trails and/or bicycle lanes that connect to parks, open spaces, schools, public transit, and shopping areas.
- C. Within new residential subdivisions, bicycle and pedestrian paths, trails, and/or bicycle lanes shall also connect to collector and collector streets. Easements and/or rights-of-way shall be provided for bicycle/pedestrian paths between and within developments as necessary to provide pedestrian and bicycle linkages between developments, unless the applicant can demonstrate that to do so would be infeasible.
- D. The following standards apply to multifamily, mixed-use, and non-residential development,
 - 1. A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the principal building entrance.
 - 2. For multi-structure developments, pedestrian walkways or sidewalks shall connect all primary building entrances and must be provided along any facade featuring an entrance that exits into a parking area or travel lane. Pedestrian walkways shall also connect all on-site common areas, parking areas, storage areas, open space, and recreational facilities.

Section 6.7 Easements

A. 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.

B. Minimum Width

The minimum right of way width of each utility easement shall be 10 feet.

C. Utility Easements

Utility easements shall be provided of 10 feet in width on each side of all rear lot lines and five 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 feet in width, the easements on the rear and side lot lines in the subdivision shall be 10 feet in width.

D. Potable Water and Sewer Easements

Water and sewer easements shall be a minimum of 20 feet in width.

E. “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.

F. 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.

G. 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.

H. Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or the logical continuation of an existing public trail, an easement shall be provided sufficient for public trail construction, maintenance, and access.

I. 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.

Section 6.8 Public Land Dedication

A. 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.

B. 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.

C. Dedication Requirement

1. The obligation of the developer shall be to dedicate to the Town at least eight 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.
2. 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.

D. Specifications

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Developer and/or owner shall supply signage designating this area as public land. Board of Trustees shall approve the selection and type of signage.

E. 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.

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

2. 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.

F. 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.

1. 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 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.

2. 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.

3. Accounting, Expenditure and Refunds

All such payments of cash in-lieu fees shall be accounted for and spent according to the following requirements.

- (a) 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;
- (b) 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
- (c) 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 year after the right to such refund arises.

Section 6.9 Water Supply

- A. Water supply shall be available or made available to all lots platted. The water system, as proposed, and the availability of the water sources shall be explained and certified by a registered professional engineer licensed in Colorado and an attorney, if necessary, shall substantiate water rights prior to approval of the final plat.
- B. All municipal water service shall be subject to the requirements of the Municipal Code of the Town of Dolores.
- C. 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”).

Section 6.10 Sanitation

All sanitary sewer service and facilities shall be provided by and meet all requirements of the Town of Dolores.

Section 6.11 Underground Utilities

All utilities shall be placed underground, except transformers, switching boxes, and terminal boxes.

Section 6.12 Mandatory Homeowners' Association

A. 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.

B. 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 drainageways or drainage structures or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association is established and created.

C. 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 rights-of-way, shall be dedicated by easement or deeded in fee simple ownership interest to the association. Easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

Section 6.13 Condominium Subdivisions

Condominium subdivisions shall comply with the following standards:

- A. The density of the development shall not be greater than the maximum density as allowed by the underlying zone district.
- B. Each individual condominium unit shall have separate utility service, including individual meters and shut-off valves.
- C. The structure shall meet current off-street parking requirements for the underlying zone district. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.

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Section 7.1. Purpose

This section is designed to provide standards for the installation and maintenance of landscaping, walls, and screening devices to promote the general welfare of the community. This is accomplished by:

- A. Enhancing the appearance of all development by providing standards for the quality, quantity, and functional aspects of landscaping and buffering.
- B. Decreasing the use of water for landscaping purposes by encouraging the use of drought-resistant, low-water native and naturalized plant materials that thrive in the regional soil types and environmental conditions in planting zone 4 in southwestern Colorado;
- C. Preserving healthy environmental conditions by providing shade, air purification and oxygen generation, groundwater recharge, stormwater runoff retardation, water quality treatment, and noise, glare, and heat abatement through the preservation of established trees and installation of landscaping;
- D. Encouraging the replanting of trees and vegetation lost to land development activity to provide heat abatement, wind deflection, and support and increase property values;
- E. Improving the quality and diversity of plant and tree selection through the implementation of landscape standards and specifications;
- F. Encouraging the creation of an attractive appearance along streets and by screening from view those uses that may be unattractive to public view;
- G. Using landscaping materials, including ground covers, shrubs, and trees that facilitate the control of erosion and the reduction of glare and dust; and
- H. Requiring long-term maintenance including the removal of weeds and the timely replacement of landscape components lost after installation.

Section 7.2. Applicability

A. New and Complying Development

This article shall apply to all new development unless otherwise specified in an individual subsection. .

B. Redevelopment: Expansion, Enlargement, and Nonconformities

1. When landscaping would otherwise be required for new development, this article shall apply a proportionate requirement to redevelopment, defined for this article as whenever any building is enlarged in height or in ground coverage, as follows:
 - (a) Minimal Change. Square footage changes that increase the total gross floor area of a structure by less than 10 percent, as determined by the building permit application, shall not be required to provide additional landscaping.
 - (b) Proportionate Change. Square footage changes that increase the total gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the building permit application, shall require a corresponding percent increase in compliance with landscaping standards until the site reaches compliance.

- (c) Full Compliance. Square footage changes that increase total gross floor area of a structure by 75 percent or greater, as determined by the building permit application, shall be required to fully comply with these standards.
 - (d) Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.
2. Any application by a property owner to expand or replace part of an existing structure shall remain on record for five years from the date of work completion. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous five years. The cumulative total shall be used by the Town to determine the property owner's necessary level of compliance.

C. Existing Development

Existing development shall comply with the requirements of this article unless otherwise specified or exempted in an individual subsection.

Section 7.3. Landscaping

A. Applicability

1. This section identifies three types of landscaping, located generally as identified in Figure 7-1 and applicable to new development and redevelopment as identified in Table 7-1, below:

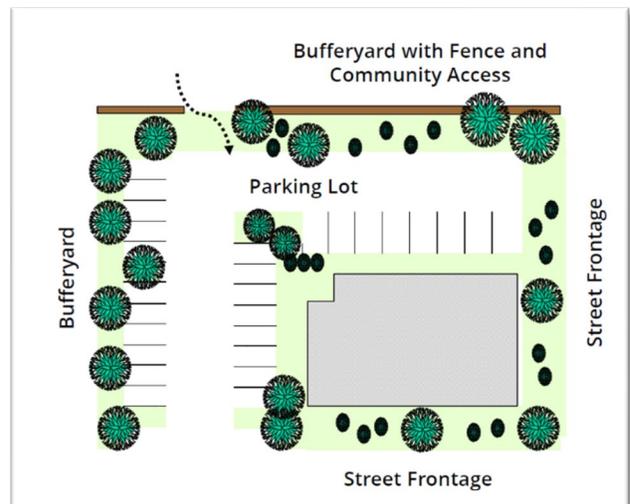


Figure 7-1: Illustrated location of different required landscape types

Table 7-1: Landscaping Applicability

Landscaping Type	Section	R-35, R-10	LLR-1, LLR-2, NR-1	NR-2, NR-3, MHP	DMU, CMU	P-2	IND
Key: ✓ = Applicable, ✗ = Not Applicable							
Street Frontage	7.C.1	✗	✗	✓ All districts and uses located on a public street			
Bufferyards	7.C.2	✗	✗	✗	✓	✓	✓
Parking Lot Landscaping	7.C.3	✗	✗	✗	✓ Any parking lot with 10 or more spaces		

Table 7-1: Landscaping Applicability

Landscape Type	Section	R-35, R-10	LLR-1, LLR-2, NR-1	NR-2, NR-3, MHP	DMU, CMU	P-2	IND
Key: ✓ = Applicable, ✗ = Not Applicable							
Tree Protection	7.E	✓	✓	✓	✓	✓	✓

2. A property or development site may have more than one type of required landscaping. Each type of landscaping is calculated separately. One type of required landscaping may not be calculated toward nor substituted for the provision of a different type of required landscaping. For example, street frontage landscaping may not be calculated toward off-street parking lot landscaping

B. Street Frontage Landscape Area Standards

1. Applicability

Any front or side-street yard (“street frontage”) of each lot or tract and any adjacent right-of-way on the private property-side of a sidewalk shall be landscaped according to this section.

2. Dimensions

- (a) The minimum depth of the street frontage landscape area shall be 10 feet, measured inward from the property line.
 - (1) Where a sidewalk is installed or required the depth shall be measured from the inside edge of the sidewalk.
 - (2) A property owner may provide landscaping between the right-of-way and a sidewalk in addition to required street frontage landscaping. All property owners shall maintain the area between the right-of-way and a sidewalk pursuant to Dolores Municipal Code Section xx.xx.
- (b) Street frontage landscape areas may be located within required zone district yards and required setbacks.

3. Plant Materials

- (a) The street frontage landscape area shall be planted in 75 percent organic materials. The remaining 25 percent may be covered in inorganic materials.
 - (1) Turf grass or other material that requires regular mowing may not be planted in street frontage landscape areas in mixed-use or non-residential districts.
 - (2) Smooth concrete or asphalt surfaces are not considered landscaping.
- (b) One tree, with a minimum two-inch caliper, shall be planted per 35 linear feet (or fraction thereof) of required street frontage landscaped area.
 - (1) Required trees shall be spaced at least 35 feet apart.

- (2) Access driveways shall not be subtracted from calculations of the amount of street yard landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining landscaping area.
- (c) Generally applicable plant materials standards are located in Section 7.D.
- (d) Street tree species shall be chosen from the list in Appendix A.
- (e) The use of coniferous trees is not permitted in street frontage landscape areas.

C. Bufferyards

1. Applicability

- (a) When made applicable by new development or development change as described in Section 7.B, the exterior boundary of a lot that adjoins or is located across an alley from a different zone district, structure, or use, and that does not adjoin a public street right-of-way, shall meet the bufferyard requirements shown in Table 7-3, below.
- (b) A lot may require both street frontage landscaping and bufferyards depending upon the types of surrounding development.
- (c) In the DMU district, the requirements of this section shall be accommodated to the maximum extent feasible. The bufferyard design may be adjusted by the Zoning Administrator to accommodate the space available on the lot.
- (d) There are three types of landscaping bufferyards identified in Table 7-2 that are intended to accomplish the following:
 - (1) B1: Visual Enhancement is intended to create a partial visual separation between uses or districts.
 - (2) B2: Filtered Screen is intended to create a semi-opaque visual separation between uses or districts.
 - (3) B3: Screened Separation is intended to provide both space and a partial visual separation between uses or districts. This bufferyard is intended for use where a new development is located adjacent to a district or use that is significantly different in intensity, such as a residential district next to an industrial district.
- (e) The dimensions and planting requirements for each type of bufferyard is specified in Table 7-3, immediately following Table 7-2.

Table 7-2 Required Bufferyards

**Key: B1, B2, or B3 = Bufferyard Required, see Table 8-3 for planting requirements
X = No Bufferyard Required**

		Proposed New Development or Redevelopment Required to Install Buffer on Site (see Section 7.B for applicability)													
		Resource 35 and 10		Residential (LLR-1, LLR-2, NR-1, NR-2, NR-3 and MHP)			Mixed-Use (DMU, CMU)				Public (P-1, P-2)		Industrial (IND) and Marijuana in all districts		
		Structure/ Use	SFR	Non-Res	Single FR	Multi-FR	Non-Res	Single FR	Multi-FR	Mixed Use	Non-Res	P1	P2	I1	MJ
Existing Development (no change)	Re-source	Single Family	X	B2	X	B1	B2	X	B1	B2	B2	B2	B3	B3	B3
		Non-Res	B2	X	B2	B2	X	B3	B2	B1	X	B1	B2	B2	B3
	Residential	Single Family	X	B2	X	B1	B2	X	B1	B2	B2	B2	B2	B3	B3
		Multi Family	B1	B2	B1	X	B2	B2	X	B2	B2	B2	B2	B3	B3
		Non-Res	B2	X	B2	B1	X	B3	B1	B1	X	B2	B1	B2	B3
	Mixed-Use	Single Family	X	B2	X	B1	B2	X	B1	B2	B2	B2	B3	B3	B3
		Multi Family	B1	B2	B1	X	B2	B2	X	B2	B2	B2	B3	B3	B3
		Mixed-Use	B2	B1	B2	B1	B1	B3	B2	X	B2	B2	B1	B2	B3
		Non-Res	B2	X	B2	B1	X	B3	B1	B1	X	B1	B2	B2	B3
	Public	P1	B2	B1	B2	B2	B1	B1	B2	X	B1	X	B1	B3	B3
		P2	B3	B2	B3	B3	B2	B3	B3	X	B2	B1	B1	B2	B3
	Industrial or MJ	I1	B3	B2	B3	B3	B2	B3	B3	B2	B2	B2	B3	X	B3

2. Types of Bufferyards

The bufferyards identified in Table 7-2 shall meet the following minimum dimensions and planting requirements:

Table 7-3: Standard Bufferyard Types

Requirement	B1	B2	B3
Planting Area Width (min. avg., ft)	6	10	10
Min. Trees	none	1 per 35 linear feet	1 per 15 linear feet
Min. % Organic Landscape Material	75	75	75
Max. % Non-organic Landscape Materials	25	25	25
Max. Organic Groundcover in Turf Grass	Not permitted	N/A	N/A
Opaque Screen Fence	Optional	Optional	Required
Open Fence	Optional	Optional	N/A

3. Location and Calculations

- (a) Bufferyard depth is measured from the property line inward. Where a buffer area overlaps another buffer area, the area of overlap of one bufferyard shall be subtracted from the total required landscape point calculation to avoid double counting.
- (b) Bufferyards may be located within required yards and setbacks.
- (c) Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.

4. Additional Standards and Instruction

- (a) If a use or district does not conform with the categories identified in Table 7-2, the Zoning Administrator shall determine which category best matches the use.
- (b) A six-foot high sight-obscuring fence or wall shall be provided on the property line where a commercial or industrial use or structure is adjacent to or across an alley from any residential uses, including residential as part of a mixed-use development.
 - (1) A screening fence or wall is not required where the residential uses is separated from the commercial or industrial use by a public street.
 - (2) A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three feet and reaches six feet or more at maturity.
 - (3) Vinyl or powder-coated, colored chain link fencing is allowed within a bufferyard where a sight obscuring fence is required so long as the chain link fence has sight-obscuring slats installed.

D. Off-Street Parking Lot

1. Applicability

The following requirements shall be applicable to all new off-street surface parking lots with 10 or more spaces.

2. Required Landscape Area

All surface parking lots shall incorporate the following interior landscaping:

- (a) Landscape islands shall be installed for every 10 parking spaces contained in a parking row, either within the parking row or at the end of the parking row.

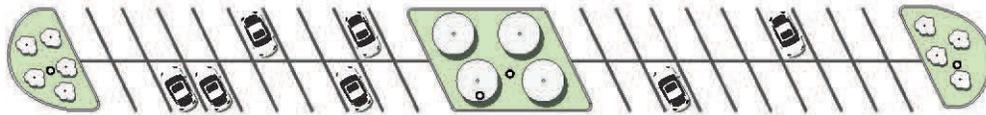


Figure 7-2: Sample parking lot landscaping layout

- (b) Parking lots with 50 or more spaces shall also be divided into subsections of no more than 25 spaces with landscape divider strips shall be placed between the sections.

3. Landscape Area Design

- (a) Minimum standards for landscape islands:

- (1) Minimum dimensions:

- (i) Width: six feet.
- (ii) Area: 200 square feet.

- (2) Planting per 200 square feet: four, five-gallon deciduous shrubs and one deciduous tree with a minimum caliper of two and one-half inches.

- (b) Minimum standards for landscape dividers:

- (1) 10 feet in width and shall extend the length of the parking row.
- (2) Include a four-foot-wide sidewalk and a six-foot wide planting strip.
- (3) Meet planting requirements for landscape islands, as outlined above, with one tree planted every 40 feet.

- (c) Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of concrete curbs, extruded asphalt or other approved permanent barriers.

- (d) No paving shall be permitted within four feet of the center of a tree.

- (e) All of the required parking lot landscaped areas must contain a minimum of 75 percent organic landscaping material, with a maximum of 25 percent inorganic landscaping material. Approved sidewalks are not counted toward the percentage of inorganic material unless specifically provided for in this section.

- (f) Clear vision areas where the parking lot access drive enters from a public right-of-way must be maintained as required in **Section xx.**¹ Plant materials within these clear vision areas must be trimmed down to no more than 30 inches above grade, or in the case of trees, the lowest branch height trimmed up to 8 feet above grade.
- (g) Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material, replenishment of groundwater supplies and to reduce problems associated with runoff.
- (h) Parking lots shall be designed so as not to drain into or across public sidewalks, adjacent property, or directly into natural watercourses. Curbs used to protect landscape islands should have 18 to 24-inch-wide curb cuts at frequent intervals to allow storm water infiltration. The surface of landscape islands and divider strips shall be concave to help channel surface water runoff. The following drainage structures are permitted within parking lot landscape areas:
 - (1) Rain gardens,
 - (2) Bio-swales,
 - (3) Drainage easements, and
 - (4) Drainage inlets.

Section 7.4. Materials, Installation, and Maintenance

A. General Standards

The following criteria and standards shall apply to landscape materials and installation:

1. Plant Materials List

The Town of Dolores suggested and prohibited plant list provided in Appendix A shall be used as necessary to identify plant material requirements or prohibitions within Dolores. Where a species is chosen for a landscape plan that is not identified on a Town plant list, the applicant shall provide information about growth and spacing characteristics on the landscape plan. Plant information shall be taken from objective sources, including professional landscape organization websites or nursery cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.

2. Shrubs and Trees

- (a) Tree and plant materials shall be selected for: energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, and to achieve a desirable microclimate and minimize energy demand.
- (b) Locally appropriate shrubs and grasses shall be utilized in order to minimize the consumption of water. Naturalized vegetation within sensitive land and resource areas shall be preserved unless the Town approves an alternative naturalized landscaping plan that preserves significant desirable naturalized vegetation.

¹ Drafting note: insert clear vision area standards in Article 2 and reference here.

- (c) If turf areas are included in landscaping, it must be a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site.
 - (1) The use of non-naturalized, high water consumptive turf or other monoculture seeding such as Kentucky Blue Grass is discouraged.
 - (2) The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.
 - (3) No person or organization shall impose private covenants, conditions, deed clauses, or other agreements that require the installation of turf or prevent the utilization of water efficient landscaping, provided such landscaping receives appropriate approval. No person shall prohibit landscaping materials and designs solely on the basis that they make use of water-efficient landscaping.

3. Weed Control

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

4. Quality

All plant and landscaping materials must be free of weeds, insects, diseases, mechanical injuries, and other objectionable features at the time of planting. Where appropriate, certified weed-free products, such as mulch, shall be used.

5. Coverage

- (a) Grass, ground cover, shrubs, organic mulch, and other organic landscape materials shall be used to cover at least 75 percent of open ground. Shade provided by trees, shrubs, or structures, or anything not on the horizontal plane of the site does not qualify as ground cover.
 - (1) Open ground includes all fill slopes and hillsides, regardless of the angle of the slope.
 - (2) Open ground also includes all fill rock and shot rock slopes that must be covered with an appropriate depth of soil to allow for the healthy growth of the coverage.
 - (3) Inorganic material can be incorporated into a landscape plan where appropriate and can be used to cover up to 25 percent of open ground.
- (b) No area required to be landscaped shall include any artificial trees, plants, or turf; impervious surfacing other than sidewalks, decorative pathways, or other public amenities; or any carpeting designed as a visual substitute for lawn or other groundcover.
- (c) Areas devoted to pasture, farm crops, or undeveloped areas of a parcel shall not be considered landscaped for the purpose of fulfilling any landscape requirements.

6. Trees

Trees used for landscaping shall be a species common to, or adapted to this area of the state, and not identified as prohibited on any Town plant list. Trees shall have the following characteristics:

- (a) Canopy trees, with an outer layer of dense leaves that block light and provide shade, shall be deciduous trees that have a minimum height of 30 feet at maturity. All canopy trees shall have a caliper width of at least two inches at time of planting.
- (b) Understory trees shall be deciduous trees that have a maximum height of less than 30 feet at maturity. All understory trees shall have a caliper width of at least one and one half (1.5) inches at time of planting.
- (c) Coniferous trees shall have a minimum height of 20 feet at maturity. All coniferous trees shall be at least four feet in height at time of planting.
- (d) Street trees shall be canopy trees.

7. Shrubs, Hedges, and Ornamental Grasses

Shrubs shall have the following characteristics:

- (a) Small or dwarf deciduous shrubs that typically do not grow to a mature height or spread exceeding three feet shall have a minimum height of twelve inches with a minimum of four canes.
- (b) Intermediate deciduous shrubs with a mature height or spread of three to seven feet shall have a minimum height of 18 inches with a minimum of four canes.
- (c) Large or tall deciduous shrubs with a mature height exceeding seven feet shall have a minimum height of 24 inches and a minimum of five canes. Where these shrubs have a narrow habit the minimum number of canes may be reduced to one.
- (d) Ornamental grasses shall have a minimum two-gallon pot size at time of planting.
- (e) Hedges, where installed as a bufferyard screen, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three feet in height at the time of planting and achieve a minimum height of six feet within five years.

8. Ground Cover, Perennials, and Annual Planting Areas

Ground covers, perennials, and annual planting areas used in lieu of grass in whole, and in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage at maturity.

9. Lawn Grass

Grass areas may be sodded, plugged, sprigged, or seeded, except that sod or other erosion control products shall be used in swales, berms, or other areas subject to erosion.

10. Naturalized Plants and Grasses

Naturalized plants and grasses shall not be considered weeds that are subject to [Dolores Municipal Code]; however, the area planted in naturalized plants and grasses shall be kept weed-free to maintain this exemption.

11. Fractions in the calculation of number of trees and shrubs.

In the calculation of trees and shrubs for any required landscaping, all fractions shall be rounded to the nearest whole number.

B. Interference and Visibility

1. All landscaping shall be sized and located so that it does not interfere with utilities, easements, or fire hydrants.
2. All landscaped areas must comply with the clear vision area standards for intersections as established in Article xx.

C. 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.

D. 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.

E. 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.

F. Irrigation Systems

Irrigation systems shall be installed to current water regulations for safety purposes and reported to the Town Staff for inspection.

Section 7.5. Screening

A. Screening Standards

Where screening standards are required by this Code, the following screening standards shall apply:

1. Height of Screening Devices

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

2. Outdoor Storage Areas

All outdoor storage areas for materials, trash, mechanical equipment (including ground-based satellite dishes) or other similar items shall be screened from street view by a minimum six-foot high screening device. The 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.

3. Roof Mounted Equipment

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

Section 7.6. Fences and Walls

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 this Code, the following standards for height and design shall be observed.

- A. No fence or wall erected within a required front yard shall exceed four feet in height above the adjacent grade.
- B. No fence or wall erected within a required side or rear yard shall exceed six feet in height above the adjacent grade, provided, however, where houses on adjacent lots are constructed such that the front of one house faces the back of the adjacent house, then the maximum rear yard fence height shall be four 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.

Section 7.7. Tree Preservation

A. Purpose

The terms and provisions of this section are intended to accomplish the following:

- 1. 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.
- 2. Provide for the preservation and protection of larger established trees, which provide a valuable amenity to the urban environment and which, once destroyed, can only be replaced after generations, if at all.
- 3. Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities.
- 4. Prevent the clear cutting of land.

B. Applicability

- 1. When a grading or building permit is requested for a property, all healthy trees of desirable species, as identified in Appendix A, that meet the following criteria shall be maintained on private property prior to issuance of the requested permit.
 - (a) A single trunk of six inches caliper or greater, measured at four feet above natural grade DBH (diameter breast height), and at least 12 feet high; or
 - (b) A multi trunk having a total caliper width of eight inches, measured by combining the caliper width of the largest stem or branch with one half the caliper width of each additional stem or branch, all measured at four feet above natural grade level, and at least twelve feet high.
- 2. An inventory of all trees meeting these criteria (“established tree”) must be shown on the site plan.

C. Review

The Town may hire a certified arborist or other qualified professional to assist with tree preservation and removal issues. Fees for this work may be charged to the applicant or property owner.

D. Exemptions

The following established trees are exempt from the provisions of this section:

1. Trees located within necessary public rights of way, easements, and the designated buildable area of a building lot or site to be removed subject to site plan approval and prior to the issuance of a grading or building permit.
2. Any established tree that is determined by the zoning administrator to be standing dead, severely damaged from an emergency (such as a storm, flood, or other act of God), or is otherwise in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety, may be removed without delay. Authorization for removal without site plan approval may be given by the Town Administrator, and the tree may then be removed.

E. Preservation of Established Trees

1. All existing, healthy established trees must be preserved or transplanted on the site unless their removal is approved by the Zoning Administrator.
2. Where established trees are removed, they shall be replaced elsewhere on the site as follows:

Table 7-4: Tree Replacement Ratios

DBH of removed tree in inches	Ratio of replacement trees to removed tree
At least 6 and less than 15	1:1
At least 15 and less than 25	2:1
At least 25 and less than 35	3:1

For each increment of 6 inches above 35 inches, one additional replacement tree shall be provided

3. Tree replacement shall be made within 180 days of the removal. Any tree or tree areas identified to be retained on the site plan that do not remain alive for a period of at least two years after the development of the site, or stage ceases, shall be considered damaged in violation of this Code and shall be replaced.
4. If the site layout cannot reasonably accommodate the number of trees required in compliance with the replacement ratios and/or tree spacing consistent with standard forestry practices, the zoning administrator shall either:
 - (a) Approve an increase in the size of the on-site replacement trees and reduce the number of trees required. The quantity and quality of the replacement trees shall be sufficient to produce a reasonable tree canopy for the size of the lot; or
 - (b) Require payment of an in-lieu fee in compliance with subsection (3) of this section for the required number of trees or any portion thereof.

- (c) In-lieu fee. Payment of a fee shall be made to the Town for tree planting elsewhere in the community should on-site location of the replacement trees not be possible, subject to the following:
 - (1) The in-lieu fee will be based on the fair market value of the number of trees required for the same or equivalent species, delivered and installed, as determined by the zoning administrator.
 - (2) The fees will be used to purchase trees that will be planted within the public right-of-way or on other public property as directed by the Town Board.
 - (3) Payment of the in-lieu fee shall be made prior to issuance of the project final permit.

F. Penalties for Unauthorized Removal of Established Trees

It shall be considered an unauthorized removal if an established tree is removed without first obtaining site plan approval, or if it is intentionally or unintentionally killed by means of grading, grubbing, placement of fill, or other unacceptable construction methods and the Town may enforce the provisions of Article 18, Violation, Enforcement, and Penalties.

G. Tree Protection Measures

The following protection measures shall be required for established trees as identified on the site plan:

- 1. Prior to construction or land development, the developer shall clearly mark with three inch wide red ribbon or tape all established 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.
- 2. No attachments or wires of any kind, other than those of a protective nature, shall be attached to any established tree.
- 3. With major grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the established 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.
- 4. Unless otherwise approved by the Town, no construction or construction related activity shall occur under the canopy, drip line, or closer than five feet, whichever is more, of any established tree or group of established trees.

Section 7.8. Removal of Dead, Diseased, or Dangerous Trees

- A. The Zoning Administrator may enter upon any premises without a warrant to inspect all trees in the Town.
- B. If the Zoning Administrator finds that there exist dead trees or overhanging limbs that pose a danger to persons or property, the Zoning Administrator will notify the owner, lessee, agent, occupant, or other person in possession or control of the property upon which the condition exists of the duty to remedy the condition within 15 days from the date of the notice or such shorter time as the Zoning Administrator finds appropriate in view of the nature and extent of the condition.

- C. If the Zoning Administrator determines that any tree growing on private property within the Town is afflicted with any dangerous or infectious insect infestation or disease, the Administrator will notify the owner, lessee, agent, occupant, or other person in possession and control of the property of the condition and order such person to take specific prescribed measures that the Zoning Administrator determines are reasonably necessary to cure the infestation or disease and to prevent its spread, within 10 days from the date of the notice or such time as the Zoning Administrator finds appropriate in view of the nature and extent of the condition. If necessary to address a dangerous or infectious insect infestation or disease, the Zoning Administrator may require that work shall be completed under the supervision of a certified arborist.
- D. If the person notified pursuant to Subsection 2 or 3 of this section fails to correct the condition as required by the notice prescribed in such subsection, except in cases of extreme emergency, the Zoning Administrator may enter the property, pursuant to an administrative warrant issued by the municipal court, and correct the condition and charge the costs of such correction, plus reasonable administrative costs, to the owner and to the lessee, agent, occupant, or other person in possession and control of the property.
- E. Nothing in this section shall be deemed to prohibit the Zoning Administrator from taking such steps to correct an immediate threat to the public health, safety, or welfare that the Zoning Administrator determines is posed by such diseased, dead, or dangerous trees.

Appendix A: Dolores Suggested and Prohibited Plant List

Prohibited Plants

Any plant included in the State of Colorado or Montezuma County Noxious Weed Guide (or successor list).

Suggested Plants

Native or naturalized trees, shrubs and grasses, appropriate to Southwestern Colorado that require minimum water use, as identified by any of the following guides or sources:

Colorado State University Extension Service

City of Durango Tree & Shrub Guide

Dolores and Mancos Conservation District

Waterwise resources for the San Juan Basin or as identified by the Denver Botanic Gardens

Applicants may provide additional documentation to the Town for consideration but the Town reserves the right to reject sources that are not in keeping with this list.

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Article 8: Parking and Access

Section 8.1 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 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.

Section 8.2 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. Accessible parking shall be provided in compliance with Section 1106 of the International Building Code and ICC A117.1.

B. Expansion, Enlargement, Change of Use, and Nonconformities

1. Whenever any existing building is enlarged in height or in ground coverage, or the use is changed to a use that requires additional parking per Table 8-1, off-street parking shall be provided as follows:
 - a. Minimal Change. Square footage changes that increase the total gross floor area of a structure by less than 10 percent, as determined by the building permit application, shall not be required to provide additional off-street parking.
 - b. Proportionate Change. Square footage changes that increase the total gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the building permit application, shall require a corresponding percent increase in compliance with off-street parking standards until the site reaches compliance. For example, if the full off-street parking requirement for an existing structure is 20 spaces and the site already includes 10 spaces, a 50% expansion of the current structure requires 50% compliance with the missing 10 spaces, or 5 new parking spaces.
 - c. Full Compliance. Square footage changes that increase total gross floor area of a structure by 75 percent or greater, as determined by the building permit application, shall be required to fully comply with these standards.

- d. Change of Use. A change, expansion, or addition of any use that requires off-street parking in addition to that already provided shall meet the requirements of Table 8-1 for the change, expansion, or addition. If the current use has insufficient parking to meet the requirements of Table 8-1, that parking shall only be required to be remedied if the entire use of the structure is changed, and then only to the maximum extent feasible on the site.
2. Existing parking spaces shall not be reduced below the minimum required by this section.
3. Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.
4. Any application by a property owner to expand or replace part of an existing structure shall remain on record for five years from the date of work completion. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous five years. The cumulative total shall be used by the Town to determine the property owner's necessary level of compliance.
5. Where site or structure changes identified in this section require the provision of additional off-street parking, accessible parking shall be provided first and may not be adjusted through administrative modification.

C. Providing Off-Street Parking on Constrained Sites

Where the existing lot size and applicable zone district dimensions make the provision of all required off-street parking infeasible on the lot and the property owner is not able to address that requirement sufficiently through the parking reductions in Section 8.4E, off-site parking in Section 8.5, or shared parking in Section 8.6, the property owner may seek an administrative modification to reduce the required amount of parking and to allow parking to be located in required side or rear setbacks.

Section 8.3 Computing Parking

The minimum number of parking spaces required for a specific development proposal shall be based on the requirements listed in Table 8-1, Schedule A: Off-Street Parking Requirements, and the following provisions.

A. 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, except as modified by Article 9:F, Shared Parking.

B. Fractions

When measurements determining the number of required parking spaces result in fractions, any fraction less than one-half ($\frac{1}{2}$) shall be disregarded and any fraction of one-half ($\frac{1}{2}$) or more shall be rounded upward to the next highest full number.

Section 8.4 Off-Street Parking Requirements

A. Accessible Parking

1. All permanent parking lots shall provide the minimum number of accessible parking spaces required by the federal Americans with Disabilities Act (ADA). All accessible parking spaces shall meet the design and location requirements identified in Section 1106 of the International Building Code and shall be constructed in conformance with ICC A117.1. Information about these standards is available from the Town Building Official.
2. Accessible parking spaces shall be counted toward the minimum number of spaces required.

B. Schedule A: Off-Street Parking

Off-street parking spaces shall be provided on-site in accordance with the following minimum requirements:

Table 8-1 Schedule A: Off-Street Parking

Use Category	Use Type	Parking Requirement
RESIDENTIAL USES		
Household Living [1]	Dwelling, accessory unit	1 per du
	Dwelling, multi-unit in same structure	1 per studio; 1.5 per 1 br; 2.0 per 2 br; 2.5 per 3 br; 2.5 + .5 for each br more than 3
	Dwelling, single-family detached	2 per du
	Dwelling, single-family attached (duplex, townhome)	2 per du
	Manufactured home/Mobile home	2 per du
	Note: [1] Affordable housing requires a minimum of one space per du.	
Group Living	Assisted living facility	1 per 2 beds plus 1 per 100 sf of assembly area
	Community residential facility	1 per 4 beds plus 1 per 100 sf of assembly area
	Nursing home	1 per 2 beds plus 1 per 100 sf of assembly area
	Shelter	1 per 4 beds
CIVIC AND INSTITUTIONAL USES		
Assembly	Cemetery	Schedule C, below
	Cultural institutions and museums	1 per 400 sf gfa
	Government offices and civic buildings	1 per 300 sf gfa of space used by the public + 1 per 600 sf gfa of space not used by the public
	Libraries	1 per 300 sf gfa of space used by the public + 1 per 600 sf gfa of space not used by the public
	Civic or philanthropic institution, other than listed	1 per 300 sf gfa

Table 8-1 Schedule A: Off-Street Parking

Use Category	Use Type	Parking Requirement
	Religious assembly	1 space per 5 seats, plus 1 space per 50 sf of gfa of assembly area without seats, plus additional spaces as required for accessory uses based on parking standards for such use. If no fixed seating, then based on maximum capacity under the provisions of the International Building Code.
Education	Trade, business, tech, vocational, or technical school	1 per 300 sf of enclosed floor space
	Primary or secondary school	Elementary Schools: 2 per classroom; Middle Schools: 2 per classroom; High Schools: 6 per classroom and 1 per 300 sf of administrative office space
	College or university	1 per 300 sf of enclosed floor space
Health Care Facilities	Hospice, Hospital	1 per 2 beds based on maximum capacity, plus 1 per 350 sf of office and administrative area, plus parking as required for accessory uses
	Medical or dental office or clinic including urgent care facilities	1 per 250 sf gfa
Parks and Open Space	Community garden	1 per 5,000 sf of lot area
	Public park or playground	Schedule C, below. Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.
	Park or open space maintenance or storage structure	1
COMMERCIAL USES		
Adult or Child Day Care	Center	1 per 500 sf gfa, plus 1 additional per 800 sf gfa for pickup/delivery
Amusement and Recreation, Indoor	Bowling alley	4 per lane
	Private club	1 per three seats. If no fixed seating, then based on maximum capacity under provisions of International Building Code.
	Recreation, indoor (other than listed)	1 per 200 sq. ft. of floor area
	Skating rink, indoor	1 per 300 sf gfa
	Theatre, indoor; auditorium, stadium	1 per four seats. If no fixed seating, then based on maximum capacity under provisions of International Building Code.
Amusement and Recreation, Outdoor	Golf course	4 per green
	Gun club, skeet, or target range, outdoor	2 per target area, or 1 per 5 seats, whichever is greater

Table 8-1 Schedule A: Off-Street Parking

Use Category	Use Type	Parking Requirement
	Equipment rental	1 per 400 sf gfa indoor retail or customer service area
Animal-related Services	Kennel, commercial	1 per 800 sf gfa
	Stables, commercial	1 per 5 stalls
	Veterinary clinic	1 per 600 sf gfa
Assembly, Entertain. & Trade	All	1 space per 5 seats, plus 1 space per 50 sf of gfa of assembly area without seats, plus additional spaces as required for accessory uses based on parking standards for such use. If no fixed seating, then based on maximum capacity under the provisions of the International Building Code.
Commercial Service	General services	1 per 300 sf gfa
Eating and Drinking Services	Bar or Tavern	1 per 100 sf gfa
	Catering	1 per 400 sf gfa
	Craft Alcohol	1 per 250 sq. ft. of floor in public space, including outside dining/drinking areas.
	Restaurant	1 per 250 sq. ft. of floor including outside dining/drinking areas.
	Restaurant with drive-thru	Restaurant plus stacking spaces, see Section xx, below
	Sidewalk cafe	Same as restaurant
Financial Services	All uses	1 per 400 sq. ft. of floor area
Lodging Facilities	Bed & breakfast inn	1 per guest room in addition to those required for principal residence
	Hotel/Motel	1 per guest room or residence unit up to 100 units, then .75 per unit over 100; 50% of spaces may be counted to satisfy parking requirements of accessory uses
	RV Park	1 per RV site
Office, Business or Professional	All uses	3 per 1,000 sq. ft. of floor area
Retail (Sales)	Farmer's market	1 per 250 sf, with a minimum of 6
	Retail, general (indoors)	1 per 300 sf gfa
	Retail, general (outdoors)	1 per 250 SF retail sales area; 1 per 1,000 SF greenhouse sales area; 1 per 1,000 SF outdoor display area
Vehicle Sales, Equipment, and Repair	Auto parts sales (with accessory service)	1 per 1,000 sq. ft. of floor area
	Service station	2 + 1 per 333 SF GFA for retail
	Vehicle maintenance and repair	1 per 250 SF GFA

Table 8-1 Schedule A: Off-Street Parking

Use Category	Use Type	Parking Requirement
	Vehicle sales, leasing, and rental	1 per 1,000 SF GFA plus storage of vehicles for sale
INDUSTRIAL USES		
Industrial	All	Table 8-2, Schedule B, below
TRANSPORTATION, UTILITIES, AND COMMUNICATIONS		
Transportation-Related Uses	Transit passenger shelter	None
	Transit passenger terminal	1 space per 200 sf of gross floor space
AGRICULTURE		
Stable	Stable, Commercial	Table 8-2, Schedule B, below.

C. Schedule B: Parking for Industrial Uses

Uses that reference this subsection in Table 8-1 shall provide the minimum number of spaces identified in Table 8-2, Schedule B: Off-Street Parking for Industrial Uses.

Table 8-2: Schedule B: Off-Street Parking for Industrial Uses

Use or Activity	Minimum Required	
Office or administrative area	1 per 500 SF GFA	
Indoor sales area	1 per 200 SF GFA	
Indoor storage, distribution, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 square feet of floor area	1 per 250 SF GFA
	3,001-5,000 square feet of floor area	1 per 500 SF GFA
	5,001-10,000 square feet of floor area	1 per 750 SF GFA
	10,001 or more square feet of floor area	1 per 1,250 SF GFA
Outdoor use, sales, display, or storage area (3,000 square feet or less)	1 per 750 GFA	
Outdoor use, sales, display, or storage area (more than 3,000 square feet)	1 per 1,000 GFA	

Notes:

The total number of required spaces is cumulative based on the variety of different functions present in a single use.

D. Schedule C: Parking Calculation for Unspecified Uses

Uses that do not have established standards in Schedule A or B may be required to establish parking standards pursuant to this Schedule C. This schedule is typically applicable to uses that have widely varying parking characteristics that make it difficult to establish a single standard.

1. Upon receiving an application for a use subject to Schedule C standards, the Zoning Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use.
2. The Zoning Administrator may also establish minimum off-street parking requirements based on a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers

(ITE), or other acceptable estimates, and shall include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

E. Parking Reductions

1. DMU Downtown Parking

No off-street parking or loading space shall be required for any use located in the DMU District.

2. On-Street Parking

The use of legal, on-street parking to meet a portion of the minimum off-street parking requirements is permitted.

a. Marked spaces shall be counted if:

- (1) 50 percent or more of the stall length of a parallel space is adjacent to the property served; or
- (2) 50 percent or more of the stall width of perpendicular or angled parking is adjacent to the property served.

b. Unmarked parallel spaces shall be determined by dividing the total curb length adjacent to the property served where parking is permitted by 20 feet.

3. Small Use Exception

Any 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.

4. Senior Housing

a. The required minimum number of off-street parking spaces may be reduced by 33 percent for any group living use or multi-family use in which occupancy of at least 80 percent of the units is restricted for use by those 60 years of age or older.

b. The required minimum number of off-street parking spaces may be reduced by 50 percent for any group living use or multi-family use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of "handicapped" individuals under the federal Fair Housing Act Amendments

Section 8.5 Off-Site Parking

The Zoning Administrator may allow required parking spaces to be provided on a site other than that of the use for which the spaces are required. In general, such exception may be considered for employee parking or for institutional uses where longer term parking is common. Off-site parking shall meet the following conditions:

A. Same Ownership

The parking area is located on land under the same ownership as the use it serves, or a recorded easement in perpetuity that has been established for the use of an off-site location for parking and filed with the Montezuma County Clerk & Recorder.

B. Distance Between Off-Site Parking Area and the Proposed Use

1. Off-site parking for multiple-unit dwellings shall not be located more than 600 feet from any normally used entrance of the principal use served.
2. Off-site parking for nonresidential or mixed uses shall not be located more than 600 feet from any normally used entrance of the principal use served.
3. Required distances shall be measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

C. No Undue Hazard

The off-site parking area shall be convenient to use without causing unreasonable:

1. Hazard to pedestrians,
2. Hazard to vehicular traffic,
3. Traffic congestion,
4. Interference with commercial activity or convenient access to other parking areas in the vicinity,
5. Detriment to the appropriate use of business lands in the vicinity, or
6. Detriment to any abutting residential neighborhood.

Section 8.6 Shared Parking

The Zoning Administrator may allow shared parking. Shared parking shall mean that where the required spaces provided for one use may also be credited as required spaces for a complementary use. A permanent and irrevocable easement of the parking facilities in favor of the use to be benefited shall be dedicated and recorded in the Montezuma County records as a condition of such use. Shared parking shall meet the following conditions:

A. Proximity to Use

1. Shared parking spaces shall be located within 600 linear feet of the primary entrance of all uses served as measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
2. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street with a right-of-way greater than 80 feet.
3. Adequate and safe pedestrian access must be provided from and to the shared parking areas.

B. Shared Parking Calculation

The following number of parking spaces may be shared by any non-residential use not normally open, used, or operated during the same hours as the following uses:

1. Up to 50 percent of the parking spaces required for food, beverage, and indoor entertainment uses, or
2. Up to 100 percent of parking spaces required for religious assembly uses and elementary, middle, high school, university, or college auditoriums.

Section 8.7 Parking Lot Design and Layout

A. Parking Space Dimensions, Lighting and Design

1. Each off-street parking space shall consist of an open area measuring at least nine feet wide by 18 feet long and seven feet high; provided, however, parallel parking spaces shall measure at least nine feet wide by 23 feet long and seven feet high.
2. 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.
3. Off-street parking areas serving development in mixed-use, commercial, or industrial zone districts shall be landscaped and screened in accordance with requirements of Article 7, Landscaping, Screening, and Trees.

B. Drive-Thru Lanes and Stacking

1. Design

Any facility offering drive-through service shall provide stacking lanes which are a minimum of eight feet in width and which provide direct forward access to each service window, station, or other point of service.

- a. Stacking lane shall be marked and shall be separate from any other driveway, parking space, or aisle.
- b. Stacking lanes shall be measured from the point of service and shall provide 20 feet per vehicle.
- c. Common stacking lanes for several service points may be used for financial and restaurant uses, provided that separate stacking for at least three vehicles is provided for each point of service before stacking is merged into a common lane.

2. Stacking Requirements by Use

- a. General Uses: Unless otherwise specified below, each service point shall be provided with a stacking lane for a minimum of three vehicles. The off-street loading zone must lie outside the stacking lane.
- b. Financial Uses: Each teller station at a drive-through financial institution shall be provided with a stacking lane for a minimum of five vehicles.
- c. Restaurant Uses: Each remote ordering station and each service window at a restaurant with drive through service shall be provided with a stacking lane for a minimum of five vehicles.

B. 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.

Section 8.8 Access Standards

A. 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:

1. Minimum Driveway Width

Driveways shall be a minimum of 12 feet in width when serving one dwelling unit, or 20 feet wide when serving more than one residence or another use such as a boarding house.

2. 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.

3. Maximum Driveway Grade

The maximum driveway grade shall be 10 percent.

4. 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.

5. Surface

Access surface shall be constructed of asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

Article 9, Hazards and Environmentally Sensitive Areas is being adopted separately from the rest of this Land Use Code.

Article 5.1: Hazardous and Environmentally Sensitive Areas

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Drafting Note: This article will be renumbered to Article 9 when the full Dolores Land Use Code is adopted.

Article 5.1: Hazardous and Environmentally Sensitive Areas

Section 5.1.1. Geologic Hazards

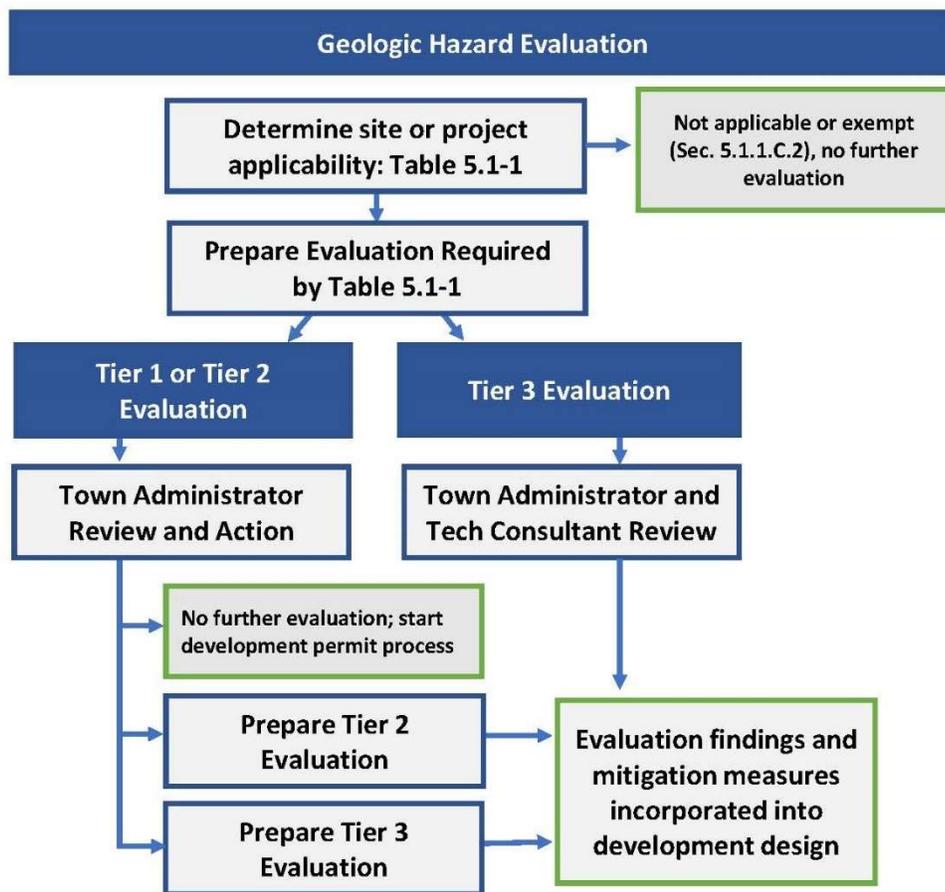
A. Purpose and Intent

1. The Town of Dolores is located within areas that are susceptible to one or more geologic hazards occurring either on the property or upstream/uphill from the property that would impact the subject property. Below is a list of common geologic hazards found in Dolores; however, this list is not exhaustive:
 - a. Expansive or unstable soils and/or rock;
 - b. Unstable or potentially unstable slopes;
 - c. Landslide or laterally unstable areas or potential landslide areas;
 - d. Flood inundation, debris flows, and debris fans;
 - e. Unstable fill;
 - f. Erosion and deposition areas, or highly erodible soils;
 - g. Rockfall;
 - h. Subsidence;
 - i. Shallow water tables;
 - j. Groundwater springs or seeps;
 - k. Flood-prone areas;
 - l. Collapsible soils;
 - m. Faults;
 - n. Upturned or steeply dipping bedrock;
 - o. Radioactivity or radon;
 - p. Problems caused by features or conditions on adjacent properties; and
 - q. Other general geologic or site problems.
2. The Town recognizes that geologic hazards can be interrelated, and that evaluation of geologic hazards requires comprehensive review and analysis. The Town and Montezuma County retain geologic hazards maps that are prepared and updated from time to time. Such maps shall be considered for initial review of site hazards prior to site evaluation. The geologic hazards identified in the proposed development site on the geologic hazard maps shall be discussed in the geologic hazard assessment.
3. Further, these standards are intended to minimize losses due to geologic conditions in the Town, and to:
 - a. Protect human life, safety, and property;
 - b. Provide the Town with an efficient review procedure to address potential hazards;

- c. Minimize damage to adjacent private property;
- d. Minimize damage to public facilities, infrastructure, and utilities;
- e. Provide flexible approaches to evaluating geologic hazards risk;
- f. Reduce the amount of effort and expenditures associated with response, cleanup, and repair following a geologic hazard event; and
- g. Inform the public about the potential risk associated with geologic hazards in Dolores.

B. Tiered Evaluation and Review Purpose

The review and evaluation of potential geologic hazards is undertaken through a three-tier process that generally follows the process described in this flow chart. Each tier has a specific purpose, as identified below.



1. Tier 1, Initial Site Evaluation Letter: To provide initial evaluation of potential geologic hazards concerns related to development activities.
2. Tier 2, Geologic Hazards Mitigation Study: To provide further evaluation of geologic hazards for development activities of certain sites and to provide review and recommendations of proposed mitigation for identified hazards.
3. Tier 3, Geologic Hazards Plan and Report: To accomplish the following:
 - a. Identify the geologic hazards affecting the development site;

- b. Assess proposed development that could pose a more significant geologic hazard impact;
- c. Analyze potential geologic hazard impacts the proposed development could have on surrounding properties or public facilities;
- d. Identify appropriate mitigation measures that shall be employed to reduce or avoid the identified hazards to acceptable levels so that development may proceed; and
- e. Recommend areas that are not suitable for the proposed development or that pose unacceptable risks for development.

C. Applicability and Exemptions

1. Applicability

- a. The geologic hazards standards and evaluation requirements in this section shall apply to any of the following activities or scenarios unless the activity is identified as exempt in Section 5.1.1.C.2:

Table 5.1-1: Geologic Hazard Evaluation Applicability

Application Type or Location	Geologic Hazard Evaluation
Building Permit [1]	Tier 1
Zoning Development Permit [1]	Tier 1
Grading and Erosion Control Permit	Tier 1
Slope Between 15 and 30% (w/in limits of disturbance)	Tier 3
Slope Greater than 30% (w/in limits of disturbance)	1041 Permit
Site Plan	Tier 1
Minor Subdivision	Tier 1
Conditional Use Permit	Tier 1
Major Subdivision	Tier 3
Construction of streets, roads, and driveways	Tier 3
Completed Tier 1 Evaluation	May require Tier 2 or Tier 3
Completed Tier 2 Evaluation	May require Tier 3
Notes: [1] New construction with a permanent foundation	

2. Exemptions

The following types of development activities are exempt from Geologic Hazards Evaluation in this section but are still subject to other applicable site evaluation processes and standards. An exemption from these standards does not exempt the applicant from liability and responsibility to evaluate and mitigate known geologic hazards on a site.

- a. Minimum impact installations such as fences, lighting, poles, signs, or decorations;
- b. Movement or parking of machinery or equipment; or
- c. Installation of decorative or perimeter walls that do not serve to retain soil, unless supporting a load or other weight surcharge.

3. Existing Geologic Hazard Studies

Sites with existing studies or reports that were certified and stamped by licensed geologists and that are 10 years or older shall be subject to the Tier 1 Initial Site Evaluation Letter procedure below to determine whether the existing study or report is sufficient for the proposed development application, or if changes in conditions warrant a new Tier 2 or Tier 3 evaluation.

4. Timeframe

Applications and permits for additions and alterations shall remain on record with the Town. Any subsequent application or permit for an addition or alteration on the same property shall be cumulative to any application or permit within a five-year period, and the total square footage of such additions or alterations shall be used to determine the applicability of these standards

D. Tiered Evaluations

1. Applicability and Submission Requirements

- a. Applicants shall submit an initial evaluation at the Tier specified in Table 5.1-1 as part of the application that triggers the evaluation requirement. Where no application type is specified, the evaluation shall be submitted with either:
 - (1) Section 6.13, Grading and Erosion Control Permit; or
 - (2) Section 6.24, Site Plan application.
- b. An applicant who is required to submit a Tier 1 Evaluation Letter may, at their discretion, proceed directly to a Tier 2 or Tier 3 geologic hazard evaluation. If the applicant moves directly to a Tier 2 evaluation, they assume the risk that a Tier 3 evaluation may also be required.
- c. Projects for which a Tier 2 or Tier 3 geologic hazard evaluation are required shall also be required to enter into a Section 6.4.G.4, Development Agreement and Performance Guarantee.

2. Tier 1 and Tier 2 Evaluation Review Procedures

- a. Process
 - (1) Unless otherwise specified in Table 5.1-1, an applicant shall submit a Tier 1 evaluation for review. Based on the findings and recommendations of the site evaluation and letter, the Town Administrator, may:
 - (a) Move the application or permit forward through the applicable approval procedure; and/or
 - (b) Require a soils and foundation report.
 - (2) Following further review of the letter and any subsequent input stated above, the Town Administrator may:
 - (a) Move the application or permit forward through the applicable approval procedure;
 - (b) Require a Tier 2 Evaluation: Geologic Hazards Mitigation Study; or

- (c) Require a Tier 3 Evaluation: Geologic Hazards Plan and Report.
- b. Responsibility and Consultant Fees
 - (1) The administration of geologic hazard evaluations shall be done by the Town Administrator who may delegate the administration as needed.
 - (2) The Town Administrator may use the services of a consulting geologist or geotechnical engineer (“technical professional”) and the Colorado Geological Survey (CGS) to assist with any application evaluation. Technical professional review is required for Tier 3 Evaluations.
 - (3) The applicant is responsible for reimbursing the Town for any costs associated with technical professional and/or CGS review. The Town may pause or stop processing any application for which the applicant has not made timely reimbursement of technical professional fees or expenses.

3. Tier 2 and Tier 3 Evaluation Review Procedures

- a. During the Sec. 6.4, Step 3: Staff Review and Report for the associated permit or land development application, the Tier 2 or Tier 3 report shall be reviewed by the Town Administrator, in consultation with a qualified professional geologist or geotechnical engineer, and as part of the review of the associated land development application. The Zoning Administrator shall forward the Geologic Hazard Plan and Report to the Colorado Geological Survey (CGS) for review and comment. The Town's review shall determine whether the findings, conclusions, and recommendations of the Geologic Hazard Plan and Report and comments from CGS have been incorporated into the project, grading, infrastructure, or other relevant design aspect of the proposed project. If the Town review determines that the submitted study is incomplete or fails to comply with the standards and requirements set forth in this section, the Zoning Administrator may require new or supplemental information.
- b. Recommendations of the Geologic Hazards Plan and Report shall be incorporated, as applicable, into the project, grading, infrastructure, or building, other relevant design aspect of the proposed project.

4. Review

- a. Any application request that includes submission of a Tier 2 Geologic Hazards Mitigation Study or Tier 3 Geologic Hazards Plan and Report shall be reviewed by the PZC and decided-upon by the Board of Trustees. Both the PZC and Board of Trustees shall hold a public hearing on the application.
- b. The Town Administrator’s review of Tier 1 and Tier 2 application for the purpose of determining whether more information is necessary to fully review the project is not an appealable decision, but rather a step in assessing compliance with the Town’s complete application requirement.

5. Independent Review

The Town Administrator, Planning Commission, or Board of Trustees may, at their discretion, have any geologic hazard evaluation (Tier 1, 2, or 3) reviewed by an independent qualified professional geologist or a qualified professional geotechnical

engineer. This separate review shall supplement the Town's review and will be considered by the Town in making a final determination on the associated land development proposal. The cost of having an independent review and analysis of geologic hazard evaluation reports shall be borne by the applicant.

6. Evaluation Content

- a. Tier 1 Evaluation Letter. Following the site evaluation, the qualified professional geologist or a qualified professional geotechnical engineer shall submit a signed and stamped letter providing details of the site evaluation. At a minimum, the letter shall:
 - (1) Include the date and location of the site visit;
 - (2) Include photos of the lot and any geologic hazard conditions;
 - (3) Include a detailed narrative description of the lot conditions, including slopes; evidence of drainage and any other potential hazards on the site;
 - (4) Confirm that Montezuma County and/or Dolores' geologic hazard maps were reviewed in relation to the site;
 - (5) Provide initial recommendations, if any, to mitigate the potential geologic hazard conditions;
 - (6) Determine whether or not the proposed development activity for the site would result in an increased risk to geologic hazards on the site or on adjacent properties; and
 - (7) Provide an assessment and recommendation whether or not further study is required through a Tier 2 or Tier 3 Evaluation to address geologic hazard risk.
- b. Tier 2 Geologic Hazards Mitigation Study:
 - (1) The applicant shall submit a study and report of potential mitigation solutions ("Mitigation Study") that lessen the impact of the proposed development activity on the site and on adjacent properties. Such study shall:
 - (a) Be prepared by a qualified professional geologist or a qualified professional geotechnical engineer;
 - (b) Identify potential geologic hazards on the site;
 - (c) Identify conditions that may pose a hazard to land development activities on the site and on adjacent properties;
 - (d) Describe proposed mitigation strategies and how they will reduce or avoid identified hazards;
 - (e) Describe how the proposed mitigation strategies will reduce or avoid identified hazards on adjacent public or private property;
 - (f) Describe how the proposed mitigation strategies will comply with any required soils, foundation, or drainage and erosion control plans, or other applicable engineering standards; and
 - (g) Include applicable calculations to support proposed mitigation strategies.

- (2) Mitigation Measures: In cases where geologic hazards are identified, appropriate mitigation measures shall be identified in the Mitigation Study and may be required in conjunction with the approval of the project, if approval is recommended. Such mitigation measures may include, but not be limited to:
 - (a) Changes to the proposed land use configuration;
 - (b) Changes to the location of proposed structures;
 - (c) Modification of land use types;
 - (d) Modification of lot boundaries;
 - (e) Establishment or modification of building envelopes;
 - (f) Special foundation designs and over-excavation;
 - (g) Mitigation of rockfall and/or debris flow;
 - (h) Grading, drainage, and erosion controls;
 - (i) Geotechnical engineering solutions; and
 - (j) Limitations on irrigated landscapes.
- c. Tier 3 Geologic Hazards Analysis. A Geologic Hazards Plan and Report, when required, shall be prepared by a qualified professional geologist or a qualified professional geotechnical engineer. The Geologic Hazards Plan and Report shall address the topics listed in this subsection, where applicable. The level of detail and emphasis may vary due to specific geologic conditions of the site or the scale and type of proposed development activity. The detailed guidelines, criteria, policies, and requirements for preparation, submittal, and review of the Geologic Hazards Plan shall be determined during an initial scoping process between the applicant and the Town.
 - (1) General Project Description and Certification
 - (a) A project description shall be included that presents the overall proposed project details including the size and location of the project and the existing and proposed land uses.
 - (b) The qualified professional geologist or qualified professional geotechnical engineer preparing or certifying the Plan and Report shall sign and stamp the Plan and Report.
 - (2) Geologic Hazard Risks. The presence of any geologic hazards on the site.
 - (3) Proposed Cuts
 - (a) Prediction of what materials and structural features will be encountered;
 - (b) Prediction of stability based on geological factors;
 - (c) Problems of excavation (e.g., unusually hard or massive rock, excessive flow of groundwater); and

- (d) Recommendations for reorientation or repositioning of cuts, reduction of cut slopes, development of compound cut slopes, special stripping above daylight handling of seepage water, setbacks for structures above cuts, etc.
- (4) Proposed Masses of Fill
 - (a) General evaluation of planning with respect to canyon-filling and side hill masses to fill;
 - (b) Comment on suitability of existing natural materials for fill; and
 - (c) Recommendations for positioning of fill masses, provision for underdrainage, buttressing, and special protection against erosion.
- (5) Recommendations for Subsurface Testing and Exploration.
 - (a) Cuts and test holes needed for additional geological information; and
 - (b) Program of subsurface exploration and testing, based upon geological considerations that are most likely to provide data needed by the soils engineer.
- (6) Conclusions and Recommendations. The Geologic Hazard Plan and Report shall address the following:
 - (a) Whether the intended use of the land is compatible with any identified or potential geologic hazards or constraints;
 - (b) The development of mitigation procedures or design changes necessary to minimize or abate any hazardous condition and whether such mitigation or design change is possible. Each hazardous condition requires a recommendation, which may be a recommendation that the conditions are too severe to warrant development;
 - (c) The long-term stability and safety of the proposed project. Discuss the critical planning and construction aspects of the development, including the suitability of using irrigated landscaping, the stability of earth materials, the appropriateness of the proposed grading plans, the need for selective location of project facilities, and the static and dynamic parameters for the design of structures; as applicable; and
 - (d) Clearly state the geologic basis for all conclusions.
- d. Mitigation Measures. In cases where geologic hazards are identified, appropriate mitigation measures shall be identified in the Geologic Hazard Plan and Report and may be required in conjunction with the approval of the project, if approval is recommended. Such mitigation measures may include, but not be limited to:
 - (1) Changes to the proposed land use configuration;
 - (2) Changes to the location of proposed structures;
 - (3) Modification of land use types;
 - (4) Modification of lot boundaries;

- (5) Establishment or modification of building envelopes;
- (6) Special foundation designs and over-excavation;
- (7) Mitigation of rockfall and/or debris flow;
- (8) Grading, drainage, and erosion controls;
- (9) Geotechnical engineering solutions; and
- (10) Limitations on irrigated landscapes.

Section 5.1.2. Ridgeline Hazard Standards

A. Applicability

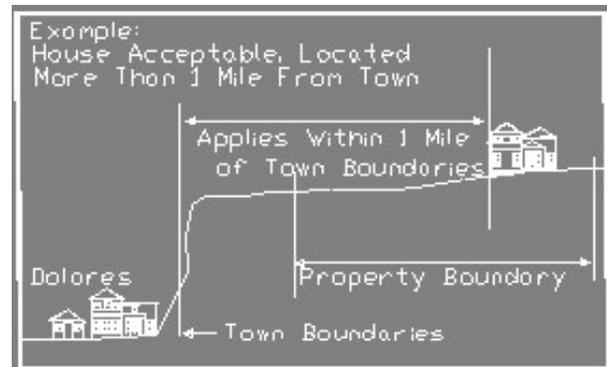
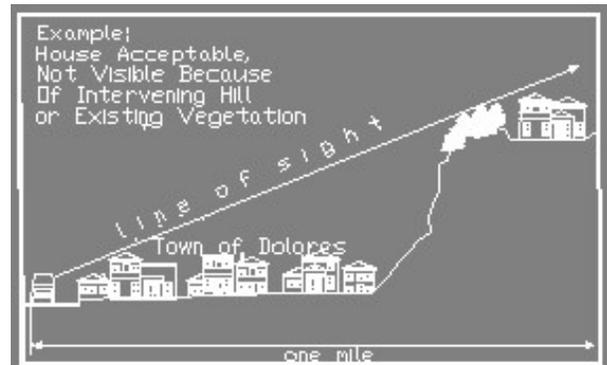
This section shall apply to the development of all property within one mile of the Dolores town boundaries, except as otherwise specified.

B. 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, landslides, 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.

C. Ridgeline Standards

1. New structures, buildings, fences, or walls located within one 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.
2. 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.
3. 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).



Section 5.1.3. Hillside Development Standards

A. Purposes

The purposes of these standards are to:

1. Require retention of natural landmarks and prominent natural features that enhance the character of the Town;
2. Minimize the water runoff and soil erosion problems incurred in adjustment of hillside terrain to meet on-site and off-site development needs;
3. Retain open hillsides and significant ridgelines in as near a natural state as is feasible as an important community value;
4. Encourage the planning, design and development of hillside area building sites so as to provide maximum safety and human enjoyment;
5. Encourage minimal grading which affects the natural contour of the land and which will round off, in a natural manner, sharp angles at the top and ends of cut-and-fill slopes;
6. Require retention of trees and other vegetation which stabilize steep hillsides, retain moisture, minimize erosion and enhance the natural scenic beauty, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillsides; and
7. Provide for the preservation and maintenance of significant ridgelines, open space and recreational lands.

B. Mandatory Conditions for the Creation of New Building Sites

1. No new lots shall be created with an average slope of thirty percent or more.
2. No new lots shall be created with an average slope of the building envelope exceeding twenty-five percent unless a geologic hazard evaluation finds the site to be suitable for such construction.

C. Mandatory Conditions for Existing Lots of Record

1. No structures or driveways shall be proposed on building pads with an average slope of thirty percent or more.
2. Building sites with an average slope exceeding twenty-five percent shall have a geologic hazard evaluation prepared. The evaluation must find the site to be suitable for all construction proposed.

D. Clustering of Dwelling Units

Dwelling units may be clustered pursuant to the conservation subdivision regulations.

E. Grading Standards

Grading standards contained in this section shall apply to existing lots or building sites as well as to the creation of new building sites. All grading shall be in conformance with these standards. These standards are in addition to, and not in lieu of any requirements established by a geologic hazard evaluation.

1. Grading shall be limited to the minimum necessary for development of roads, building sites, utilities and driveways. Portions of a site exceeding thirty percent slope shall not be graded without approval by a qualified engineer. Mass grading which would unreasonably affect the natural character of the area shall not be permitted.
2. Visible cut or fill slopes shall not exceed three horizontal to one vertical (3:1); provided, however, that slopes as steep as two horizontal to one vertical (2:1) may be approved by a qualified engineer upon a finding that the appearance or stability of the completed project will be superior to the result that would be obtained by adhering to the three horizontal to one vertical (3:1) standard.

F. Site Layout

Each application for a site plan shall meet the following design standards:

1. Avoid Unreasonable Interference with Views and Privacy

The height, elevations, and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.

2. Preserve Natural Landscape

The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal; grade changes will be minimized and will be in keeping with the general appearance of neighboring developed areas.

3. Minimize Perception of Excessive Bulk

The proposed main or accessory structure in relation to the immediate neighborhood will minimize the perception of excessive bulk.

4. Compatible Bulk and Height.

The proposed main or accessory structure will be compatible in terms of bulk and height with existing residential structures within the immediate neighborhood and within the same zoning district and shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.

5. Current Grading and Erosion Control Standards

The proposed site development or grading plan incorporates current grading and erosion control standards.

6. Increased Setbacks and Height

One foot shall be added to each side yard for each one foot of height above which the top plate line exceeds fifteen feet in height.

7. Subfloors Clearance

All new main structures and accessory structures or additions thereto, shall be designed to follow the slope of the site so as to reduce the clearance between ground floor levels and finish grade to not more than four feet. Five feet is permitted if a landscape and irrigation plan which will screen the subfloor area is submitted with the application for a building permit and landscaping is installed prior to final inspection of the structure.

8. Design Standards

- a. Where permitted, structures shall be integrated into the hillside or built at the base of the slope.
- b. Structures shall be located so that they are screened from view by their location and surrounding vegetation.
- c. Hillside structures shall not be the prominent or obvious focal point of the location.
- d. Wall and roof design, materials, and colors shall blend with the colors of the surrounding vegetation or rock outcroppings.
- e. Clearing of hillside vegetation shall be minimized to the smallest area possible, restricted to that necessary for the driveway, house, accessory structures, yard, and associated uses.

G. Streets, Roads, and General Site Access to More Than Three Lots

The standards in this section apply to development on slopes of 15% or greater.

1. Access to a building or development site shall be by road, street, or private access road only.
2. Streets, roads, private access roads, and other vehicular routes shall comply with all requirements of the Town of Dolores municipal code and design specifications.
3. Streets, roads, private access roads, and other vehicular routes shall not be allowed to cross slopes between 30 and 50 percent unless specifically authorized by a qualified professional geologist or geotechnical engineer after finding that all of the following conditions and constraints are applicable:
 - a. No alternate location for access is available;
 - b. No individual segment or increment of the street, road, private access road, or other vehicular route that will cross slopes between 30 percent and 50 percent exceeds 100 feet in length;
 - c. The cumulative length of individual segments or increments that will cross slopes between 30 percent and 50 percent does not exceed ten percent of the total length of the street, road, private access road, or other vehicular route; and
 - d. No significant adverse visual, environmental, or safety impacts will result from the crossing, either by virtue of the design and construction of the street, road, private access road, or other vehicular route as originally proposed or as a result of incorporation of remedial improvements provided by the developer to mitigate such impacts.
4. Under no circumstances shall any street, road, private access road, or other vehicular route cross slopes greater than 50 percent.
5. Streets, roads, private access roads, and other vehicular routes shall, to the maximum extent feasible, follow natural contour lines.

6. Grading for streets, roads, private access roads, and other vehicular routes shall be limited to the asphalt portion of the right-of-way, plus up to an additional 10 feet on either side of the asphalt as needed, except that when developing access on slopes in excess of 25 percent, only the asphalt portion of the right-of-way shall be graded plus the minimum area required for any necessary curb, gutter, or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent feasible.
7. Roads, other vehicular routes, or trails may be required to provide access or maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.

Section 5.1.4. Grading and Erosion Control Permit

A. Purpose

The use of a grading and erosion control permit process allows the Town to understand and establish appropriate standards and criteria to mitigate, as needed, how development will actually affect the site, including terrain, drainage, or vegetation, immediately before construction is to take place, or minerals and material are to be removed. The purpose of this section is to protect the health, safety, and welfare of the citizens of Dolores by:

1. Ensuring that the development of each site minimizes adverse impacts to adjacent properties by adequately addressing drainage, erosion, earth movement, and geologic hazards, and avoiding visually unpleasant grading designs or outcomes.
2. Ensuring that the planning, design, and construction of a development will be done in a manner that provides maximum safety and human enjoyment, while making it as unobtrusive in the natural terrain as possible.
3. Ensuring to the maximum extent practicable the permitting of reasonable development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion, earth movement, and other similar hazards and to aid in preservation of natural scenic qualities of the Town.
4. Reducing air pollution caused by dust blown from areas under development.
5. Preventing the premature cutting of roads and building sites in newly developing areas of the Town.

B. Applicability

1. A grading and erosion control permit is required prior to any modification of the natural terrain that involves any of the following activities:
 - a. An excavation, fill, or combination in excess of 100 cubic yards;
 - b. An excavation which, at its greatest depth, will be 3 or more feet below the ground surface, over an area of 500 square feet or more;
 - c. A fill that, at its greatest depth, will be 3 or more feet above the ground surface, over an area of 500 square feet or more;
 - d. An excavation or fill by a developer or contractor not working on behalf of the Town or a Public Utility that falls within a public sewer, water main, storm drainage, or power

line easement, a public right-of-way, or any other public utility easement. This includes the preparation of roads, sidewalk, etc. (major grading);

- e. Vegetation removal over an area 500 square feet or more (major grading); or
 - f. Mining, quarrying, or gravel operations.
2. The following activities are exempt from the grading permit requirement:
- a. Solid waste disposal sites operated by the public or under public regulations;
 - b. An excavation by the Town for the purpose of maintenance or installation of public utilities, buildings, streets, or easements;
 - c. An excavation by a private individual for the purpose of routine maintenance; and
 - d. Tilling the ground for agricultural purposes or protection.

C. Permit Application

See Section 6.13, Grading and Erosion Control Permit.

D. Erosion and Air Pollution Control

1. At the completion of construction, all cut and fill surfaces created by grading and subject to erosion, except those created by plowing or discing for agricultural or fire break purposes, shall be planted with native or naturalized materials appropriate to Southwestern Colorado that require minimum water use, as identified by any of the following guides or sources:
 - a. Colorado State University Extension Service,
 - b. City of Durango Tree & Shrub Guide,
 - c. Dolores and Mancos Conservation District, or
 - d. Waterwise resources for the San Juan Basin or as identified by the Denver Botanic Gardens.
2. Topsoils shall be stockpiled during rough grading and used on cut and fill slopes.
3. On slopes likely to be extensively disturbed by later construction, an interim ground cover may be planted to be supplemented by the permanent ground cover and/or shrubs and trees when the site is finally developed and landscaped.
4. When slopes too steep to support continuous ground cover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous ground cover, but may instead be screened with vines and plantings. The Town may require retaining walls on steep slopes unless the stability of a cut on such slope is certified by a licensed engineer.
5. Cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings.
6. Efforts shall be made to abate the dust caused by the development of sites. Methods such as watering, erosion controls, or chemical treatment shall be specified in the grading permit approval for the purpose of abating dust.

Section 5.1.5. Flood Hazard Regulations

[Drafting note: inserted in full from Flood Damage Prevention Ordinance #483, adopted June 2008; cross-references need to be updated as of 091621]

A. Authorization

1. Statutory Authorization

The Legislature of the State of Colorado has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

2. Findings of Fact

- a. The flood hazard areas of Dolores are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

3. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and
- f. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

4. Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance uses the following methods:

- a. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

- d. Control filling, grading, dredging and other development which may increase flood damage;
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. ALLUVIAL FAN FLOODING – means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
2. AREA OF SHALLOW FLOODING – means a designated AO, AH or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
3. AREA OF SPECIAL FLOOD HAZARD – is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designed as Zone A on the Flood Hazard Boundary Map (FHBM). After a detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
4. BASE FLOOD – means the flood having a one percent chance of being equaled or exceeded in any given year.
5. BASEMENT – means any area of the building having its floor sub-grade (below ground level) on all sides.
6. DEVELOPMENT – means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
7. ELEVATED BUILDING – means for insurance purposes, a nonbasement building which has its lowest floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.
8. EXISTING CONSTRUCTION – means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”
9. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete

pads) is completed before the effective date of the floodplain management regulations adopted by a community.

10. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. FLOOD OR FLOODING – means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters.
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
12. FLOOD INSURANCE RATE MAP (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
13. FLOOD INSURANCE STUDY – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.
14. FLOODPLAIN OR FLOOD-PRONE AREA – means any land area susceptible to being inundated by water from any source (see definition of flooding).
15. FLOODPLAIN MANAGEMENT – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
16. FLOODPLAIN MANAGEMENT REGULATIONS – means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
17. FLOOD PROTECTION SYSTEM – means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
18. FLOOD PROOFING – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
19. FLOODWAY (REGULATORY FLOODWAY) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the

- base flood without cumulatively increasing the water surface elevation more than a designated height.
20. HIGHEST ADJACENT GRADE – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
 21. HISTORIC STRUCTURE – means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; and
 - d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (1) by an approved state program as determined by the Secretary of the Interior or;
 - (2) directly by the Secretary of the Interior in states without approved programs.
 22. LEVEE – means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
 23. LEVEE SYSTEM – means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
 24. LOWEST FLOOR – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
 25. MANUFACTURED HOME – means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.
 26. MANUFACTURED HOME PARK OR SUBDIVISION – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
 27. MEAN SEA LEVEL – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on community's Flood Insurance Rate Map are referenced.

28. NEW CONSTRUCTION – means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
29. NEW MANUFACTURED HOME PARK OR SUBDIVISION – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
30. RECREATIONAL VEHICLE – means a vehicle which is:
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projections;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use
31. START OF CONSTRUCTION – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
32. STRUCTURE – means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
33. SUBSTANTIAL DAMAGE – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

34. **SUBSTANTIAL IMPROVEMENT** – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage”, regardless of actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
 - b. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”
35. **VARIANCE** – is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)
36. **VIOLATION** – means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
37. **WATER SURFACE ELEVATION** – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

C. General Provisions

1. Lands to Which this Section Applies

The section shall apply to all areas of special flood hazard within the jurisdiction of the Town of Dolores.

2. Basis for Establishing the Areas of Special Flood Hazard

The areas of special floor hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, “The Flood Insurance Study for the Town of Dolores,” dated September 1987, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

3. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

4. Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

5. Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

7. Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

D. Administration

1. Designation of the Floodplain Administrator

The Town Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. The Town Administrator may delegate this responsibility to a Town staff representative or qualified consultant hired by the Town.

2. Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- a. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- c. Review, approve or deny all applications for development permits required by adoption of this ordinance.
- d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- h. When base flood evaluation data has not been provided in accordance with these regulations, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood evaluation data and floodway data available from a Federal, State or other source, as needed to administer these standards.
- i. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- j. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of other base flood by more than one foot, provided that the community first applies for a condition FIRM revision through FEMA (Conditional Letter of Map Revision).

3. Permit Procedures

- a. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section E.2.a;

- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (5) Maintain a record of all such information in accordance with Section D.2.a.
- b. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing government services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (10) The relationship of the proposed use to the comprehensive plan for that area.

4. Variance Procedures

- a. The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- b. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- c. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section D.3.b have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - g. Upon consideration of the factors noted above and the intent of this Code, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this section.
 - h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - j. Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (a) showing a good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - k. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor evaluation.
2. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- a. The criteria outlined in Section D.3.b are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Provisions for Flood Hazard Reduction

1. General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- h. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
- i. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

2. Specific Standards

In all areas of special flood hazards where based flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

- a. Residential Construction – new construction and substantial improvement on any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land

surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 54, Section C(1) a., is satisfied.

b. Crawlspace Amendment

Below-Grade Residential Crawlspace Construction: New construction and substantial improvement of any below-grade crawlspace shall:

- (1) Have the interior grade elevation that is below base flood elevation no lower than two feet below the lowest adjacent grade;
- (2) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four feet at any point;
- (3) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
- (4) Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
- (5) Be constructed with materials and utility equipment resistant to flood damage;
- (6) Be constructed using methods and practices that minimize flood damage;
- (7) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that area designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (8) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (b) The bottom of all openings shall be no higher than one foot above grade;
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exist of floodwaters.

- c. Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for

construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which included the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

2. Enclosures – new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Manufactured Homes –

- a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 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 paragraph (4) of this section be 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 foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles –

- a. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - (1) be on the site for fewer than 180 consecutive days,
 - (2) be fully licensed and ready for highway use, or
 - (3) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5. Standards for Subdivision Proposals

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 5.1.5.A.2 to 4.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Section 5.1.5.C Development Permit requirement.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B(8) or this ordinance.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

6. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 5.1.5.C.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential structures have the lowest floor elevated above the highest adjacent grade at least as high as the depth

number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

- b. All new construction and substantial improvements of non-residential structures;
 - (1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - (2) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- c. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C(1)a., are satisfied.
- d. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Section 5.1.6. Riparian Buffer Standards

A. Purpose

This section is intended to establish buffers that minimize erosion, stabilize stream banks, protect and improve water quality, preserve fish and wildlife habitat, and preserve the natural aesthetic value of riparian areas, defined as the interface zone between land and a stream or river.

B. Buffers Established

1. The following buffers are established by the mapped floodplain area, or from the mean annual high water line (AHWL), as determined by a qualified professional geologist or geotechnical engineer, on each side of any perennial stream or river, water body, or wetland.
2. Classifications of surface waters as perennial or intermittent streams, or as a lake or pond, shall be as indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 (7.5 minute) scale topographic maps, or the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). If there exists a discrepancy between these maps that would affect a required buffer, the classification requiring the most stringent buffer shall be applied.

C. Applicability

1. This subsection shall apply to all new development, except for the following development or activities:
 - a. Agricultural activities, such as soil preparation, irrigation, grazing, planting, and harvesting;
 - b. Maintenance and repair of existing public roads, utilities, and other public facilities within an existing right-of-way or easement;

- c. Maintenance and repair of flood control structures and activities in response to a flood emergency; and
 - d. Wetland and wildlife habitat restoration, construction, or enhancement that improves or restores the wetland or stream corridor functions, provided that the proposed activity is approved by the appropriate agency such as the U.S. Army Corps of Engineers.
2. Up to 50% of the Outer Zone setback may be waived for development on a lot that was created prior to 2021.
 3. The standards of this section shall apply in addition to the standards of Section 5.1.5, Flood Hazard Regulations. In the event that there is any conflict between the two, the more restrictive provision shall apply.

D. Riparian Protection Buffer

1. Intent

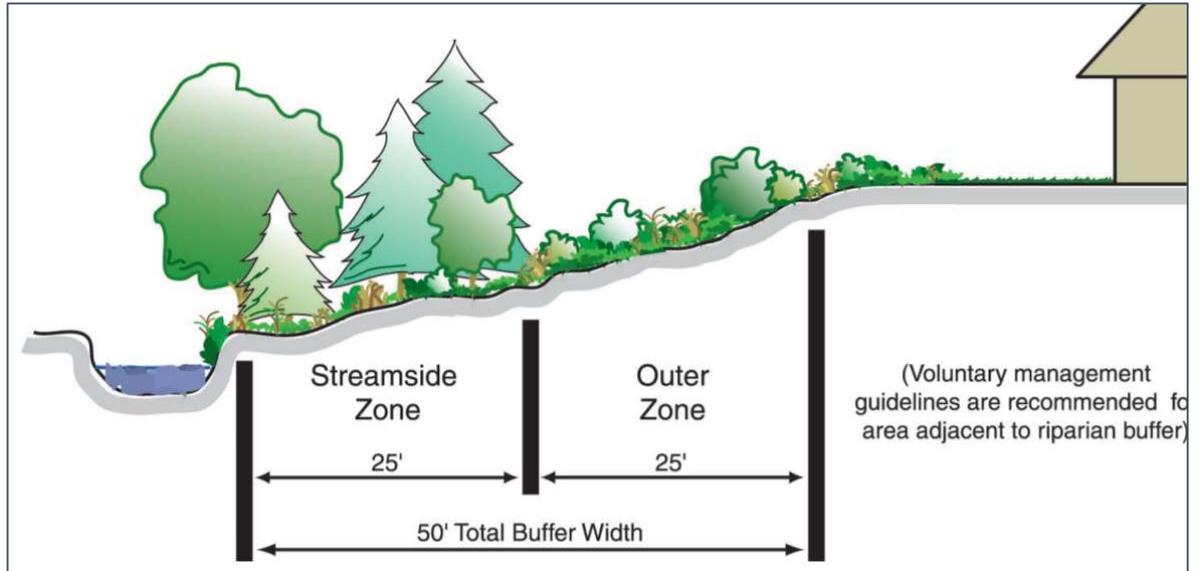
The riparian protection buffer is intended to protect the habitat, wetland, slopes, stream integrity, and features in the immediate vicinity of riparian areas. These areas are typically ecologically rich but sensitive habitats that also serve as critical buffers to sedimentation.

2. Minimum Total Width

The minimum total width of the riparian protection buffer shall be the width of the mapped floodplain, or where the floodplain is not mapped or is narrower than 50 feet, 50 feet from the AHWL on both sides. On residential properties, the minimum width of the riparian protection buffer may be reduced to 25 feet in some locations where the floodplain in that area is less than 25 feet wide, and if an average setback of 50 hundred feet is maintained across the property as a whole.

3. Riparian Protection Buffer Zones

The riparian protection buffer area shall be divided into two zones as described below:



Buffer zone illustration, for discussion purposes only

a. Streamside Zone – Zone 1

- (1) Zone 1 shall begin at each edge of any identified riparian area, and shall occupy a margin of land on each side, each with a minimum width of 25 feet from any wetland, water body, or any perennial stream. Where very steep slopes (30 percent or greater) are located within, and extend beyond such margin, Zone 1 shall extend to include the entirety of the very steep slopes up to a maximum dimension of 50 feet.
- (2) No disturbance of land shall be allowed within Zone 1 including, but not limited to, dumping, filling, dredging, new construction, excavating, substantial improvements or modifications, scraping by motorized equipment, removal of native vegetation or root systems, or transferring materials that will reduce the natural storage capacity of the land, interfere with the natural flow pattern of any watercourse, or degrade the quality of surface or ground water. Limited exceptions to these restrictions include:
 - (a) Flood control structures;
 - (b) Stream restoration practices;
 - (c) Selected removal of dead, hazardous, or invasive vegetation or vegetation management in accordance with an approved landscape plan;
 - (d) Utility rights-of-way and construction;
 - (e) Unpaved pedestrian trails; and
 - (f) Roads where no economically feasible alternative exists.

b. Outer Buffer Zone- Zone 2

- (1) Zone 2 provides for limited uses in a buffer between development and Zone 1. It also provides separation between areas of intense human use and riparian features associated with intermittent or ephemeral streams.
- (2) The minimum width of Zone 2 for wetlands, waterbodies, and perennial streams shall be from the edge of Zone 1 to the limit of the mapped floodplain. The width of Zone 2 when applied to intermittent streams is 50 feet.
- (3) No significant disturbance of land shall be allowed within Zone 2 buffers including, but not limited to, dumping, filling, dredging, new construction, excavating, substantial improvements or modifications, scraping by motorized equipment, removal of native vegetation or root systems, or transferring materials that will reduce the natural storage capacity of the land or interfere with the natural flow pattern of any watercourse or degrade the quality of surface or ground water. The following structures, uses, and activities are permitted in the riparian transition buffer:
 - (a) Any use permitted in the Zone 1 buffer,
 - (b) Non-agricultural open fencing,
 - (c) Biking or hiking trails;
 - (d) Stormwater management facilities with the approval of a qualified engineer;
 - (e) Recreation uses with the approval of the Floodplain Administrator; and
 - (f) Reconstruction of existing structures is permitted in accordance with this Code.

Section 5.1.7. Wildfire Hazard Study



Excerpt from Montezuma County GIS map showing 2020 wildfire risk

A. Purpose

A wildfire hazard study is required to demonstrate how new major development will reduce or minimize the potential impacts of wildfire hazards on properties, the occupants of properties,

and the occupants of adjacent properties and facilitate access to manmade structures by firefighters in the event of a wildfire. A wildfire hazards study shall be accepted by the Town only when prepared by a natural resource professional with expertise in the field of vegetation management and wildfire mitigation.

B. Applicability

1. Applicants that propose any of the following developments in moderate, high, or highest wildfire hazard areas, as designated on the on the Montezuma County Wildfire Hazard Map, shall prepare a wildfire hazard study that is submitted in conjunction with the first project development application (e.g., rezoning, subdivision, site plan).
 - a. Multifamily including multiple two-unit structures, mixed-use, or nonresidential development on new or existing lots,
 - b. New subdivisions or resubdivision that creates new lots, or
 - c. Planned unit developments.
2. Applicants for single- or two-unit development are not required to prepare a wildfire hazard study but are required to comply with the Colorado State University FireWise plant materials list.

C. Concept Review

1. Applicants who are required to submit a wildfire hazard study may request a concept review with the Zoning Administrator to determine the geographic scope of the study.
2. The applicant shall submit an initial wildfire hazard study that provides an initial site-specific evaluation, including, at a minimum:
 - a. A copy of the relevant portion of the Montezuma County Wildfire Hazard Map overlaid with the location of proposed structures and the boundaries of the property on which development is proposed; and
 - b. A statement of objectives for the vegetation and wildfire management plan.

D. Wildfire Hazard Study

The study shall provide a detailed, site specific analysis that includes the following minimum information:

1. A schedule delineating how the wildfire mitigation actions identified in the study will be implemented including, but not limited to, vegetation thinning, creation of fuel breaks, and the installation of working fire hydrants, fire cisterns, or dry hydrants prior to the introduction of combustible construction materials on the site;
2. Communication capabilities during construction with the ERFPD and the type of communication system. A physical address is required for E-911 purposes;
3. Detailed specification of fire protection equipment and emergency preparedness actions to be installed or implemented and maintained within the subdivision during construction;
4. Detailed mitigation actions including, but not limited to, thinning, spacing, and removal of trees and vegetation and building construction techniques designed to mitigate wildfire hazard areas.

5. The identification of building envelopes shall be required to locate structures outside of severe hazard areas, off of steep slopes, and outside of ravines and canyons to the maximum extent feasible;
6. Identification of the entities responsible for implementing the plan, constructing required improvements, and maintenance in perpetuity of the improvements and appropriate easements, if any;
7. A map identifying major timber stands and vegetation, locations of fire hydrants, water tanks, cisterns or dry hydrants, as well as locations and flows or capacity of fire hydrants, water tanks, cisterns, or dry hydrants.

E. Referral to Colorado State Forest Service

1. As part of the review of the wildfire hazard study, the Zoning Administrator shall refer the development application to the Colorado State Forest Service (CSFS). Referral of final plat applications will be at the discretion of the Zoning Administrator.
2. CSFS shall review the application and comment on the potential effectiveness of the management plan and the mitigation techniques proposed and make recommendations based on guidelines promulgated by CSFS. (See, for example, “Creating Wildfire-Defensible Zones, No. 6.302 or currently accepted standards.)
3. The Town shall consider the recommendations of the CSFS and apply the appropriate recommendations as conditions of approval of the development application.

F. Requirements for Final Approvals

Based on Town and CSFS review, the applicant may be required to revise the study. The applicant must demonstrate prior to development approval how the development complies with the mitigation strategies identified in the study.

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Article 10: Outdoor Lighting

Section 10.1. Purposes

These outdoor lighting standards are intended to allow the Town to preserve, protect, and enhance the use and enjoyment of public and private property through the use of appropriate outdoor lighting practices designed so as to

- A. Set general and specific standards to encourage lighting that favorably contributes to visual performance, safety, and aesthetics from properly shielded light sources for lighting applications to include security, parking lots, recreational facilities, buildings and structures, landscaping, canopies, and signs;
- B. Preserve and enhance the natural nighttime visual environment of the Town by minimizing light trespass and controlling glare on and off property;
- C. Increasing nighttime utility, safety, security, and productivity; to foster the nighttime use of property; and to protect the privacy of residents;
- D. Reduce and prohibit light trespass, obtrusive light, and sky glow, and to reduce roadway glare and extreme variations of illumination, to which elderly drivers are particularly sensitive;
- E. To preserve the views of the starry sky, encouraging the enjoyment of their aesthetics, the education of the public in the sciences, and the astronomical study of celestial bodies;
- F. Encourage systematic practices in the use of outdoor electrically powered luminaires, consistent with conserving energy and maximizing the benefits to the citizens of Dolores; and
- G. Accomplishing these purposes by limiting illuminance levels; by directing the luminaire emissions away from roadways, other properties, and the sky; and by reducing illumination levels during later hours of the night.

Section 10.2. Applicability

- A. All new development and redevelopment shall comply with the standards in this article.
- B. All existing outdoor light fixtures installed prior to the effective date of this Code shall be brought into compliance with this article either as they are replaced or within two years, whichever is sooner.

Section 10.3. Definitions [will be moved to Article 2]

- A. Attached Lighting: A light fixture that is attached to a building or structure. Any light fixture that is directly or indirectly attached to a structure with a diameter and/or width of more than 12 inches is considered attached lighting.
- B. Fixture: A complete lighting unit including the lamp and parts designed to distribute the light, position and protect the lamp, and connect the lamp to a power source. Also referred to as a luminaire. The fixture may include an assembly housing, a mounting bracket or polo socket, lamp holder, ballast, a reflector or mirror, and a refractor or lens.
- C. Floodlight: An outdoor lighting fixture intended to illuminate a large area. Often utilized to broadcast light over a substantial area for security and recreational purposes.

- D. Freestanding Lighting: A light fixture that is not attached to a building or structure. Any light fixture attached to a structure with a diameter and/or width of 12 inches or less (such as a pole) is considered freestanding lighting.
- E. Fully Shielded: An outdoor lighting fixture that is shielded with a non-translucent barrier or constructed in such a manner that the light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane passing through the lowest point of the fixture where light is emitted. Light rays emitted by a fully-shielded fixture shall not cast direct light onto any adjacent property other than a common solid fence.
- F. Light Pollution: Any adverse effect of artificial light sources including, but not limited to, discomfort to the eye or diminished vision due to glare, uncontrolled uplighting, uncomfortable distraction to the eye, or any artificial light that substantially diminishes the view of the night sky.
- G. Outdoor Lighting Fixture: Any lighting fixture that is installed, located, or used in such a manner to provide illumination of objects or activities outside. Outdoor lighting fixtures include all fixtures mounted to the exterior of a structure, poles, or other freestanding structures, or placed so as to provide direct illumination on any exterior area or activity.
- H. Partially Shielded Fixture: A fixture employing a top shield to eliminate all direct upward light, but otherwise does not shield the lamp from view. May allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp/bulb from certain perspectives.
- I. Seasonal Lighting: Seasonal displays of 45 days or less within one calendar year.
- J. Temporary lighting: means lighting that is intended to be used for a special event for 12 days or less per calendar year.
- K. Uplight: Light emitted from a fixture into the hemisphere at or above the horizontal plane.

Section 10.4. Fixture Type

- A. All freestanding outdoor light fixtures shall be shielded with full cutoff fixtures and directed downward to prevent off-site glare.
- B. Fixtures illuminating parking and pedestrian areas, both freestanding and building mounted, shall have full cutoff fixtures as identified in Figure 1, Cutoff Fixture Types.

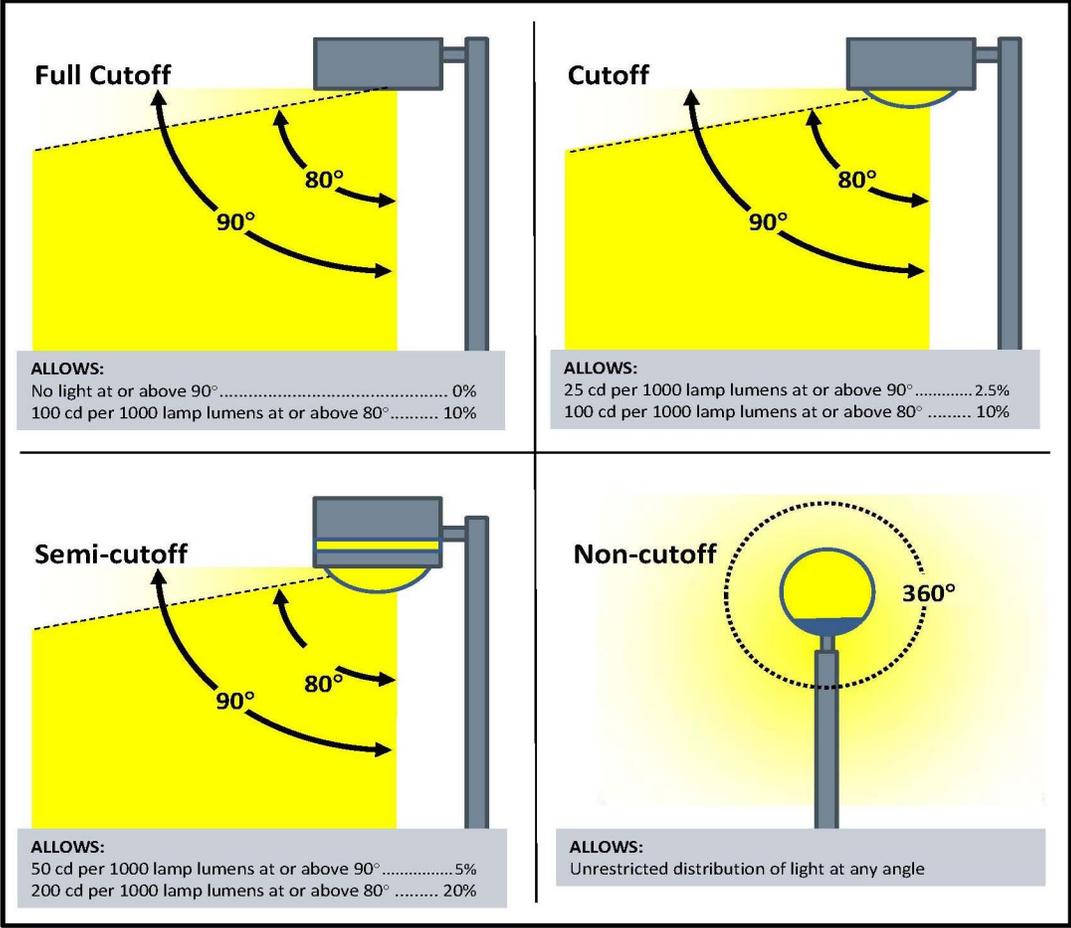


Fig. 1: Cutoff fixture types

- C. Building-mounted lighting shall be shielded and directed at a downward angle no higher than 45 degrees above the nadir (half-way between straight down and straight to the side) measured perpendicular from the pole or mounting wall. See Figure 2.
- D. Architectural, display, and decorative lighting visible off-site shall only be generated from a concealed or cutoff light source with low-level fixtures. Lamps used for this type of accent lighting shall be low intensity to produce a subtle lighting effect and shall utilize less than 100 watts and shall emit less than 1,600 lumens per fixture.
- E. Outdoor light fixtures under awnings, canopies, buildings, overhangs, or roof eaves shall be shielded to light pedestrian areas and walks and not illuminate the overhang, eave, or awning. Lighting fixtures shall not extend below the ceiling of freestanding canopies.

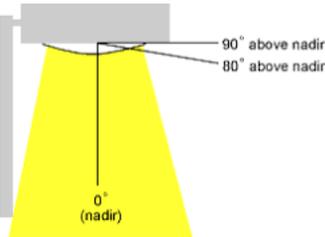


Fig. 2: Measurement of Nadir

Section 10.5. Measurement at Property Line

Outdoor lighting shall not cause light trespass exceeding the following amounts, measured with a light meter oriented vertically or horizontally at the property line of the property on which the light is trespassing:

- A. The maximum allowable trespass onto a residential use or property is 0.1 foot-candles.
- B. The maximum allowable trespass onto a non-residential use or property 0.25 foot-candles.

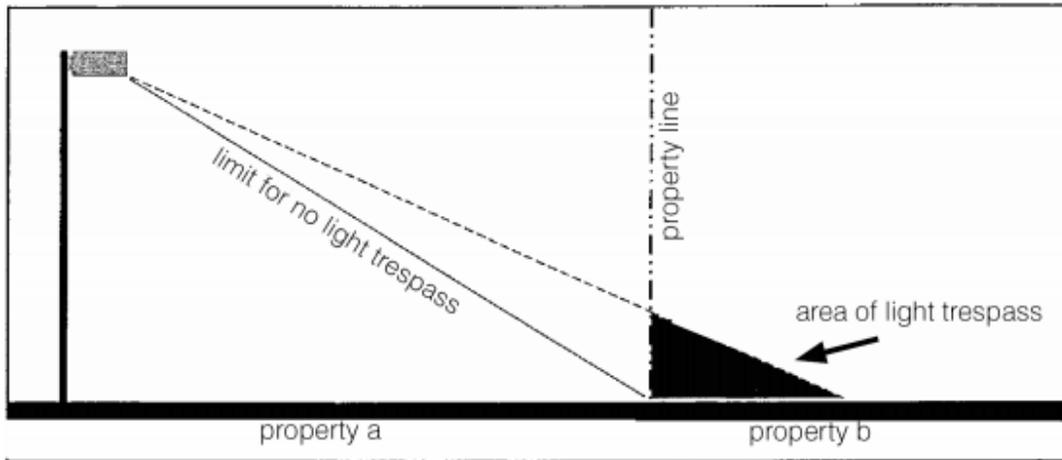


Fig. 3: Light trespass measurement

Section 10.6. Generally Applicable Outdoor Lighting Design Standards

- A. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), LED, solid state lighting, or high-pressure sodium, with a Color Rendering Index (CRI) above 70.
- B. All luminaires shall have a low Correlated Color Temperature (CCT) in the warm light spectrum (red, orange, and yellow range) of 2200-3000 Kelvin.
- C. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
- D. Lighting installations shall not have an adverse impact on ground or air traffic safety.
- E. The maximum height of any lighting pole shall not exceed the maximum height of a structure as allowed by the zoning district.
- F. All outdoor lighting shall be installed with an on/off switch.

Section 10.7. Design Standards for Lighting Outdoor Uses

A. Active Recreation Uses

Lighting for public and private outdoor recreational uses such as athletic playing areas (e.g., soccer fields, ball diamonds, playing fields, tennis courts) and similar uses, shall comply with the following standards.

- 1. All lighting for athletic playing areas or fields shall utilize full cutoff luminaires that are installed in a fashion that maintains the full cutoff characteristics unless certified by a

registered electrical engineer that such shielding is impractical and that substitute luminaires meet the following standards:

- a. The luminaires shall be provided with internal and/or external glare control louvers and installed so as to limit direct uplight to less than five percent of the total lumens exiting from the installed fixtures; and
 - b. The luminaires shall be installed and maintained with minimum aiming angles of 25 degrees downward from the horizontal. The aiming angle shall be measured from the axis of the luminaire's maximum light intensity.
2. The maximum height of any lighting pole shall be 80 feet at finished grade.
 3. Outdoor recreational lighting shall be extinguished between the hours of 11 p.m. and 7 a.m. or one hour after activities or games on the site are completed.

B. Passive Recreation Uses

Lighting for passive parks and trails shall comply with the following standards:

1. Bollards or Step Lights: 0.5 footcandles average, 0.2 footcandles minimum, with a 4:1 average to minimum ratio. Spacing of 30 to 60-feet apart.
2. Pedestrian Poles: 0.5 footcandles average, 0.2 footcandles minimum, with a 4:1 average to minimum ratio. Spacing of 12-foot poles shall be between 90 and 120-feet on center.
3. Light may not be directed at or reflected into waterways.

Section 10.8. Lighting Curfew

- A. All outdoor lighting except security lighting, as described in this section, shall be extinguished within 30 minutes of the close of business and shall stay off until 30 minutes before the commencement of business.
 1. Security lighting at stairways and loading areas that is activated by motion sensor which extinguishes 10 minutes after activation, and lighting at the building entrances and driveway egress points does not need to be extinguished.
 2. Lighting for ATMs and exterior accessways to hotel/motel rooms is not subject to the curfew.
- B. Automated control systems, such as motion sensors and timers, shall be used to meet the curfew requirements. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls should be fully programmable and supported by battery or similar backup.

Section 10.9. Deviations

Deviations from the lighting standards provided in this section may be approved by the Planning & Zoning Commission when the applicant can prove:

- A. There are unique circumstances affecting the subject property that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this section.
- B. The proposed deviation will achieve the purpose and intent of this section.

- C. The levels of light pollution will not exceed the level anticipated to be produced by a project compliant with this section.
- D. The proposed project will not be contrary to or in conflict with the Comprehensive Plan.

Section 10.10. Exemptions

Lighting required by building codes or other regulations is exempt from this section, including: communication towers, exit signs, lighting for stairs/ramps, lighting for points of ingress/egress to buildings, and all other illumination required by air navigation safety provisions, building codes, OSHA standards, and other permitting requirements from state or federal agencies.

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Article 11: Signs

Section 11.1. General Provisions

A. Purpose

Throughout this article, the regulation of sign size, location, illumination, and similar standards are intended to 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:

1. 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,
2. To support existing and future business ventures within the Town of Dolores;
3. For the protection and encouragement of local tourist-related businesses for the general economic well being of Dolores;
4. To preserve the value of private property by assuring compatibility of signage with surrounding land uses;
5. To provide a sign code compatible with the Vision Statement of the Dolores Comprehensive Plan;
6. To establish procedures and regulations which control the location, size, type, and number of signs permitted; and
7. To provide an equitable mechanism whereby signs which are illegal or abandoned can be removed.

B. Savings and Severability

If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the City that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.

C. Noncommercial Message Substitution

Noncommercial copy may be substituted for commercial copy or other noncommercial copy on any legal sign, notwithstanding any other provision of this article.

Section 11.2. Applicability and Permit Requirements

A. Applicability

1. The following regulations shall govern the placement and construction of all outdoor advertising display within the Town of Dolores.
2. No sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this article.

B. Sign Permit Required

1. It shall be unlawful to erect, construct, or reconstruct any sign without first obtaining a sign permit pursuant to Article 13.
2. A sign permit shall be required to erect, place, modify the size or shape, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-EMC to EMC unless otherwise provided in this article.
3. The following activities shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with other applicable Dolores Municipal Code provisions or any other applicable law or ordinance, including the Town's adopted building code(s):
 - a. Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, EMC, changeable copy, or a similar approved sign that is specifically designed for the use of replaceable or automatically changeable copy;
 - b. Painting, repainting, cleaning, repairing, or other normal maintenance and repair of a sign not involving structural or electrical changes. Replacement of or a change of a plastic face is also an exempt operation;
 - c. Changes to window signs and temporary signs.

C. Exempt Signs

The following signs, items, and activities do not require a permit, but shall comply with specific requirements as identified in this article:

1. Temporary Signs

1. See Section 11.x

2. Internal and Integral Signs

- a. Signs not intended for view or readily legible from the public right-of-way or adjacent residential, public, or civic districts or uses.
- b. Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.
- c. Signs or banners on fences and structures within an arena, town park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, town park, recreational complex, or athletic field.
- d. The placement of any video or digital display with a screen area of less than one square foot on a permitted primary structure, accessory structure, or piece of equipment, and designed to be viewed only by an individual obtaining services or goods at that location. This includes digital or video screens on fuel pumps, car washes, and air filling stations.
- e. Integral signs that are carved into stone or similar material that are integral to the building. Integral signs shall not exceed 6 square feet in area.
- f. Signs less than two square feet in sign area that are displayed by local nonprofit organizations and community service clubs.



Figure 1: Sample internal and interpretive signs

3. Flags

- a. Mixed-use or non-residential district: any flag provided it is affixed to a permanent ground or wall mounted flagpole.
- b. Residential district: a maximum of three flags, not to exceed a combined area of 120 square feet.

4. Public Signs

- a. Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.
- b. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

5. Seasonal displays

Shall be located on private property and associated with customary holidays, 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; or events such as birthdays or birth announcements.

Section 11.3. Prohibited Signs and Sign Locations

A. Improper Location

Signs and sign structures are prohibited in the following locations:

1. In the right-of-way or on other public property without approval of the Town. For the purposes of this article, when the right-of-way is not clearly identified, signs shall be placed at least five feet from any edge of street or curb, or beyond any visible utility or sidewalk. Temporary signs are never permitted in a public right-of-way.
2. Placed on private property without the consent of the owner or authorized agent of the owner of such property.
3. Located in or overhanging a utility easement.

4. Within a clear sight triangle.
5. Attached to utility poles, other utility or public infrastructure structures or equipment, or wireless communication facilities.
6. Attached to trees, rocks, or natural features.

B. Creation of a Hazardous Condition

Signs shall not be installed or placed so that they:

1. Create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.
2. Create a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.
3. Create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.
4. Obstruct firefighting or fixed police surveillance via photographic or video technology.
5. Are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting have been verified in writing by a structural engineer licensed to practice in the state.

C. Prohibited Signs

The following signs are prohibited in Dolores:

1. Electronic message centers



2. Signs employing mercury vapor, low pressure and high pressure sodium, and metal halide lighting;
3. 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.
4. Signs that include flashing, high intensity lights, such as strobe lights, or that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle, or which obscures any traffic or street sign or signal;
5. Signs with a lighting or control mechanism that causes radio, radar, television, or other electronic signal interference;.
6. Signs that move in any mechanical manner, have structural moving part(s) powered by a motor, or swing because of their design or by the manner of their suspension or attachment as a result of wind pressure, mechanically-driven apparatus, electrically-driven apparatus, or any combination thereof;
7. Sign walkers;
8. Signs that cause odor or sound emission;
9. Signs that are light projecting or operate or employ any motion picture projection or video projection in conjunction with any advertisements;
10. Moving billboard signs;
11. Wind signs (pennants, streamers, balloons, whirligigs or similar devices) or flutter flags, unless otherwise allowed by this article; and
12. Off-premises signs except as expressly permitted in this article.

D. Prohibited Content

No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:

1. Text or graphics that is harmful to minors as defined by state or federal law;
2. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
3. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs; or Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist.

Section 11.4. Permitted Permanent Signs

A. Residential Districts and Residential Uses in Mixed-Use Districts

The following permanent signage is allowed in residential districts and for residential uses in mixed-use districts:

1. One wall sign with a maximum area of 6 square feet per dwelling unit.
2. One neighborhood or subdivision entrance sign with a maximum area of 64 square feet and a maximum height of 10 feet per vehicle entrance; total sign area for each entrance may be divided between two signs.

B. Non-Residential Uses in Residential Districts

The following permanent signage is allowed for non-residential structures and uses in residential districts:

1. Up to three wall sign per building frontage with a combined maximum sign area of 10% of the area of the wall on which the sign(s) are placed.
2. Public, civic, and institutional uses may also have one monument sign with a maximum sign area of 64 square feet and a maximum height of 10 feet.

C. Mixed-Use, Commercial, and Industrial Districts

1. Wall Mounted Signs

Wall signs shall comply with the following standards

- a. Wall signs may be mounted or painted directly on a building.
- b. 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;
- c. The bottom of the sign shall be at least eight feet above the sidewalk elevation and the top of the sign shall not extend more than 25 feet above the sidewalk elevation.
- d. There shall be no size limit for signs or letters printed directly on, or mounted on, the exterior facade of a building.

2. Gas Stations

Two gas canopy signs not exceeding 16 square feet each, shall be permitted on a gas canopy over gasoline pumps.

3. Projecting Signs

Projecting signs shall be mounted perpendicular to the building wall and shall comply with the following standards:

- a. The copy area shall not exceed 24 sq. ft.;
- b. The minimum clearance shall be eight ft.;
- c. The distance from the building wall to the nearest edge of the sign running parallel to the wall shall not exceed six inches;
- d. The width of the sign shall not exceed four feet; and
- e. Projecting signs shall be limited to one sign per business per street frontage.



Figure x: Gas Station Signs

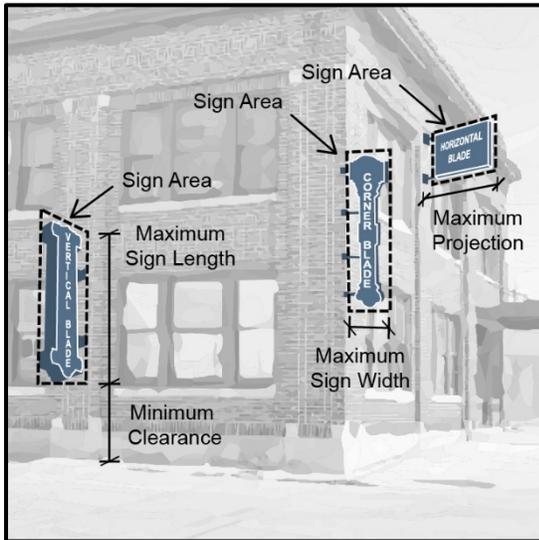


Figure 2: Projecting Signs

4. Freestanding Signs

Freestanding signs may be permitted only in the CMU, Corridor Mixed-Use District along an arterial or higher classification street, in accordance with the following standards:

- a. Maximum Number: One free-standing sign is permitted per primary structure per public street frontage.
- b. Maximum Sign Area: The maximum sign area shall be measured as one square foot of sign area per linear foot of street frontage, up to 75 sq. ft. maximum area.
 - (1) Freestanding signs may have two faces, provided the two faces are the same size and join back-to-back without any overlap.
 - (2) Multiple signs. Whenever more than one sign is placed on a freestanding structure the combination of signs shall be considered as one 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.
- c. Pole Signs: Each sign shall be limited to a maximum 20 feet in height or height of building, whichever is greater.
 - (1) The clearance under the sign shall be a minimum of eight feet above grade when located adjacent to or projecting over a pedestrian way and larger than two square feet in area.
 - (2) Gas station signs shall not exceed the height of the gas canopy.

- d. Monument Signs: Ground signs (monument-style) may be up to eight feet in height and shall be landscaped. The sign shall be placed so that it does not impair the vision of vehicular or pedestrian traffic.

5. 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.

Section 11.5. Historic Replica Signs Permitted by Conditional Use Permit

Historic replica signs may be permitted in the DMU, Downtown Mixed-Use District through the conditional use process where each of the following criteria are met:

- A. A historic replica sign shall be located on a structure or in a district that has been historically designated;
- B. 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;
- C. 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
- D. The Planning Commission or Town Board must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.

Section 11.6. Illumination

Illumination of all signs shall be in accordance with Article 10, Outdoor Lighting, and 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 does not exceed the measurement specified in Article 10.
- B. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to passing motorists.
- C. 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.
- D. Internally illuminated signs over 40 sq. ft. are required to have a dark background and light lettering.

Section 11.7. Temporary Signs

A. Permits and Standards

- 1. Required. A temporary sign permit is required unless otherwise specified within this article.
- 2. Display duration.
 - a. Unless otherwise defined within this article, the display of temporary signs shall be limited to a maximum of 30 days per address, cumulative total per calendar year.
 - b. The 30-day per address cumulative total per calendar year requirement shall be restarted when a business at a specific address changes ownership within any given year.

3. Number of signs. Unless otherwise specified in this section, a maximum of one temporary sign shall be allowed per address at any time.
4. Printing and placement. Signs may be printed on both sides or two-single sided banners may be placed back-to-back. V-type configurations are not allowed.
5. Permit sticker. A permit sticker will be provided and shall be placed on the sign where visible.
6. Temporary signs shall not be used as a method to circumvent the regulations that apply to permanent signs, or to add a permanent sign to a parcel in addition to the permanent signage permitted on that parcel.
7. Temporary signs shall not be illuminated.
8. Temporary signs shall not contain any digital components, or a changeable message component or mechanism.

B. Location

1. Except in the Downtown Mixed-Use District, all temporary signs shall be located on private property. When property lines are not easily identifiable, signs shall be set back from the edge of the street pavement or curb, or beyond any visible utility or sidewalk, a minimum of five feet.
2. A-frame signs shall be located within ten feet of a pedestrian entrance, and shall be removed when the business is closed and during severe weather events.

C. Allowed on Private Property Restrictions

Temporary signs, including, but not limited to, those specified within this article are allowed on private property provided they meet the following requirements:

1. The sign conforms to all requirements of this article;
2. The sign does not interfere with automobile traffic or pedestrians;
3. The sign is not placed in the public right-of-way or on public property;
4. When a sign placed on private property, is done with the express permission of the property owner; and
5. The sign is not a public danger or nuisance during high winds or inclement weather.

D. Removal

Temporary signs shall be subject to removal following the passage of the date on the permit sticker.

Section 11.8. Abandonment and Removal

A. Abandonment

1. 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 the tenant space associated with the 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. 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.

B. 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.

Section 11.9. Definitions and Measurements

[will be moved to Article 2 when sign code drafting is complete]

A. Interpretations

For the purpose of this article, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this chapter and are to be used only for the implementation of this title. Words used in the singular include the plural, and the plural the singular. Words used in any gender include all other genders.

B. Applicability

This section applies to all sign types and classifications.

C. Building Frontage

1. Building frontage (or façade) is the wall of the primary building that faces the street abutting the property. Façade area is measured as width x height, as shown in Figure 1. If the primary building is located on a corner lot, the frontage may be any or all wall(s) of the primary building that face a street.
2. Accessory structures shall not be included in the calculation of maximum signage. Wall signs may be affixed to accessory structures.
3. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows. "False fronts" and mansard roofs shall not be included when calculating the total area of a wall.

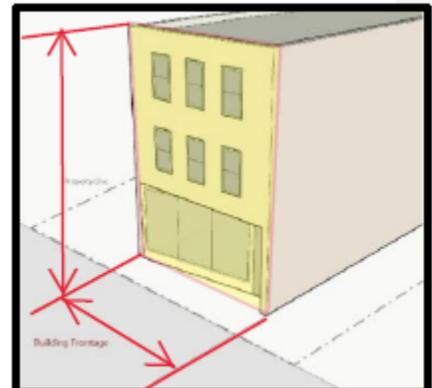


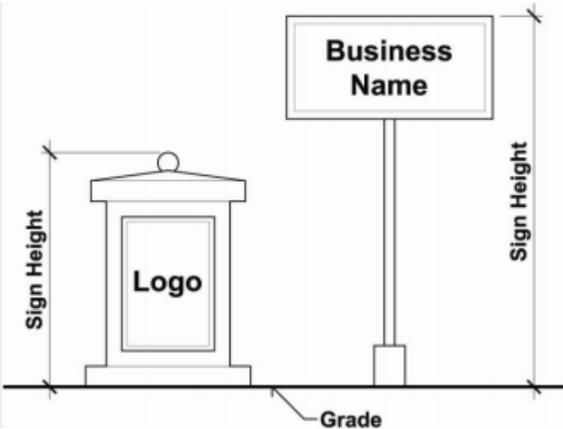
Figure 3: Building façade area

D. Clearance

Clearance is the area under the sign that shall be free of obstructions to allow passage of pedestrians and vehicles. Clearance for pole and projecting signs shall be measured as the smallest vertical distance between the sign and the finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements.

E. Height

- 1. Sign height is measured from the average finished grade at the sign foundation to the top of the highest attached component of the sign.
- 2. When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

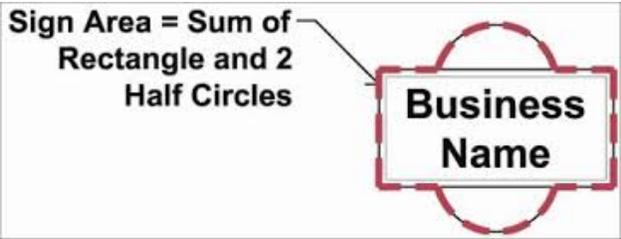


F. Setback

Setback is measured at that portion of any sign or sign structure that is closest to the property line.

G. Sign Area

- 1. 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 or more display faces, the area of one face shall be used in determining the area of the sign.



Sample measurement using two geometric figures

- 2. 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.
 - a. Individual letter signs using a wall as the background without added decoration or change in wall color shall be calculated by measuring the perimeter enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.
 - b. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest geometric figure that will enclose both the sign copy and the background
 - c. Module signs consisting of more than one sign cabinet shall be computed by adding together the total area of each module.
 - d. Window signs printed on a transparent film and affixed to a window pane shall be measured as freestanding letters or logos, provided that the portion of the transparent

film around the perimeter of the sign message maintains the transparent character of the window and does not contain any items in the sign message.

- e. If elements of a sign are movable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.
3. Sign area includes only one side of a freestanding double-faced sign, so the area of a two-sided sign equals the area of one side.
 - a. The second face may not exceed the area of the first face.
 - b. If an angle of 30° for a “V” sign is exceeded, the area of both sign faces shall be included in the measurement of total sign area, except that the sign area for an A-frame sign is measured on one face of the sign regardless of the distance between the sign faces.
 4. Window sign area percentage is measured for each architecturally distinct window by dividing the sign area by the window area.
 5. Inflatables shall be measured by square feet of surface volume.
 6. The area of a spherical, cubical, or polyhedral sign equals 1/2 the total surface area.

H. Spacing and Separation

Spacing is a required linear distance between signs that is measured in feet. Sign separation shall be measured along the property lines from the center of the sign.

I. Definitions

A-frame sign: a temporary, portable sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shaped structure that tapers from a wide base to a narrow top that is readily movable and has no permanent attachment to a building, structure, or the ground.

Access point sign: a sign located at a vehicular access point to a property.

Alley: a public street not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

Attached sign: a sign that is mounted on or attached to a structure, including a wall sign, window sign, roof sign, or projecting sign.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning sign: a type of sign with one face affixed to an awning.

Banner sign: a type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, mounted in a free-standing frame, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Billboard: a sign with at least one sign face that is greater than 70 square feet and is supported by one or more uprights and braces in the ground.

Canopy: An attached or detached structure, open on at least one side, that is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material. Permanent, freestanding canopies such as service station canopies are referred to as structural canopies for the purposes of sign regulation.

Canopy sign: a type of sign with one face affixed to a canopy.

Changeable copy sign: a sign for which the informational content can be changed or altered by manual means. A changeable copy sign with copy that is changed electronically is referred to as an Electronic Message Center (EMC).

Commercial speech: expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

Copy: the wording on a sign surface either in permanent or removable form.

Copy area: the geometric area in square feet that encloses the copy of the sign.

Copy extension: that part of the sign area which extends beyond the edge or border of the sign.

Curb line: the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the Town Engineer shall establish the curb line.

Double-faced sign: a sign with two faces that are parallel or within 30° of parallel.

Durable: a nonbiodegradable material with a proven serviceable lifespan of 25 years or more that withstands degradation from the elements.

Electronic message center (EMC): an electronic sign that utilizes lighted content, whether static or motion, to advertise products, services and businesses, and is digitally programmed and controlled, either directly or indirectly, by the use of a computer or software. The term electronic message center sign includes, but is not limited to, light-emitting diodes, liquid crystal displays and plasma screen displays.

Erects: to build, construct, attach, place, suspend, or affix, including the painting of a wall sign.

Event sign: an off-premises sign associated with a community event or facility. Facade. The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements. The front facade is any building face adjacent to the front lot line.

Flag: A flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Flashing: a change of light intensity in a sudden transitory burst or that switches on and off in a constant pattern with more than one-third of the light source that is not constant being off at any one time.

Freestanding sign: a ground-mounted sign erected on a permanently set pole or poles, mast, or framework that is not mounted on or attached to a structure; includes an access point sign, monument sign, or pole sign.

Frontage

(a) Building means the wall of the primary building that faces the street abutting the property. If the building is located on a corner lot, the frontage may be any of the walls of the primary building that face a street.

(b) Lot means the length of the property line of any one property along a public right-of-way on which it borders.

(c) Street means the length of the property line of any one property along a public right-of-way on which it borders, measured along the property line.

Front wall is a building wall fronting the primary street or housing the primary entrance to the business.

Garage or yard sale sign: a temporary sign associated with a garage/yard sale event.

Grade: The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if there is less than five feet distance from the wall. In cases where walls are parallel to and within 20 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

Inflatable sign: a large balloon or balloon-like object greater than 18 inches in any dimension that uses blown air or a gas to remain inflated.

Interior sign: any sign that is "interior" to a property or development that is not intended for view or readily legible from the public right-of-way.

Interpretive sign: a sign associated with historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.

Light Projection Sign: any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall, window, or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the property

Mansard roof: a sloped roof or roof-like facade architecturally able to be treated as a building wall.

Marquee: a permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a façade of a building.

Maximum Allowable Sign Area: the total area permitted for nonexempt signs on a site.

Monument sign: a sign supported by the ground upon a pedestal base or monument foundation.

Mobile billboard: a sign attached in any way to a vehicle operating in the public right-of-way, that is used for the primary purpose of advertising, and where the vehicle is either: (1) not used

primarily for the transportation of passengers for hire or goods, or (2) is not designed for the transportation of passengers for hire or goods.

Multiple-tenant building: a single commercial structure that houses more than one retail business, office or commercial venture, and that may include residential apartment buildings on upper floors, sharing the same lot, access and/or parking facilities.

Mural: a mural or artwork painted on or otherwise affixed to the exterior wall of a building wall that does not contain a commercial message and that does not otherwise meet the definition of a sign. Exterior surface color alone is not considered a mural or artwork.

Nonconforming sign: any sign lawfully constructed prior to the enactment of the ordinance codified in this title, which fails to conform to the provisions of this title.

Nonstructural trim: the molding, batons, caps, nailing strips, latticing, cutouts or letters and walkways that are attached to the sign structure.

Off-premises sign: a sign that carries a message of any kind or directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

On-premises sign: a sign advertising any product, service, use, or enterprise sold or offered at the location where the sign is physically located.

Open house sign: a sign associated with an open house event.

Parapet: a false front or wall extension above the roof line.

Parcel: the real property on which a business is located or the portion of real property designated for use of a business. Parcel shall include all adjacent property used by a business including yards, parking lots, and storage yards. Where more than one business is located within a building, the property on which that building is located is considered one parcel.

Pedestrian-oriented sign: a sign designed at a scale that is appropriate to provide information for pedestrians and bicyclists.

Pennant: a piece of fabric, plastic or other flexible medium that may be in the shape of a triangle, rectangle or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity and spaced along the cord or rope.



Figure 4: Pennants

Perimeter: a square or rectangle required to enclose the sign area.

Person: persons, firms, partnerships, associations, corporations, and other business entities.

Pole sign: a self-supported sign permanently attached directly to the ground supported by upright poles or posts or braces placed on or in the ground. Pole signs may be mounted on more than one pole and pylon signs are included in the term pole sign.

Political sign: a temporary sign associated with an election event.

Portable readerboard: a sign supported by feet or wheels that is not permanently affixed to the ground, structure, or building but is mounted on an easel, trailer, or other movable equipment and that typically displays a changing message using manual changeable copy or EMC.



Figure 5: Portable readerboard

Premises: any one or more parcels directly abutting each other and all under the same ownership, upon which any building is located.

Primary building: the building in a multi-unit multifamily development located at the main access to the complex or where the office functions are provided for the complex.

Projection: the distance by which a sign extends over public property or beyond the property line.

Public event: an event on private property that is open to the public.

Real estate sign: a temporary sign associated with an active real estate listing.

Repair, renewal, refurbishment and restoration are synonymous and may be used interchangeably to mean "to restore to a former, better state, and resembling the original design and construction as closely as possible" when describing a damaged sign or a sign in disrepair.

Revolving sign: any sign that rotates or turns in a circular motion by electrical or mechanical means and does not exceed eight revolutions per minute.

Roof sign: a business sign erected upon or above a roof or parapet of a building or structure. Mansard roof signs shall be considered wall signs.

Roofline: the top edge of a roof or parapet or the top line of a building silhouette.

Seasonal decorations: decorations and temporary signs that are clearly incidental, customary, and commonly associated with a holiday, birthday, anniversary, graduation or similar occasion.

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.

Sign: means any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. The term sign shall not include the following:

- a. Art that does not include commercial speech;

- b. Window displays of merchandise or products; or
- c. Products, merchandise, or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise, or materials

Sign area: the total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or framework that contains no written copy.

Sign face: the area made available by the sign structure for the purpose of displaying the sign copy.

Sign height: the vertical distance measured from the adjacent grade at the base of the sign support to the highest point of the sign or sign structure, whichever is higher.

Sign structure: any structure supporting or capable of supporting any sign defined in this chapter. A sign structure may be a single pole or may or may not be an integral part of the building or structure.

Special event sign: a sign associated with a permitted special event.

Temporary sign: A sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate; or (2) if made of some other material, is neither permanently installed in the ground, nor permanently affixed to a building or structure that is permanently installed.

Vehicle sign: any magnetic sign(s), signs painted or wrapped on, adhesive vinyl film affixed to a window, or attached by other temporary or permanent means to a vehicle, where the vehicle is owned by the business, is operable and properly licensed, and the vehicle is regularly and consistently used in the normal daily conduct of the business, such as delivering or transporting goods or providing services related to the business. Vehicle signs do not include mobile billboards.

Wall sign: a sign attached or erected parallel to and extending from the facade or wall of any building to which it is attached. A wall sign is supported through its entire length with the exposed face of the sign parallel to the plane of said wall or facade. A sign painted on the wall of a building shall be considered a wall sign.

Wind sign: a display of pennants, streamers, balloons, whirligigs, wind blades, or similar devices, activated by wind.

Window sign: any sign which is painted or mounted onto an exterior window pane, or which is hung directly inside the window.

Yard sign: a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal, or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

Tenant: a single incorporated use of a premise for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

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Article 12: Non-Conformities

Section 12.1. Purpose and Intent

- A. Changes to the LUC can impact the status of legal, existing uses, lots, and structures. It is the general policy of the Town to allow uses, structures, and lots that came into existence legally to continue to exist and be put to productive use. As these uses and structures change, they should be brought into compliance with applicable regulations as expediently as is reasonably possible.
- B. These regulations are intended to:
 - 1. Recognize the interests of property owners in continuing to use their property;
 - 2. Promote the reuse and rehabilitation of existing buildings; and
 - 3. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties, neighborhoods, or the Town as a whole.
- C. Nothing in this article shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of the Land Use Code in effect at the time of the effective date or any amendments of this LUC.

Section 12.2. Applicability

- A. The provisions of this article shall apply to buildings, structures, lands, and uses that become nonconforming as a result of adoption, revision, or amendment to this LUC.
- B. The effective date for these regulations shall be established by the ordinance enacting the same. This LUC applies to any property that was located within the limits of the Town of Dolores on or before that date.
- C. Any legal nonconformity existing as of the effective date of this LUC will also be a legal nonconformity under this LUC, as long as the situation that resulted in the nonconforming status under the previous Code continues to exist.
- D. If a nonconformity under the previous LUC becomes conforming because of the adoption of this LUC, then the situation will no longer be a nonconformity.

Section 12.3. Nonconforming Status

A. Establishment

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:

- 1. 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.
- 2. The event that made such use or structure nonconforming was one of the following:
 - a. Annexation into the Town of Dolores,

- b. Adoption of this Code or a previous zoning ordinance, or
 - c. Amendment of this Code or a previous zoning ordinance.
3. 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 Section 12.4.C.5. below.

B. Ordinary Repair and Maintenance

Normal maintenance and incidental repair may be performed on all structures, both conforming and nonconforming. 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.

C. Discontinuance and Abandonment

1. When a nonconforming use is replaced with a conforming use, the nonconforming use is considered terminated and may not be resumed. Any structure specific to the use, or structures and land in combination specific to the use, in or on which a nonconforming use is replaced by a permitted use shall be brought into compliance with the zone district in which the structure(s) is located and the nonconforming use may not be resumed.
2. Whenever a nonconforming use or structure is abandoned, all nonconforming rights shall cease and the use of the premises shall be brought into conformance with this Code. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation.
 - a. Any nonconforming use that is discontinued for, or that remains vacant for a period of 12 months, shall be considered to have been abandoned. Maintaining connection to or payment of public services or utilities is not evidence of continuing operations.
 - b. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

D. Destruction

1. If a non-residential nonconforming structure or a structure specifically designed to be occupied by a nonconforming use is destroyed, it may not be rebuilt except to conform to the provisions of this Code. In the case of partial destruction of a structure specifically designed to be occupied by a nonconforming use not exceeding 60 percent of its replacement value, reconstruction may be permitted and the use may be resumed, provided, however: subject to the approval of a Special Exception pursuant to Section 13.x 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.
2. Nonconforming residential structures may be rebuilt regardless of the amount of damage of destruction suffered by the building.

Section 12.4. Nonconforming Uses

A. Continuation

Nonconforming uses may be continued so long as the use remains otherwise lawful.

B. Expansion

1. No nonconforming use may be expanded or increased except that any nonconforming use may be extended throughout any parts of a building designed for such use that existed as of the effective date of the land use regulation that made the use nonconforming, but no such use shall be extended to occupy any land outside such building.
2. No existing structure specific to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conjunction with changing to a conforming use.

C. Change of Use

1. 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.
2. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use.
3. A change from one 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 this paragraph, a use that is authorized in a district with a conditional use permit shall not be considered a permitted use in such district.

D. Obsolete or Substandard Non-Residential Structure

The right to operate and maintain any nonconforming use shall terminate if the non-residential structure in which the use is operated and maintained becomes obsolete or substandard under any applicable Town, state, or federal code and the cost of placing such structure in lawful compliance with the applicable code exceeds 50 percent of the replacement cost of such structure on the date that the Building Official determines such structure is obsolete or substandard; provided, however, a determination of the replacement cost of any structure shall not include the cost of land or any factors other than the structure itself.

Section 12.5. Nonconforming Structures

- A. A nonconforming structure may continue to be used in conformance with the zone district where it is located so long as the structure remains lawfully occupied.
- B. The structure may not be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration is required by law or allowed by subsection 12.4.C.2 above. Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in the building. Any enlargement greater than 10% of the GFA that is necessary to adapt to new technologies shall be authorized only by a variance, as described in Section 13.27.

Section 12.6. Nonconforming Lots

A. 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:

1. The “lot of record” is in separate ownership or contiguous to lots in the same ownership; and
2. 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 the dimensional requirements pursuant to Section 13.27.

B. Undivided Lot

If two 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.

C. Lot Reduction

1. 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.
2. 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.
3. 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.

Section 12.7. 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.

A. Abandonment

Abandonment of a non-conforming sign shall immediately terminate the right to maintain the sign. When a sign has been abandoned as defined above, the Town shall send a letter requesting removal of the abandoned sign. If the sign is not removed within sixty days, the Town may remove the sign at the property owner’s expense. Abandonment of a sign shall be evidenced by:

1. The expiration of a Town of Dolores Business License for the business associated with the sign by more than 30 days; or

2. 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.

B. Violation of this Section

Any violation of this section shall immediately terminate the right to maintain such a sign.

C. 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.

D. Change of Sign

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 of the three 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.

E. 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.

F. 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.

1. 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.

Article 13, Administration and Procedures, is being adopted separately from this draft Land Use Code and will be re-included following adoption of this LUC.

Article 6: Development Procedures

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Drafting Note: This article will be renumbered as Article 13 when the full Dolores Land Use Code is adopted.

Article 6: Administration and Procedures

Section 6.1. Review and Decision-Making Bodies

A. Planning and Zoning Commission (P&Z)

The Planning and Zoning Commission shall have the responsibilities provided by the Dolores Municipal Code Section 2.08 and as specified in this Land Use Code.

B. Historic Preservation Board (HPB)

1. Historic Preservation Board Established

The Board of Trustees hereby creates the Historic Preservation Board (“HPB”), which shall have principal responsibility for matters of historic preservation.

- (a) Membership. The HPB shall consist of the five regular members of the Planning and Zoning Commission, who shall be persons who have an interest and knowledge of local history.
- (b) Quorum and Voting. A quorum for the Board shall consist of three 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.
- (c) Officers. Officers of the HPB shall be the same as the officers of the Planning and Zoning Commission.
- (d) Meetings. The HPB shall hold meetings as necessary to the business of the Board. Minutes shall be kept of all HPB proceedings. The HPB shall conduct its business in accordance with the Public Meetings Acts, Public Records Act, and other laws applicable to local public bodies.

2. Powers and Duties

The HPB shall, after solicitation of public comment and at a properly noticed public meeting, do any of the following:

- (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 Board of Trustees 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 HPB may create a list of structures of historical or archaeological merit which have not been designated.
- (h) Advise the Board of Trustees 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 HPB shall propose to the Board of Trustees bylaws as the HPB deems necessary.
- (k) Recommend to Board of Trustees the establishment of construction and design standards for the renovation or alteration of historic structures and new construction within designated historic districts.

C. Board of Adjustment

1. Creation and Organization

There is hereby created a board known as the Board of Adjustment (“BOA”), which shall be organized as follows:

- (a) The Board of Adjustment shall consist of the five regular members of the Planning and Zoning Commission.
- (b) The Board of Trustees shall have the power to remove any member of the Board of Adjustment for cause after official public hearing.

2. Officers and Procedures

- (a) Members of the Board of Adjustment shall elect from their members a chairperson to serve for a term of one year and may adopt such rules as may be necessary for the conduct of its business.
- (b) The chairperson shall preside over meetings. In the event questions over procedures arise, Robert’s Rules of Order shall apply.
- (c) The recording of the minutes of the Board of Adjustment meetings shall be the responsibility of the staff.
- (d) 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.
- (e) 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. The chairperson or, in the absence of the chairperson, 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 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.

3. Powers and Duties

The Board of Adjustment shall have the following powers, and shall have the power to impose reasonable conditions to ensure compliance and protect adjacent property:

- (a) 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 Section 6.4, Appeals.
- (b) To permit variance or modifications of the height of structures, yard, area, coverage, and parking regulations, pursuant to Section 6.27, Variances.
- (c) To grant variances from flood hazard standards. The Board of Adjustment shall follow the guidelines set forth in Section 9.6, Flood Hazard Regulations, when considering such variances.

4. Record on Appeal

In the event any person appealing the Board of Adjustment is dissatisfied with the ultimate decision, the expense of reproducing the record before that Board for judicial appeal shall be at the expense of the appellant.

Section 6.2. Administrative Officials

A. Zoning Administrator

There is hereby created an official administrative position known as the Zoning Administrator. The Zoning Administrator shall be appointed by, directed by, and serve at the pleasure of the Board of Trustees. The Zoning Administrator is entrusted with the jurisdiction, authority, and duty to administer, enforce, and interpret the LUC and to issue permits when approved as provided for in this Code. The Town Administrator may also serve as the Zoning Administrator.

B. Building Official

There is hereby created an official administrative position known as the Building Official. The Building Official shall be appointed by, directed by, and serve at the pleasure of the Board of Trustees. The Building Official has authority to enforce the Town's adopted building code, fire code, and any other adopted life safety codes; enforce the LUC; issue building and other life safety code-related permits; and to administer Section 9.6, Flood Hazard Regulations.

C. Delegation of Authority

The Town Administrator, Zoning Administrator, and Building Official may delegate associated responsibilities, duties, and tasks to other Town staff in accordance with Town policies. When this Code specifies that the Town Administrator, Zoning Administrator, or Building Official shall perform an act, it may be delegated by any of those officials without further instruction from this Code.

Section 6.3. Summary Table of Review Authority (new)

The responsibilities of officials and bodies for each LUC procedure are summarized in Table 6-1.

Table 6-1: Summary of Review Authority

PROCEDURE	Zoning Administrator	Planning & Zoning Commission	Board of Trustees	Board of Adjustment
Key: R = Review/Recommendation, D = Decision, and A = Appeal				
Administrative Adjustment	D			A
Administrative Determination	D			A
Annexation	R	R	D	
Appeal of Administrative Determination				D
Areas and Activities of State Interest (1041)	R	R	D	
Comprehensive Plan Amendment	R	D		
Conditional Use Permit	R	R	D	
Grading and Erosion Control Permit	D			A
Historic Preservation	<i>See Sec. 6.14, Historic Preservation</i>			
LUC Interpretation	D		A	
LUC Text Amendment	R	R	D	
Location and Extent Review	R	R	D	
Minor Subdivision Plat	R	R	D	
Major Subdivision Plat, Preliminary	R	R	D	
Major Subdivision Plat, Final	R		D	
Planned Unit Development	<i>See Sec. 6.30 Zoning Map Amendment</i>			
Sign Permit	D			A
Site Plan Review	D	A		
Special Exception	R	D	A	
Special Exception, Subdivision	R	R	D	
Temporary Use Permit	R	D	A	
Variance	R			D
Variance, Subdivision	R		D	
Vested Property Right	<i>See Sec. 6.28, Vested Rights</i>			
Zoning Development Permit	D			A
Zoning Map Amendment (Rezoning) or LUC Text Amendment	R	R	D	
Notes:				
[1] Zoning Administration except where Building Official is specified.				

Section 6.4. General Procedures

A. Described

1. Generally Applicable Procedures

The generally applicable procedures for review and decision-making for land use and development applications are established in this article. These are standard procedures that are applicable to all or most types of specific applications based on the following review steps:

- (a) Pre-application meeting
- (b) Application submission and completeness review
- (c) Staff review
- (d) Public notice
- (e) Action by review and decision-making bodies
- (f) Appeal

2. Specific Procedures

Sections 6.5 through 6.30 establish additional provisions for specific procedure types. Where the generally applicable procedures conflict with specific procedure provisions, the specific procedures provisions shall prevail.

3. Applicable Common Steps by Specific Procedure

Table 6-2 summarizes the procedural steps that are applicable for each specific application or action, and in the case of recommendations and decision hearings, which body has authority.

Table 6-2: Applicable Common Procedures by Application Type

Common Procedures	1. Pre-App Meeting	2. Submit Application	3. Staff Review & Report	4. Recom'd	5. Decision Hearing	6. Record of Decision
Key: X = Required Step; A = Administrative/Staff; BOA = Board of Adjustment; Board = Board of Trustees; P&Z = Planning & Zoning Commission						
Administrative Adjustment	--	X	X	--	A	X
Administrative Determination		X	X		A	X
Annexation	X	X	X	P&Z	Board	X
Appeal of Administrative Determination	--	X	X	A	BOA	X
Areas and Activities of State Interest (1041)	X	X	X	P&Z	Board	X
Comprehensive Plan Amendment	X	X	X	Staff	P&Z	X
Conditional Use Permit	--	X	X	P&Z	Board	X
Grading and Erosion Control Permit	--	X	X	--	A	--
Historic Preservation	<i>See Sec. 6.14, Historic Preservation</i>					
LUC Interpretation	--	X	X	--	A	--
LUC Text Amendment	X	X	X	P&Z	Board	X
Location and Extent Review	X	X	X	P&Z	Board	X

Table 6-2: Applicable Common Procedures by Application Type

Common Procedures	1. Pre-App Meeting	2. Submit Application	3. Staff Review & Report	4. Recom'd	5. Decision Hearing	6. Record of Decision
Key: X = Required Step; A = Administrative/Staff; BOA = Board of Adjustment; Board = Board of Trustees; P&Z = Planning & Zoning Commission						
Minor Subdivision Plat	X	X	X	P&Z	Board	X
Major Subdivision Plat, Preliminary	X	X	X	P&Z	Board	X
Major Subdivision Plat, Final	--	X	X	A	Board	X
Planned Unit Development	<i>See Sec. 6.30, Zoning Map Amendment</i>					
Sign Permit	--	X	X	--	A	--
Site Plan Review	--	X	X	--	A	--
Special Exception	X	X	X	Staff	P&Z	X
Special Exception, Subdivision	X	X	X	P&Z	Board	X
Temporary Use Permit	--	X	X	--	P&Z	--
Variance	X	X	X	Staff	BOA	X
Variance, Subdivision	X	X	X	Staff	Board	X
Vested Property Right	<i>See Sec. 6.28, Vested Rights</i>					
Zoning Development Permit	--	X	X	--	A	--
Zoning Map Amendment (Rezoning) or LUC Text Amendment	X	X	X	P&Z	Board	X

4. Administrative Manual for Additional Materials

The Zoning Administrator may compile the requirements for application contents, forms, fees, submission materials, and review schedule in an administrative manual or user’s guide, which may be divided into sections or topics and which shall be made available to the public in print or electronic format. The Zoning Administrator may amend and update the administrative manual from time-to-time.

B. Step 1: Pre-Application Meeting

1. Purpose

The purpose of the pre-application meeting is to provide an opportunity for the applicant and the Town to discuss the development concept prior to the application submission for a project in order to:

- (a) Determine the required application(s) and, if necessary, the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);
- (b) Provide the applicant with application materials and inform the applicant of submittal requirements;

- (c) Provide the applicant with an estimated time frame for the review process;
- (d) Discuss generally compliance with the Code's zoning, use, density, development, and design standards, and attempt to identify potentially significant issues regarding compliance;
- (e) Discuss the need for any neighborhood meetings and public notice requirements; and
- (f) Refer the applicant to other departments or agencies to discuss potential significant issues prior to application submittal.

2. Applicability

This step is mandatory for special use permits, most subdivision application, rezoning requests, and other applications as identified in Table 6-2. A pre-application meeting is optional for the remaining procedures and may be scheduled by the Zoning Administrator at the request of an applicant.

3. Evaluation Not Binding

- (a) The informal evaluation conducted by the Zoning Administrator and provided at the pre-application conference are not binding upon the applicant or the Town. The Town is not responsible for making or keeping a summary of the topics discussed at the pre-application meeting.
- (b) A pre-application conference precedes the actual application, so some key issues relating to a specific proposal may not be apparent at the pre-application conference and may require additional review, submissions, or studies later in the application process.

4. Applicant Representative

An attorney, land planner, engineer, or surveyor may represent or assist the applicant in the pre-application meeting. The applicant shall be present at a mandatory pre-application meeting.

C. Step 2: Submit Application

The applicant is required to submit a formal application for all procedures and permit requests.

1. Form of Application

- (a) The Zoning Administrator is authorized to establish submittal requirements for all land use development and permit applications required by this section and to update and amend such requirements as necessary to ensure effective and efficient Town review.
- (b) Applicants shall refer to the individual application forms for submittal requirements for each type of land use development application.
- (c) The applicant shall provide any additional information, documents, or other material relevant to the application that the Zoning Administrator reasonably believes is necessary in order for the Town to evaluate, analyze, and understand the subject matter of the application.
- (d) Application submittal requirements, contents, form (printed or electronic), and fees shall be established on the individual application forms provided by the Town.

Application forms may be revised and updated from time-to-time as determined necessary by the Zoning Administrator.

2. Applicant Responsibility

- (a) The applicant shall prepare and submit an application that meets all requirements, including forms and fees. It is the applicant's responsibility to ensure that the application is complete and accurate.
- (b) All applications required by this section shall be submitted to the Town offices unless otherwise specified.

3. Waiver of Application Submission Requirements

The Zoning Administrator may waive or alter specific application submission requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. The Zoning Administrator may not provide a general waiver of submission requirements.

- (a) Applicants shall request the waiver of a submission requirement in writing as part of a pre-application meeting. Requests for waiver may not be submitted without a pre-application meeting.
- (b) The Zoning Administrator shall review the application for waiver as part of the completeness review and make a determination regarding whether to waive or require the information. The Zoning Administrator may refer the application to the P&Z for consideration.
- (c) A waiver request shall be considered based on the following criteria:
 - (1) The applicant shows good cause for the requested waiver;
 - (2) The project size, complexity, anticipated impacts, or other factors support a waiver;
 - (3) The waiver does not compromise a proper and complete review; and
 - (4) The information is not material to describing the proposal or demonstrating compliance with approval criteria.
- (d) The Zoning Administrator shall notify the applicant in writing of the determination whether to waive submission requirements and include a summary of the decision in the staff report within five business days of the pre-application meeting or five business days of the P&Z meeting at which the request was reviewed.
- (e) A waiver shall apply only to the specific application for which it was requested and shall not establish a precedent for approval of other requests.
- (f) Once an application has been submitted it is too late to request a pre-application meeting or submission waiver; any late submission waiver requests shall not be considered.

4. Reports and Studies

- (a) Reports or studies may be necessary to adequately evaluate the consequences of a proposed development and may be required as part of a specific application. These

may include, but are not limited to, studies of soils, geological hazards, fiscal impacts, market analysis, traffic impacts, and environmental impacts.

- (b) The applicant shall furnish the reports or studies needed at the applicant's cost. The applicant shall hire qualified professionals who have prepared similar studies in the region or State of Colorado. If the Board determines that information submitted by an applicant is insufficient or incomplete it may instruct the Town Administrator to hire a qualified professional and charge the applicant for the cost of preparation of a new or additional study.

5. Fees

- (a) Fees for the review of an application shall be established from time-to-time by the Board of Trustees.
- (b) The Town may also assess and collect such additional fees as are required by referral departments or agencies or as the Town may deem appropriate to adequately review an application. The Town shall base such additional fees upon the actual cost, whether by Town employees or independent third parties, of performing related plan and document preparation and review, inspection of construction of public and related improvements, and all related services, including attorney and engineering fees. Additional fees may be charged on a per-unit basis, such as foot or mile, and the Town may also include in such additional fees a factor for overhead or other indirect expenses.
- (c) When changes are made to a complete application for which fees have been paid, the Town shall take the following actions:
 - (1) Withdrawn Application: All fees are forfeited; the fee shall be paid again in full if the application is resubmitted.
 - (2) Continuance of Application: Payment of additional fees may be required to cover the cost of additional notice.
 - (3) Reapplication, Resubmission: Payment of fees shall be required for a reapplication or resubmission where a previous application has been denied. The Zoning Administrator may waive the application submission fee but is required to charge the applicant for actual costs associated with the resubmission.
 - (4) Modification or Revision of Approved Preliminary Plan: Payment of the application fee shall be required to cover costs of re-review, less the cost of notice.

6. Official Submission

An application shall be officially submitted when it is presented in full to the Zoning Administrator, either through: 1) hand submitted copy of the application, or 2) electronically submitted copy of the application filed pursuant to instructions for electronic filing identified on the Town of Dolores webpage or portal (at such time as the Town makes this technology available), filed on a business day during normal office hours.

7. Determination of Completeness

- (a) The Zoning Administrator shall determine whether the application is complete within 10 working days of submittal. A complete application is deemed sufficient in form and

content such that recommendations, as required, and a decision may be made on the application by the Town officer or body authorized to review the application. The Zoning Administrator shall determine application sufficiency.

- (b) If the application is incomplete, the Zoning Administrator shall inform the applicant in writing of the determination of incompleteness and specify, generally, which materials are missing or insufficient.
 - (1) If the applicant fails to correct the deficiencies within 60 days, the application shall be considered withdrawn and returned to the applicant. Incomplete applications shall not be processed by the Town. The Town may retain the application fee paid. Once an application has been withdrawn, the application shall be resubmitted in full, including payment of all required fees.
 - (2) An e-mail to the applicant or comment in the Town's permit online tracking system, if one is established, shall be considered a determination in writing.
- (c) If the application is complete, the Zoning Administrator shall establish the filing date, inform the applicant of a determination of completeness and the filing date, and continue to Step 3: Staff Review and Report.

8. Filing Date and Scheduling

The filing date is established when the Zoning Administrator verifies that the application is complete. Complete applications shall be scheduled for public hearing on the next available agenda date of the appropriate review body following any required public notice. Applications for review that do not require a public hearing shall be reviewed within 30 days of a determination of completeness.

9. Concurrent Application

The applicant is encouraged, and may be required by the Town, to submit all applications necessary for a development on the same filing date. The concurrent applications shall be processed under the procedures for the primary application. Unless the Town determines otherwise, the primary application is the procedure type that is decided by the highest decision body. Concurrent applications shall be reviewed and recommended by every recommendation body for every application type being concurrently processed.

10. Withdrawal

At any time at least one business day prior to a decision hearing, the applicant may choose to withdraw the application for any reason by providing verbal or written notice to the Zoning Administrator. Notification of withdrawal of the application stops all further processing of the application.

11. Limitation on Resubmission

Whenever the Board of Appeals or Board of Trustees decides an application or an appeal of an application, no person shall submit an application that is the same, or substantially the same, for at least one year from the date of the final action on the application.

12. Inactive Applications

- (a) Criteria: The Zoning Administrator may notify the applicant in writing that an application will be considered inactive unless corrective action is taken within 45 days, if at any point in a development review process the following have occurred:
 - (1) The applicant fails to attend any scheduled mandatory meeting, meeting with the Zoning Administrator, meeting or hearing before the P&Z, BOA, or Board; or
 - (2) The applicant has not responded to a staff report, has not agreed to a date for a meeting or hearing, or has not taken some other affirmative step within a reasonable time frame that is within the applicant's control and is necessary to advance the application for a final determination. A "reasonable time frame" shall be determined by the Zoning Administrator taking into account average response times from similar applicants on similar applications; or
 - (3) The applicant fails to submit an application for the next required permit for the approved application within 2 years.
- (b) Application Terminated: No further processing of any inactive application shall occur until the deficiencies are corrected. If the applicant does not correct the deficiencies within the 45-day correction period, the application shall be considered automatically withdrawn and terminated. Any re-submittal of the application thereafter by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application fees.

D. Step 3: Staff Review and Report

Staff reviews the complete application, makes a determination for applications that are administratively approved, and prepares a report of findings for applications that are submitted to the P&Z, BOA, or Board for review determination.

1. Administrative Decisions

The process for administrative decisions is provided in Section 6.6.

2. Referral to Agencies and Departments

- (a) When indicated as required for a specific procedure, the Zoning Administrator shall forward one copy of the application to:
 - (1) Each of the referral agencies and departments named in the specific procedure section; and
 - (2) Any additional county or state agency concerned with urban development or other subject matter relevant to the application, per the request of the agency, applicant, decision-making body, or Zoning Administrator.
- (b) The Zoning Administrator shall inform each referral agency of the date in which comments shall be received to be included in the staff report. Each referral agency shall submit any comments or recommendations related to the application in writing to the Zoning Administrator at least 10 days prior to the first public meeting or public hearing for the application.
- (c) The failure of any agency to respond shall be considered "no comment" on the application by that agency. As applicable, referring agencies will provide the review

and decision-making bodies with a summary of any capacity evaluation study that assesses the availability of Town-provided facilities or services to the proposed development. The summary will include an explanation of the agency's assumptions regarding available capacity.

- (d) Where a referral agency has authority to grant an approval that is necessary to the Town's final approval and has not done so prior to the Town reviewing the application, approval of the application may be conditioned upon the referral agency's granting any additional approval that is necessary.

3. Review and Staff Report

- (a) Based on staff's review of the application against all applicable standards and criteria of the LUC, adopted policies of the Town, and written comments of all referral agencies and departments, staff shall prepare a written recommendation whether to approve, approve with conditions, or deny the application. If decision criteria are specified for the procedure, the recommendation shall include a draft of specific findings that support the recommendation for the decision-maker's review. If the recommendation is to approve with conditions, draft language of the specific conditions shall be stated in the report.
- (b) At least five days prior to the meeting or hearing, the Zoning Administrator shall distribute the staff report to the applicant, referral agencies, and to the recommendation or decision-making body.

E. Step 4: Recommendation

The Planning Commission reviews the application and makes a recommendation to the decision-making body whether to approve, approve with conditions, or deny the application.

1. Public Notice of Meeting

Notice shall be provided in published, posted, or mailed forms as indicated in Table 6-3, Section 6.4.H, Public Notice Requirements, and specific procedures in Sections 6.5 through 6.30. Where the provisions of this section conflict with the provisions for specific procedures, the specific procedures provisions prevail.

2. Public Meeting or Hearing

- (a) The Planning Commission shall review the application and staff report and issue a recommendation. As required by a specific application, this may be done in a public hearing.
- (b) Where applicable, the public hearing shall be completed within 30 days of the filing date.

3. Generally Applicable Review Criteria

Unless otherwise specified in this section or the specific procedure, Town review and decision-making bodies shall review all development applications submitted pursuant to this section for compliance with the general review criteria stated below. The application may also be subject to additional review criteria specific to the type of application. In case of conflict between the general review criteria set forth in this section and the specific review criteria, the specific review criteria shall apply.

- (a) Consistent with Prior Approvals: Where a preliminary plan or plat was submitted and approved, a subsequent application for the same development shall be consistent with the terms and conditions of such prior the preliminary plan or plat approval for the project including, without limitation, an approved phasing plan for development and installation of public improvements and amenities.
- (b) Consistent with Comprehensive Plan: The proposal is consistent with the Dolores comprehensive plan and any applicable sub-area, neighborhood, sector, or district plan. The decision-making authority shall weigh competing plan goals, policies, and strategies and may approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the comprehensive plan or other applicable plans.
- (c) Compliance with Use and Development Standards: The proposal complies with all applicable use standards, site development standards, design standards, subdivision standards, public improvement standards, floodplain management standards, and all other applicable substantive standards stated in this LUC or other applicable Town code. Such compliance shall be applied at the level of detail required for the subject submittal, and those standards which are not otherwise modified, varied, or waived as allowed by this LUC.
- (d) Compliance with Other Applicable Regulations: As applicable, prior to final approval of the proposed development pursuant to this LUC, the proposed development complies with all other Town regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.
- (e) Minimizes Adverse Environmental Impacts: The proposed development meets or exceeds all environmental protection standards in this LUC, is designed to minimize negative impacts, and does not cause significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, scenic resources, wildlife habitat, soils, native vegetation, and the natural functioning of the environment.
- (f) Minimizes Adverse Impacts on Surrounding Property: The proposed development meets or exceeds all neighborhood protection standards in this LUC and all other site development standards intended at least in part to protect the existing character of neighboring properties and uses and does not cause significant adverse impacts on surrounding properties.
- (g) Minimizes Adverse Fiscal or Economic Impacts: The proposed use will not result in significant adverse fiscal or economic impacts on community or the Town.
- (h) Compliance with Utility, Service, and Improvement Standards: As applicable, the proposed development complies with federal, state, county, and/or service or special district standards and design/construction specifications for roads, access, drainage, water, sewer, schools, and emergency/fire protection.

- (i) Provides Adequate Public Services and Facilities: There will be capacity to provide adequate public services and facilities to accommodate uses permitted under the proposed development at the time such needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.
- (j) Rational Phasing Plan: As applicable, the proposed phasing plan for development of the project is rational in terms of available infrastructure capacity. In addition, each phase of the development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are necessary and desirable for the residents and users of that phase and shall not be dependent upon subsequent phases for those improvements.

4. Written Recommendation

The Planning Commission shall consider all applicable standards and criteria of the LUC when making a recommendation.

- (a) Within 10 working days of the public meeting, the Planning Commission shall submit a written recommendation to the Zoning Administrator. The Zoning Administrator shall provide a copy of the recommendation to the applicant.
- (b) If the application process has specific decision criteria, the recommendation shall state specific findings that support the recommendation and identify any recommended conditions.
- (c) If a decision-making body has authority to make the decision, the Zoning Administrator may amend the staff report to reflect the written recommendation and any new information discovered in the recommendation meeting. The amended staff report shall be submitted to the decision-making body for consideration.

F. Step 5: Decision Hearing

A decision-making body holds one or more hearings at which it reviews and decides whether to approve, approve with conditions, or deny the application.

1. Public Notice of Hearing

Notice shall be provided in published, posted, or mailed forms as indicated in Section 6.4.H, Public Notice Requirements. Where the provisions of Section 6.4.H conflict with the provisions for specific procedures, the specific procedures provisions prevail.

2. Public Hearing

- (a) The decision-making body reviews the application, the staff report and recommendations from the P&Z and referral agencies in a public hearing.
- (b) The public hearing shall be held within 30 days of the date in which the Zoning Administrator files the staff report or the P&Z files its written recommendation, whichever is later.

3. Decision

At the public hearing, the decision-making body decides whether the application is approved, approved with conditions, or denied.

- (a) Decision Criteria: The decision-making body shall consider the generally applicable review criteria in Section 6.4.E.3, along with the decision criteria established for the specific application.
- (b) Conditions
 - (1) The decision-making body may impose conditions on an approval to safeguard the welfare and protection of the Town and adjacent property.
 - (2) Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development on the site and surrounding properties and shall be based upon the review criteria specified in each procedure's adopted standards.
 - (3) The decision-making authority may place specific time limits on the satisfaction of any condition of approval. If a time limit is not specified in the approval or in the specific provisions of this Code then a one-year time limit shall apply.
 - (4) The decision-making authority may require financial guarantees from the applicant where it finds such guarantees are necessary to ensure compliance with conditions of approval and protect the public health, safety, or welfare. The Town shall release such guarantees when the Zoning Administrator has determined that all conditions attached to the approval have been or will be satisfied.
 - (5) Conditions of approval shall be met or financial guarantees provided prior to the issuance of a certificate of occupancy or the appropriate final permit required by the Town.
- (c) Written Decision
 - (1) Within 10 working days of a public hearing, the decision-making body shall submit a written record of the decision to the Zoning Administrator. The written record shall state the specific findings made to support the decision. If the decision is to approve with conditions, the written decision record shall state the specific conditions of the approval.
 - (2) As soon as practicable, and within 5 days of receiving the written decision record, the Zoning Administrator shall send a notice of decision to the applicant.
 - (3) For decisions by the Planning Commission, the Zoning Administrator shall forward a copy of the notice of decision to the Board.

4. Withdrawal of Application by Applicant

An applicant shall have the right to withdraw an application, without prejudice, at any time prior to action on the application at a public hearing or meeting.

- (a) The applicant shall submit in writing the withdrawal request to the Zoning Administrator, and after such withdrawal, the Town will not take further action on the application.

- (b) The application shall be considered terminated and no rights shall vest based on the application.
- (c) To re-initiate review, the applicant may resubmit the application; in all respects it shall be treated as a new application for purposes of review, scheduling, and payment of application fees.
- (d) Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority's discretion.

G. Step 6: Post-Decision Actions

1. Termination of Approval

- (a) Approvals granted under this LUC may terminate if unused by the applicant after a reasonable period of time.
- (b) Except as otherwise specified in the specific procedure sections of this LUC, an approval granted under this LUC shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, the use is established or a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.

2. Extension of Approval

- (a) An approval may be extended by up to one year by the body that issued the original approval. Requests for extensions of more than one year must show good cause for the need for extension.
- (b) All requests for extensions shall be submitted to the Zoning Administrator in writing at least 30 days prior to the expiration of approval. An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the comprehensive plan or this Code that have occurred since approval of the permit/plan as these changes affect the permit/plan, and the anticipated time schedule for completing the review project and/or the specific project. Additional review of the permit/plan may result in additional conditions.
- (c) If the extension is denied, the applicant may re-submit a new application, subject to the fees and regulations in effect at the time of re-submittal, for the same project.

3. Limitations on Successive Applications

- (a) Limitations on Resubmittals: No application on the same request shall be permitted within one year of an application denial unless the decision-making body determines that extenuating circumstances exist. A notation of "denied without prejudice" on the minutes of the prior action on an application shall be evidence of the existence of extenuating circumstances and resubmission shall be permitted.
- (b) Amendments
 - (1) All substantial changes, modifications, removal, or release of the provisions of an approved plan or plat that do not qualify for administrative adjustment per Section 6.5 shall be considered amendments. Amendments shall include, but are not

limited to, changes in use, access, layout, any condition of approval, any change resulting in significant increased off-site impacts, and similar changes as determined by the Zoning Administrator.

- (2) For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this chapter unless otherwise noted in the specific review procedures.
- (3) All approved amendments to a recorded plan or plat shall be recorded within 90 days of the amendment's approval.
- (c) Modification of Special Use Permits: A request to modify, expand, or otherwise change an approved special use permit that is not in substantial conformance with the approved permit shall be processed according to the provisions of this section as a new application.

4. Development Agreement and Performance Guarantee

In the interest of ensuring compliance with the LUC provisions and specific development approvals, protecting the Town's fiscal and natural resources, and considering the health, safety, and welfare of the residents of the Town and future users or inhabitants of an area for which a development has been approved, the Town may require the applicant to enter into a development agreement and deposit a performance guarantee as follows.

- (a) The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this LUC, including but not limited to grading, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, erosion control, and widening strips.
- (b) Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan, and may also be required where the mitigation of incomplete site improvements would place a financial burden on the Town. Where a performance guarantee is required for a specific procedure in Article 6, Administration and Procedures, the requirements of that guarantee shall be followed instead of this section.
- (c) Performance guarantee as used herein shall be made in any form acceptable to the Town, including a cash deposit, certified check, irrevocable bank letter of credit, corporate surety, or performance bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- (d) When required, a performance guarantee shall be deposited with the Town Treasurer prior to the issuance of the requested permit. The Town shall deposit the performance guarantee, if in the form of a cash deposit, certified check, or performance bond in an interest-bearing account.
- (e) The development agreement shall prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed and how the performance guarantee will be refunded based on applicant

milestones. The period will begin from the date the development agreement is approved.

- (f) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- (g) Actions in the event of default:
 - (1) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Town, the Town shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
 - (2) If the performance guarantee is not sufficient to allow the Town to complete the improvements for which it was posted, the applicant shall be required to pay the Town the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Town use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after improvement completion shall be applied first to the Town’s administrative costs in completing the improvement with any balance remaining being refunded to the applicant.
 - (3) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Town to ensure completion of an improvement associated with the proposed project prior to the Town’s approval, the applicant shall not be required to deposit with the Town a performance guarantee for that specific improvement.

H. Public Notice Requirements

1. Forms of Required Notice

Table 6-3, Forms of Required Notice, indicates the forms of required public notice for meetings and hearings for each procedure. Not all application types require public notice.

Table 6-3: Forms of Required Notice

Procedure	P&Z Recommendation Public Meeting Notice	Decision Public Hearing Notice
Appeal of Admin. Decision	n/a	Published (BOA)
Annexation	Published	Published, Mailed
Areas and Activities of State Interest, Designation	Per C.R.S.	Per C.R.S.
Areas and Activities of State Interest, 1041 Permit	Per C.R.S.	Per C.R.S.
Comprehensive Plan Update	Published	Published
Conditional Use Permit	Posted, Published	Posted, Published

Table 6-3: Forms of Required Notice

Procedure	P&Z Recommendation Public Meeting Notice	Decision Public Hearing Notice
Historic Designation	none	Posted, Published
LUC Text Amendment	Published	Published
Location and Extent Review	Published	Published
Minor Subdivision Plat	none	none
Major Subdivision Plat, Preliminary	Posted, Published, Mailed	Posted, Published, Mailed
Major Subdivision Plat, Final	n/a	none
Subdivision Plat, Minor Amendment	n/a	none
Special Exception	Posted, Published, Mailed	Posted, Published, Mailed
Variance	n/a	Posted, Published, Mailed (BOA)
Zoning Map Amendment	Posted, Published, Mailed	Posted, Published, Mailed

2. Published Notice

The Town Clerk shall publish one notice of the public meeting or hearing in a newspaper of general circulation at least 15 days prior to the hearing, unless otherwise required by Colorado law, that shall state the time and place of such hearing and the nature of the subject to be considered.

3. Posted Notice

- (a) The applicant shall post a notice sign provided by the Town Clerk in a prominent location on the subject property.
- (b) The Town Clerk shall post a notice sign in a publicly visible location within the Town offices and on the Town website.
- (c) The notice sign shall state the time and place of the hearing and the nature of the subject to be considered; state the name, address, and phone number of the applicant; and include a map showing the land area affected.

4. Mailed Notice

- (a) The Town Clerk, at the expense of the applicant, shall send notice by first class mail to property owners within 250 feet of the subject property at least 15 days in advance of the hearing unless otherwise required by Colorado law.
- (b) The mailed notice shall state the time and place of the hearing and the nature of the subject to be considered; state the name, address, and phone number of the applicant and; include a map showing the land area affected. Where an applicant is required to provide mailed notice, the Zoning Administrator shall provide the applicant with a copy of the notice to be mailed.

5. Voluntary Notice

- (a) At the direction of the Board, the Town Clerk may establish a Voluntary Notice Address List. Residents of Dolores and Montezuma County may ask the Town Clerk to be

added to the voluntary notice list and they will be provided summary information via email or appropriate delivery format about notices that the Town has posted.

- (b) Voluntary notice is a courtesy provided for informational purposes only.
 - (1) Failure of the Town to provide voluntary notice shall have no procedural implications for any application.
 - (2) Provision of voluntary notice shall not establish any rights, obligations, or standing on the part of the recipients or Town.

6. Timing of Published, Posted, or Mailed Notice

Unless otherwise identified in a specific procedure or required by Colorado law, the timing for published, posted, or mailed notice shall be a minimum of 15 days prior to the public meeting or public hearing being noticed.

7. Notice for Development of Mineral Estate

- (a) In accordance with Colorado Revised Statutes Section 10-11-123 and Sections 24-65.5-101 through 24-65.5-106, the applicant shall provide mailed notice to any mineral estate owner that has a severed mineral interest within the proposed development.
- (b) Such notice shall contain the name and address of the mineral estate owner. To identify the mineral estate owner, the applicant shall examine the records in the office of the county clerk and recorder in which the real property is located. Notice shall be sent if the records establish any of the following:
 - (1) The identity of the owner of the mineral estate.
 - (2) That an applicable request for notification is on record.
 - (3) That the mineral estate owner has recorded an instrument satisfying any applicable dormant mineral interest act.
- (c) If the records do not identify any mineral estate owner, 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.
- (d) 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.
- (e) The notice shall be sent by first-class mail a minimum of 30 days prior to the decision hearing.
- (f) Certification of notification of mineral estate owners in compliance with Colorado statutes is required.

I. Appeal

1. Applicability

- (a) Any person aggrieved by a decision made under this LUC by Town staff may file an appeal to the Board of Adjustment as provided for in this section, except that

interpretations made by the Zoning Administrator shall be appealed to the Board of Trustees.

- (b) A protest provision for a decision of the Board on a rezoning application (zoning map amendment) is established in Section 6.30, Zoning Map and Land Use Code Text Amendments.

2. Appeals to Court

A decision of the Board of Adjustment or Board may be appealed by any aggrieved person or by an officer, department, board, or bureau of the Town as provided by Rule 106(a)(4), Colorado Rules of Civil Procedure. A written notice of appeal stating specific reasons for the appeal shall also be filed with the Town Administrator within 30 days of the final written decision being appealed.

3. Administrative Determination Appeal Procedure

An administrative appeal may be made by any person aggrieved by a final administrative decision of the Zoning Administrator regarding or enforcing the provisions of this Code.

J. Form of Submittal

1. Submittal Requirements

The Zoning Administrator shall establish and update, from time to time, the required inclusions in every application. The current submittal requirements shall be appended to this LUC. The town clerk shall maintain copies for public review in the Town offices.

2. Forms

The Zoning Administrator shall establish and update, from time to time, forms for use in applications, which shall be appended to this LUC. The Town Clerk shall maintain and provide copies for applicant use in Town offices.

3. Required Number of Printed Copies

The applicant is responsible to bear the expense of and provide all printed copies of the application as are necessary for review by the applicable recommendation, referral, and decision officials and bodies.

- (a) The number of copies required shall be a minimum of two copies for applications that are decided by staff, plus one additional copy for every required referral agency or department, and one additional copy for every member of every recommendation body, and hearing body. The typical submission requirements are included in a schedule in the Appendix to this LUC.
- (b) The Zoning Administrator may reduce the number of required copies if a review body has fewer than the typical number of sitting members.
- (c) The Zoning Administrator may increase the number of copies if additional referral departments or agencies are required.
- (d) By mutual agreement, the Zoning Administrator may charge the applicant for the cost of copies above the minimum number of two. On payment, the Zoning Administrator shall make copies on behalf of the applicant.

- (e) The Town Clerk shall maintain one of the submitted copies of the application available for public review.

4. Application Filing Fees

- (a) In order to cover the cost to the Town of reviewing and deciding applications for procedures of this LUC, the Board establishes a schedule of required application filing fees. The Town Clerk shall keep a record of the current schedule of application filing fees on record and make it available to the public.
- (b) The Zoning Administrator shall periodically study the cost of application review and advise the Board as to whether any changes are necessary to ensure that fees are aligned with the real cost of review to the Town.
- (c) The applicant shall submit the required filing fee when an application is submitted. An application shall not be deemed complete until the required filing fee is paid.
- (d) If the Town finds that review and decision of an application will incur expense significantly greater than the established fee, then the Board may require the applicant to reimburse additional costs incurred by the Town.

Section 6.5. Administrative Adjustment

A. Purpose

The purpose of administrative adjustment is to allow the modification of an existing numeric dimensional standard (such as lot width, depth, coverage, or area); setbacks; and building height or massing to accommodate site-specific or minor construction issues.

B. Applicability

1. Administrative adjustment is applicable to new development, redevelopment, and major façade changes.
2. Administrative adjustment may be requested either as part of an original application or as a modification to an existing approval.

C. Procedures

1. Common Procedures

The common procedures for review and decision of an administrative adjustment application are identified in Table 6-2. They are summarized here for applicant convenience.

2. Specific Procedures

All applications for administrative adjustment shall identify the specific issue that the administrative adjustment is intended to address and how the administrative adjustment will resolve that issue:

- (a) A request for administrative adjustment prior to construction shall be submitted with the project site plan application and approved pursuant to Section 6.6, Administrative Decisions.
- (b) Where the site plan is submitted in conjunction with a primary application, such as a conditional use request, that is decided by the P&Z or Board of Trustees, the request for administrative adjustment shall also be decided by that body. For example, if an administrative adjustment request is submitted with a rezoning application, the Board of Trustees will also decide on the administrative adjustment.
- (c) A request for administrative adjustment to address a minor construction issue shall be submitted pursuant to Section 6.6, Administrative Decisions, with the approved project site plan, a written description of the minor construction issue, and an amended drawing of that part of the site for which the administrative adjustment is requested.

3. Permitted Types of Administrative Adjustment

The Zoning Administrator may grant administrative adjustments that conform to the following requirements:

- (a) Setbacks. In any zone, modifications of the front, side, or rear yard setback requirement; provided that the total modification shall not reduce the applicable setbacks by more than ten percent of those otherwise required in the zone.



- (b) Structure Heights. In any zone, modifications of the building or structure height requirement; provided, that the total modification shall not increase the applicable building or structure height by more than ten percent of the otherwise maximum height in the zone, nor add another habitable story or mezzanine.
- (c) Fence Heights. In any zone, modifications of the maximum fence height requirement; provided, that the total modification shall not increase the applicable fence height by more than ten percent of the otherwise maximum height in the zone. Fences greater than or equal to eight feet in height will need a building permit.
- (d) Parking. In any zone, a decrease in the number of required parking spaces of not more than ten percent when total required spaces are at least twenty spaces.
- (e) Deviations from Final Planned Development Maps. In any planned development zone, deviations to final planned development maps which are consistent with the requirements of the preliminary planned development, final planned development conditions of approval, or development standards of the underlying zoning district.

4. Limitations on Administrative Adjustment

Administrative adjustment may not be used to:

- (a) Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zone district;
- (b) Permit uses other than those permitted in the zone district;
- (c) Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space; or
- (d) Expand the area or type of signage approved.

D. Decision Criteria

To approve a request for administrative adjustment, the Zoning Administrator shall make and record findings that all of the following provisions are met:

1. The proposed use, structure, or activity is permitted in the underlying zone district.
2. There are special circumstances existing on the property for 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;
3. The special circumstances have not been created by the applicant; and
4. The impact of the administrative adjustment is internal to the subject property.

E. Review and Decision-Making

Requests for administrative adjustment are processed as an administrative decision pursuant to Section 6.6 unless the application meets the requirements of Section 6.4.C.9 for applications submitted concurrently with another application type.

F. Appeal

An appeal to the BOA may be made by any applicant aggrieved by a denial of an administrative adjustment application.

G. Post-Approval Actions

Administrative adjustment approvals are valid for a period of 12 months from the date of approval and shall expire if an appropriate permit (e.g., building or certificate of occupancy) has not been issued for the project. Administrative adjustments may be extended for an additional 6 months with the approval of the Zoning Administrator. A request for extension shall be made prior to the permit expiration date.

Section 6.6. Administrative Decisions

For procedures where the Zoning Administrator serves as the decision-making authority, the Zoning Administrator shall make a decision according to the following steps:

A. Procedure

1. Common Procedures

The common procedures for administrative decisions are identified in Table 6-2. They are summarized here for applicant convenience.

2. Specific Procedures

Notice is not required for an administrative decision unless otherwise specified in an individual application type.

B. Review Criteria

1. When the Zoning Administrator has the authority to decide an application, except in the case of an interpretation, the application shall be reviewed against the applicable provisions of this LUC.
2. To be approved, an application shall be fully consistent with the standards of this Zoning Code unless administrative adjustment is concurrently approved to allow specified deviation from applicable standards. An administrative approval may include instructions and clarifications regarding full compliance with this LUC, but shall not be approved with conditions that require action beyond the specific requirements of this LUC.

C. Decision-Making

1. The Zoning Administrator shall review the application for conformance with all applicable provisions of the LUC.
2. Within 15 days of the determination of a completeness, the Zoning Administrator shall decide to approve or deny the application and provides written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial.

D. Appeal

An appeal to the BOA may be made by any applicant aggrieved by a denial of an administrative decision.



E. Post-Approval Actions

Unless otherwise provided in the specific application type or the individual approval, administrative approvals are valid for a period of 12 months from the date of approval and shall expire if an appropriate permit (e.g., building or certificate of occupancy) has not been issued for the project. Administrative adjustments may be extended for an additional 6 months with the approval of the Zoning Administrator. A request for extension shall be made prior to the permit expiration date.

Section 6.7. Annexations

A. Purpose

Annexation is the legal process of bringing property from the unincorporated county into the Town limits. Annexation allows the Town to provide municipal services and exercise regulations that protect public health and safety.

B. 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 section 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:

1. All annexations shall be consistent with the Dolores Comprehensive Plan.
2. 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. Procedures

1. Common Procedures

- (a) The common procedures for an annexation are identified in Table 6-2 and are summarized here for applicant convenience.
- (b) The Applicant shall pay all costs incurred by the Town for reviewing annexation proposals, including fees charged by consultants and specialists needed to address technical issues.



2. Specific Procedures

- (a) Staff shall review the complete application per Section 6.4.C.7. The Zoning Administrator shall refer the complete annexation application to the following:
 - (1) Electric Power Association
 - (2) Dolores Fire Protection District
 - (3) Colorado Geological Survey
 - (4) Colorado Parks & Wildlife
- (b) Notice of the Planning and Zoning Commission and Board of Trustees public hearings shall be given as follows.
 - (1) Published notice of the Planning and Zoning Commission public hearing shall be provided at least 10 days prior to the hearing.
 - (2) Notice of the Board of Trustees Published notice of the Board public hearing shall be provided once a week for four successive weeks for a period of time that ends at least 10 days prior to the date of the hearing. Notice shall include a copy of the annexation petition without signatures.
 - (3) The Town Clerk shall mail a copy of the notice and petition to the Montezuma County Board of County Commissioners and County Attorney at least 10 days prior to the hearing date.
 - (4) Mailed notice shall be provided at least 15 days before the hearing date.

D. Decision Criteria

The Planning and Zoning Commission and the Board of Trustees shall find that the following criteria have been met before recommending approval or approving an annexation request:

- 1. Use. The Comprehensive Plan for the use of the area to be annexed is consistent with the adopted Dolores Comprehensive Plan, in harmony with the intent of Town zoning and policies of the Town, and compatible with adjacent neighborhoods;
- 2. Necessary. The proposed annexation is necessary or desirable and will contribute to the general well being of the community;
- 3. Health, safety, and general welfare. 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;
- 4. Logical Road System. The area has incorporated in its design, if a design has been developed, a logical extension of roads;
- 5. Utilities and roads. The extension of services is feasible and will be financed fully by the applicant, and that the applicant will post performance guarantees to assure the completion of public improvements;
- 6. Water rights. All water rights associated with land areas proposed for annexation shall be dedicated to the Town;

7. Revenues. 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;
8. Public lands dedication. At least 10 percent of the gross land area approved for annexation shall be dedicated to the Town in fee simple pursuant to the requirements of Section 7.8, Public Land Dedication.;
9. Open space. The proposed open spaces have a workable program established for maintenance and upkeep; and
10. 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.

E. Review and Decision-Making

An application for annexation shall be reviewed and decided on as follows:

1. Planning and Zoning Commission Review

- (a) The Planning and Zoning Commission shall hold a public hearing on the annexation application and consider the annexation application against the review standards in Section 6.7.D.
- (b) Following review of the annexation application the Planning and Zoning Commission shall make a recommendation to the Board of Trustees to:
 - (1) Approve the application as submitted
 - (2) Approve the application with conditions and state the conditions of approval, or
 - (3) Deny the application and identify the reasons for denial.
- (c) The action of the Planning and Zoning Commission and any conditions of approval or reasons for disapproval shall be noted in a resolution

2. Review by Board of Trustees

- (a) The Board of Trustees shall hold a public hearing on the annexation application and consider the annexation application against the review standards in Section 6.7.D.
- (b) The final annexation hearing shall be initiated not less than 30 days or more than 60 days after review and recommendation by the Planning and Zoning Commission.
- (c) Following review of the annexation application the Board of Trustees shall:
 - (1) Approve the application as submitted,
 - (2) Approve the application with conditions and state the conditions of the approval, or
 - (3) Deny the application and identify the reasons for the denial.
- (d) 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.

Section 6.8. Appeal of Administrative Decisions

A. Applicability

Any administrative decision made by a member of the Town staff (either permanent or contract) in the interpretation or application of this LUC may be appealed to the Board of Adjustment (BOA).

B. Procedures

1. Common Procedures

The common procedures for appeal of an administrative decision are identified in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

(a) Appeals must be filed within 30 days after the decision has been rendered by the administrative officer.

(1) The application for appeal shall be submitted at least 15 days prior to any desired agenda date.

(2) Within three business days of receipt of a complete application, the officer from whom the appeal is taken shall transmit to the BOA all the papers constituting the record upon which the action appealed from was taken.

(b) The BOA shall fix a reasonable time for the hearing of an appeal. Published notice shall be given at least 15 days prior to the hearing.

C. Stay of Proceedings

1. An appeal shall stay all proceedings of the action appealed except as provided below in Section 6.8.C.2. The Town will take no further action on the initial application or request while the administrative decision is being appealed.

2. The Town may decide not to stay activities related to the application during administrative appeal where a stay would cause imminent peril to life or property, determined as follows:

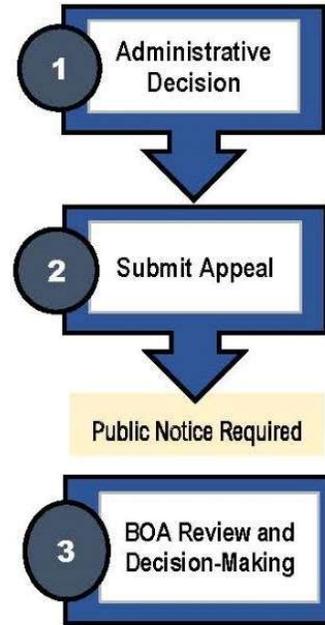
(a) The appeal is filed, and

(b) The officer from whom the appeal is taken certifies that, by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life or property.

(c) In such case, proceedings shall not be stayed, otherwise than by a restraining order that may be granted by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

D. Decision Criteria

In reviewing an administrative decision, the BOA shall have all the powers of the officer from whom the appeal is taken. An appeal may be sustained only if the BOA finds that the administrative decision was made in error.



E. Review and Decision-Making

An application for appeal of an administrative decision shall be reviewed and decided on as follows:

1. The BOA may amend; reverse; affirm, wholly or partly; or may modify the order, requirements, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made. The concurring vote of four 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.
2. Pursuant to C.R.S. §31-23-307(1), every decision of the BOA shall be subject to review by certiorari, as provided by Rule 106(a)(4) Colorado Rules of Civil Procedure. Appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the municipality 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.

F. Reapplication

If an application for an administrative review is denied by the BOA and not approved for reconsideration, another application shall not be filed within a period one year from the date of denial.

Section 6.9. Certificates of Occupancy

The issuance of Certificates of Occupancy is administered pursuant to the Town’s currently adopted Building Code.

Section 6.10. Comprehensive Plan Amendments

A. Purpose

The purpose of this section is to provide standards and requirements for amending the Dolores Comprehensive Plan and other adopted Town plans. The amendment process is established in order to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of the Town.

B. Authority

1. Adoption and amendment of the Dolores Comprehensive Plan is a duty of the Planning and Zoning Commission per C.R.S. §31-23-206(1), Master Plan (referred to as the Comprehensive Plan).
2. Any person having a proprietary interest in any property within the corporate limits of the Town of Dolores, Colorado, may submit a comprehensive plan amendment application.
3. The Planning and Zoning Commission or Board of Trustees may also, on its own motion, institute study and proposal for changes and amendments in the public interest.

C. Procedures

1. Common Procedures

The common procedures for comprehensive plan amendment are identified in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

Published notice of the public hearings shall be provided at least 10 days prior to the hearing.

D. Decision Criteria

The Planning and Zoning Commission shall consider the following criteria when reviewing a comprehensive plan amendment application:

1. The comprehensive plan amendment corrects a minor technical mistake; or
2. The comprehensive plan amendment meets all of the following:
 - (a) It is consistent with the overall intent of the comprehensive plan;
 - (b) The existing comprehensive plan and/or any related element thereof is in need of the proposed amendment;
 - (c) It is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions and strict adherence to the comprehensive plan will result in a situation neither intended nor in keeping with other key elements and policies of the plan;



- (d) The proposed amendment will not have a negative effect on the immediate areas or on transportation, services, and facilities;
- (e) The proposed amendment will have minimal effect on service provision, including adequacy or availability of public facilities and services, and is compatible with existing and planned service provision and future development of the area;
- (f) The proposed amendment, if for an area that is outside of the Town's current municipal boundaries, is consistent with the Town's ability to annex the property; and
- (g) The proposed comprehensive plan amendment will promote the public health, safety, and general welfare of the people of Dolores.

E. Review and Decision-Making

1. Planning and Zoning Commission

Comprehensive plan amendment shall be reviewed and decided upon as follows:

- (a) The Planning and Zoning Commission shall consider the comprehensive plan amendment application at a public hearing.
- (b) The Planning and Zoning Commission shall review the application against the criteria in Section 6.10.D and determine whether to:
 - (1) Approve the application;
 - (2) Approve the application with conditions; or
 - (3) Deny the application.
- (c) Approval of Comprehensive Plan amendments shall require a favorable vote of two-thirds (2/3) of the entire voting membership of the Commission.
 - (1) The adoption resolution shall refer expressly to the maps and descriptive matter intended by the Planning and Zoning 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.
 - (2) 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.

2. Action by Board of Trustees

- (a) A public hearing shall be held by the Board of Trustees before certifying any proposed amendment, supplement, or change.
- (b) Published notice shall be provided at least 10 days prior to the hearing date.
- (c) In making its determination, Board of Trustees shall consider the recommendation of the Planning and Zoning Commission, staff reports, and the written and oral testimony presented.

Section 6.11. Conditional Use Permits

A. Purpose

A conditional use is a use that may or may not be appropriate in a given zone district depending upon the circumstances and the conditions imposed upon the approval of the use. The conditional use permit process allows the Town to consider and establish appropriate conditions to reasonably mitigate adverse impacts of the use upon the proposed site and surrounding properties.

B. Applicability

1. Conditional use permits may be approved for the uses indicated as conditional uses in Table 4-1 for the applicable zoning district. Any change or expansion of an approved conditional use shall require application for a new conditional use permit.
2. A conditional use permit may not be used to change the maximum density or intensity allowed in the underlying zone district.

C. Procedures

1. Common Procedures

The common procedures for conditional use permits are identified in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

(a) The Zoning Administrator shall distribute the complete conditional use application to appropriate referral agencies, which may include the following:

- (1) Electric power association
- (2) Dolores School District
- (3) Dolores Fire Protection District
- (4) If the property on which the proposed conditional use is located is within a potential hazard area, Colorado Geological Survey comment may be requested.
- (5) If the property on which the proposed conditional use is located is within a wildlife habitat area, Colorado Parks & Wildlife comment may be requested.

(b) Notice Requirements

- (1) Published notice of the P&Z public hearing shall be provided at least 10 days prior to the hearing. date.
- (2) Mailed notice of P&Z public hearing shall be provided at least 15 days before the hearing date.



- (3) Published notice of the Board of Trustees public hearing shall be provided at least 15 days before the hearing date.

D. Decision Criteria

When considering an application for conditional use permit, the Planning and Zoning Commission and Board of Trustees shall consider whether the application complies with following criteria:

1. The proposed use is consistent with the Dolores Comprehensive Plan;
2. The proposed use complies with all applicable provisions of the LUC;
3. The proposed use will not have a negative impact on the value of surrounding property or the general neighborhood;
4. The location and size of the use, the nature and intensity of the operation involved or conducted in connection with is, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of neighborhood property in accordance with the applicable zoning district regulations. In determining whether the use will dominate the immediate neighborhood, consideration shall be given to:
 - (a) The location, nature, and height of buildings, structures, walls, and fences on the site; and
 - (b) The nature and extend of the proposed landscaping and buffering on the site.
 - (c) Whether adequate utility, drainage, and other necessary facilities have or will be provided; and
 - (d) Whether adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

E. Review and Decision-Making

Applications for conditional use permits shall be reviewed and decided upon as follows:

1. Planning and Zoning Commission

The Planning and Zoning Commission shall first review the application at a public hearing and make a recommendation and report to the Board of Trustees.

2. Action by Board of Trustees

- (a) The Board of Trustees shall hold a public hearing before deciding on a Conditional Use Permit.
- (b) 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. This may include conditions as necessary to mitigate impact on public facilities and services, including but not limited to water, sewer, streets, and street lighting. The Board may also 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.

Section 6.12. Grading and Erosion Control Permit

A. Purpose

Grading and erosion control permits are required to allow the Town to review proposed site disturbance to ensure that the applicant has designed the grading process to minimize and mitigate the disturbance of land, vegetation, drainage patterns; identify and mitigate any hazards arising from site disturbance; and establish necessary erosion control measures.

B. Applicability

1. It shall be unlawful for any person to conduct any activity resulting in any of the following total disturbed areas without first obtaining a grading permit and erosion control permit. A grading permit shall be required for disturbed areas of:
 - (a) An excavation, fill, or combination in excess of 100 cubic yards;
 - (b) An excavation which, at its greatest depth, will be 3 or more feet below the ground surface, over an area of 500 square feet or more;
 - (c) A fill that, at its greatest depth, will be 3 or more feet above the ground surface, over an area of 500 square feet or more;
 - (d) An excavation or fill by a developer or contractor not working on behalf of the Town or a Public Utility that falls within a public sewer, water main, storm drainage, or power line easement, a public right-of-way, or any other public utility easement. This includes the preparation of roads, sidewalk, etc. (major grading);
 - (e) Vegetation removal over an area 500 square feet or more (major grading);
 - (f) Any site with existing trees subject to Section 7.7, Tree Preservation; or
 - (g) Mining, quarrying, or gravel operations.
2. Grading not relating to a development application shall be prohibited, except as exempted below.
 - (a) Solid waste disposal sites operated by the public or under public regulations;
 - (b) An excavation by the Town for the purpose of maintenance or installation of public utilities, buildings, streets, or easements;
 - (c) An excavation by a private individual for the purpose of routine maintenance; and
 - (d) Tilling the ground for agricultural purposes or protection.
3. The Town may also require a grading permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, conditional use permit, or site development plan, or if the construction activities are adjacent to a floodplain boundary or wetlands.

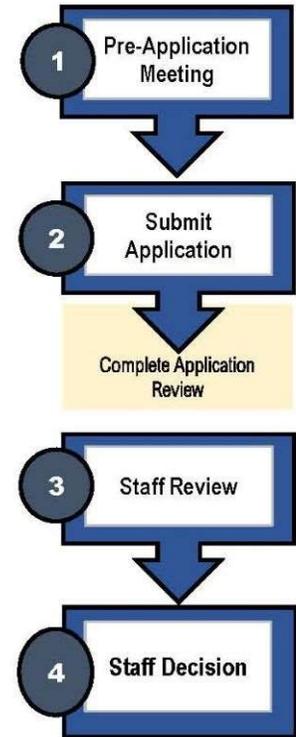
C. Procedures

1. Common Procedures

The common procedures for grading and erosion control permits are identified in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

- (a) Grading and erosion control permits shall be processed as Section 6.6, Administrative Decisions.
- (b) The Zoning Administrator may distribute the complete grading and erosion control permit to appropriate referral agencies, which may include the following:
 - (1) Dolores Fire Protection District
 - (2) If the property on which the proposed grading will be located is within a potential hazard area, Colorado Geological Survey comment may be requested.



D. Review Criteria and Clarifications

- 1. Factors to be considered in reviewing the permit application shall include, but not be limited to the following:
 - (a) The grading proposed will have adequate on- and off-site sedimentation and erosion control measures;
 - (b) The grading proposed is the minimum amount necessary to carry out development plans;
 - (c) The grading proposed avoids any adverse impact on natural drainage patterns on- and off-site; and
 - (d) To the maximum extent practicable, the grading proposed avoids any disturbance of canyon side, hillsides, ridgelines, streams, or existing trees and vegetation.
- 2. The Zoning Administrator shall deny the application where any of the following situations are present on the site or through the project design: possible saturation of fill and unsupported cut by water, both natural and domestic runoff surface waters that cause erosion and/or silting of drainageways; subsurface conditions such as the rock strata and faults, nature and type of soil or rock that when disturbed by the proposed grading may create earth movement and produce slopes that cannot be landscaped and excessive and unnecessary scaring of the natural landscaped through grading or removal of vegetation.
- 3. The Zoning Administrator may request changes to the application to conform to any of the following criteria to comply with the requirements of this LUC:
 - (a) Limitation of the hours of operation or the period of year in which work may be performed;
 - (b) Restrictions as to the size and type of equipment;

- (c) Designations of routes upon which materials may be transported;
- (d) The place and manner of disposal of excavated materials;
- (e) Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public, or any portion thereof;
- (f) Designation of maximum or minimum slopes to be used;
- (g) Regulations as to the use of public streets and places in the course of the work;
- (h) Regulations as to the degree of compaction of fill material;
- (i) Requirements as to paving private driveways and roads constructed under the permit;
- (j) Requirements for safe and adequate drainage of the site;
- (k) A requirement that approval of the Town Engineer be secured before any work which has been commenced may be discontinued;
- (l) A requirement that personnel and equipment be provided at the site during storms to prevent incomplete work from endangering life or property;
- (m) Requirements for fencing of excavation or fills that might be hazardous without such fencing.

E. Appeal

An appeal to the BOA may be made by any applicant aggrieved by a denial of a grading and erosion control permit application.

F. Post-Approval Actions

1. Expiration and Extension

Grading and erosion control permits are valid for a period of 12 months from the date of approval and may be extended for an additional 6 months with the approval of the Zoning Administrator. A request for extension shall be made prior to the permit expiration date.

2. Modification

An approved grading and erosion control permit may be modified through Section 6.5, Administrative Adjustment or, where the requested modifications exceed those allowed through Administrative Adjustment, the permit may be modified through the submission of a new grading and erosion control permit application.

3. Performance Guarantee

- (a) If deemed necessary by the Zoning Administrator, the permit holder shall provide a surety bond and/or other security for the total amount required to stabilize, restore, or reclaim the disturbed ground to prevent erosion and/or release of sediment, excessive storm water and/or pumped water discharges to surface waters from the construction area.
- (b) The security shall remain in effect for a period of 24 months after all completion of construction and establishment of erosional stability.

- (c) The amount of the security shall be sufficient to stabilize a disturbed site to prevent releases of sediment and water from construction sites and protect the health, safety and welfare of the public. The amount shall be based on cost estimates of site restoration provided by the applicant and approved by the Zoning Administrator. The terms of the security and permit holder's responsibilities shall be reflected in an agreement entered into between the Town and the permit holder.
- (d) Whether or not covered by surety, the permit holder shall reimburse the Town for any and all expenses incurred by the Town within the 24 months after completion of any work as a result of, or related to, failure by the permit holder to perform all installation, construction, maintenance, or other work pursuant to the grading and erosion control permit in a workmanlike manner.

4. 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.

Section 6.13. Historic Preservation

This section was partially funded by the State Historical Fund grant award from the Colorado Historical Society.

A. Purpose

The purpose of this section is to enhance our community's local resources and to promote the public interest in historic preservation through:

1. 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;
2. The establishment of a Town Register listing designated structures, sites, and districts; and
3. The provision of educational opportunities to increase public appreciation of Dolores' unique heritage.

B. Town Register Established

The Board of Trustees 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 Board of Trustees following recommendation by the HPB. 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.

C. Designation of Historic Structures, Sites and Districts

Pursuant of the procedures set forth in this section, the Board of Trustees may, by resolution:

1. 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
2. Designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.
3. 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.
4. No individual structure or site will be designated without the consent of all owners of record and the provisions of this section.
5. The purpose and effect of designation is:
 - (a) To assist local groups interested in preservation of physical structures, sites or districts, and to recognize locally significant structures, sites or districts;
 - (b) To provide a mechanism to educate the public on local history, development of the community, architectural styles, and housing and business development;

- (c) To enable the owners of the property in the Town to take advantage of historic preservation programs and opportunities; and
- (d) To make all properties listed on the Town Register eligible for such incentive programs as may be developed.

D. 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 Board of Trustees. The initial application fee is hereby established at \$75.00 dollars.¹

1. HPB Review

- (a) The HPB 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.
- (b) The HPB shall review the application for conformance with the established criteria for designation and with the purposes of this section.
- (c) 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 HPB, the applicant and the owner or owners other than the applicant, the HPB shall recommend either approval, modification and approval, or disapproval of the application. The HPB may recommend approval conditional upon the execution of certain easements, covenants, or licenses.
- (d) The HPB shall forward to the Board of Trustees 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.

2. Board of Trustees Review

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

3. 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.

4. Limitation on Resubmission and Reconsideration of Proposed Designation

Whenever the Board of Trustees disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application.

¹ This should be moved to the Town's fee schedule and updated annually.

E. Criteria for Designation

The HPB and Board of Trustees will consider the following criteria in reviewing nominations of properties for designation:

1. Structures

Structures must be at least 50 years old and meet one or more of the following criteria for architectural, cultural, or geographic/environmental significance. A structure can be exempted from the age standard if the Board of Trustees 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 source of information to be considered in the evaluation of eligibility for historic designation.

2. Architectural, Cultural, or Geographic/environmental Criteria

Historic structures or sites shall meet one or more of the following criteria in order to be considered for designation.

(a) Architectural

- (1) Exemplifies specific elements of an architectural style or period;
- (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
- (3) Demonstrates superior craftsmanship or high artistic value;
- (4) Represents an innovation in construction, materials or design;
- (5) Represents a built environment of a group of people in an era of history;
- (6) Exhibits a pattern or grouping of elements representing at least one (1) of the above criteria; or
- (7) Is a significant historic remodel

(b) Cultural:

- (1) Is a site of an historic event that had an effect upon society;
- (2) Exemplifies cultural, political, economic or ethnic heritage of the Town; or
- (3) Is associated with a notable person or the work of a notable person

(c) (3) Geographic/Environmental:

- (1) Enhances the sense of identity of the Town; or
- (2) Is an established and familiar natural setting or visual feature of the Town

(d) Prehistoric and historic archaeological structures or sites. Prehistoric and historic archaeological structures or sites shall meet one (1) or more of the following:

- (1) Exhibits distinctive characteristics of a type, period or manner of construction; or
- (2) Is a unique example of structure;
- (3) Has the potential to make an important contribution to the knowledge of the area’s history or prehistory;

- (4) Is associated with an important event in the area's development;
- (5) Is associated with a notable person(s) or the work of a notable person(s);
- (6) Is a typical example or is associated with a particular ethnic or other community group;
- (7) Is a unique example of an event in local history; or
- (8) Is geographically or regionally important.

3. 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):

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

F. Historic Districts

1. 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.
2. Significance is determined by applying criteria to the pattern(s) and unifying element(s).
3. 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.
4. 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.
5. 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.
6. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
7. In addition to meeting at least one of the criteria outlined below, the designated contributing sites and structures within the district must be at least 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 or more of the following criteria:
 - (a) Architectural:

- (1) Exemplifies specific elements of an architectural style or period;
 - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
 - (3) Demonstrates superior craftsmanship or high artistic value;
 - (4) Represents an innovation in construction, materials or design;
 - (5) Represents a built environment of a group of people in an era of history;
 - (6) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
 - (7) Is a significant historic remodel.
- (b) Cultural:
- (1) Is the site of a historic event that had an effect on society;
 - (2) Exemplifies cultural, political, economic or social heritage of the community; or
 - (3) Is associated with a notable person(s) or the work of a notable person(s).
- (c) Geographic/environmental
- (1) Enhances the sense of identity of the community; or
 - (2) Is an established and familiar natural setting or visual feature of the community
- (d) Archaeology/subsurface
- (1) Has the potential to make an important contribution to the area's history or prehistory;
 - (2) Is associated with an important event in the area's development;
 - (3) Is associated with a notable person(s) or the work of a notable person(s);
 - (4) Has distinctive characteristics of a type, period or manner of construction; and
 - (5) Is of geographical importance.

G. Review of Alterations

The owner is requested to consult with the HPB 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 HPB 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 HPB shall make its review in a timely manner.

1. Criteria to Review Alterations

In reviewing a proposed alteration, the HPB 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 HPB 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 HPB will use the following criteria to determine compatibility of a proposed alteration:

- (a) The effect upon the general historical and architectural character of the structure and property;
- (b) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
- (c) The size of the structure, its setbacks, its site, location and the appropriateness thereof, when compared to existing structure and the site;
- (d) The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
- (e) 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;
- (f) The condition of existing improvements and whether they are a hazard to public health and safety; and
- (g) The effects of the proposed work upon the protection enhancement, perpetuation and use of the property.

H. 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 HPB for a revocation of the designation or the HPB shall recommend revocation of the designation to the Board of Trustees in the absence of the owner’s application to do so.

Section 6.14. Land Use Code Interpretation

A. Purpose

The purpose of a LUC interpretation request is to allow a code user to ask the Town to clarify how a specific provision of this LUC is or will be interpreted.

B. Applicability

1. The Zoning Administrator is authorized to provide a written interpretation of the contents and requirements of this LUC.
2. Interpretations may be requested for a provision of this LUC subject to a proposed or current application, hearing, or appeal.
3. The Zoning Administrator may also provide a property-specific code interpretation in the form of a LUC clarification that identifies whether specific regulations in this LUC are applicable to the subject property.

C. Authority

An interpretation may be requested by any:

1. Applicant,
2. Person affected by an action proposed pursuant to this LUC, or
3. Any Town departments or other governmental agencies that may be subject to the provisions of this LUC.

D. Procedures

1. Common Procedures

Common procedures for a LUC interpretation are established in Table 6-2. They are summarized here for applicant convenience.

2. Specific Procedures

After the application for request for interpretation has been determined complete, the Zoning Administrator shall render an interpretation pursuant to Section 6.6, Administrative Determinations.

E. Appeal

An appeal to the BOA may be made by any applicant aggrieved by an interpretation of the LUC.

F. Official Record

The Zoning Administrator shall maintain an official record of all interpretations, which shall be available for public inspection during normal business hours.



Section 6.15. Location and Extent Review (new)

A. Purpose

This process implements §31-23-209, C.R.S., and is intended to provide an opportunity for review of the location and extent of specified public facilities and uses sought to be constructed or authorized within Dolores, especially as to whether such public use is consistent with this LUC and the Dolores Comprehensive Plan.

B. Applicability

1. Applicable to Specified Public Uses

(a) Location and extent review shall apply to the construction or authorization of the following, unless otherwise regulated pursuant to Section 6.9, Areas and Activities of State Interest Regulations:

- (1) Public street or road;
- (2) Public park, open space, or trail;
- (3) Public building or structure; or
- (4) Publicly or privately owned utility, except for the routine extension of public utility lines.
- (5) Routine maintenance and minor modifications to existing facilities is exempt from this review.

(b) Location and extent review shall also apply to the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale, lease, or acquisition of any land for any public use.

2. Exemption for Town Public Uses Located Within Town Limits

Location and extent review shall not apply to any public facility or use that is to be constructed, financed, or owned by the Town of Dolores on property located within the jurisdictional limits of the Town.

C. Procedures

1. Common Procedures

Common procedures for location and extent review are established in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

(a) Notice shall be published, posted, and mailed to property owners within 300 feet of the project site at least 15 days prior to the P&Z hearing regarding the project.



D. Decision Criteria

The P&Z and Board of Trustees shall review the extent and location of the proposed public use for its consistency with the goals, policies, and objectives stated in the Dolores Comprehensive Plan and for its compliance with this Land Use Code.

E. Recommendation and Decision-Making

1. Planning and Zoning Commission

- (a) The Planning and Zoning Commission shall review the application at a public hearing and make a recommendation to the Board of Trustees within 60 days after the date the application is determined to be complete, unless a longer period is granted by the submitting board, body, or official.
- (b) If the Planning and Zoning Commission disapproves the site plan, it shall communicate its reasons to the Board of Trustees.

2. Board of Trustees

- (a) The Board is authorized to act on the application. The Board may overrule P&Z disapproval by a majority vote of the Board's entire membership. Upon overruling, the Board may proceed with construction or authorization of the project, as applicable.
- (b) If the project is not required to be authorized or financed by Board of Trustees or other Town official or board, the Planning and Zoning Commission's disapproval may be overruled by the body or official having jurisdiction over the authorization and financing of the project. A vote to overrule by such body shall be by a majority vote of its entire membership. In the case of a utility owned by an entity other than a political subdivision, the P&Z's disapproval may be overruled by the Public Utilities Commission by not less than a majority of its entire membership.

Section 6.16. Minor Subdivision Plats

A. Purpose

The purpose of the minor subdivision process is to allow shortened review and approval of a subdivision where no significant public infrastructure is required. The minor subdivision process is also applicable to condominium conversions and amendments to approved final plats.

B. Applicability

1. Minor Plats

A minor subdivision is the division of one or more lots, tracts, or parcels into a total of not more than four lots. A minor subdivision plat may be approved by the Board of Trustees without notice or hearing where all of the following conditions are met:

- (a) All lots front onto an existing street;
- (b) No streets, roads, extensions, or access easements need to be widened, dedicated, or developed;
- (c) 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;
- (d) The resulting lots shall be in compliance with the requirements of this LUC; and
- (e) No part of any lots are located within Article 15, Areas or Activities of State Interest, a geological hazard area, a floodplain, or other problems of public concern.

2. Plat Amendments

An amendment of a previously approved final plat, or “replat,” is reviewed and decided as a minor subdivision when it conforms to the following criteria:

- (a) The replat does not remove any covenants or restrictions or increase the number of lots.
- (b) The purpose of the amendment is to correct an error in any course or distance shown on the prior plat.
- (c) The purpose of the amendment is to add any course or distance that was omitted on the prior plat.
- (d) The purpose of the amendment is to correct an error in the description of the real property shown on the prior plat.
- (e) The purpose of the amendment is to indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor responsible for setting the monuments.
- (f) 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.
- (g) The purpose of the amendment is to correct any other type of clerical error or omission in the previously approved plat.

- (h) The purpose of the amendment is to correct an error in courses and distances of lot lines between two 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.
- (i) The purpose of the amendment is to relocate a lot line to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.
- (j) The purpose of the amendment is to relocate or vacate one or more lot lines between one or more adjacent lots where the owners of all such lots join in the application for the plat amendment.

3. Condominium Conversions

Condominium conversion is reviewed and decided as a minor subdivision, regardless of the number of units proposed for conversion, provided that it conforms to the off-street parking requirements for the underlying zone district in Article 8, Parking, Loading, and Access Drives. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.

C. Procedures

1. Common Procedures

Common procedures for a minor subdivision plat are established in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

- (a) Notice is not required for a minor plat application, except that that owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least 90 days prior to termination of any residential tenancy in accordance with Section 38-33-112, C.R.S. Copies of such notification shall be filed with the Town Clerk as proof of notification.
- (b) The Zoning Administrator shall distribute the minor subdivision plats immediately upon receipt to the following:
 - (1) Dolores Public Works
 - (2) Electric power association
 - (3) Dolores School District
 - (4) Dolores Fire Protection District



D. Decision Criteria

1. In reviewing a minor plat application, the Board of Trustees shall consider whether the application conforms to all applicable requirements of this LUC.
2. Additional Standards for Review of Condominium/Townhouse Conversions: In addition to complying with the review standards applied to other subdivisions and condominium subdivisions/townhouse subdivision by this Code, condominium conversions shall comply with the following standards:
 - (a) The structure subject to the proposed condominium/townhouse conversion shall meet current off-street parking requirements for the underlying zone district found in Article 8, Parking, Loading, and Access. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.
 - (b) A minimum one-hour fire wall may be required between units as a condition of Town approval of any condominium/townhouse plat involving a condominium conversion.

E. Review and Decision-Making

1. Minor plats are reviewed and decided upon in the following steps:
2. 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.

F. Recording and Filing

1. The Board of Trustees' approval of the minor subdivision plat shall be evidenced by the execution of the Board of Trustees certificate of approval on the plat. No additions, corrections, or modifications of any kind shall be made to the minor subdivision plat other than signatures required after the Board of Trustees has approved the Minor subdivision plat.
2. The Board of Trustees shall take any necessary actions with reference to improvements, dedications, and utilities. The applicant shall pay all fees, including recording, review fees and cash-in-lieu of public land dedication.
3. The applicant shall file the minor subdivision plat in the plat records of Montezuma County,
4. If for any reason the minor subdivision plat has not been recorded within 90 days of Board of Trustees approval, the approval shall be deemed void.

Section 6.17. Major Subdivision

A. Purpose

The purpose of the major subdivision review process is to ensure that proposed subdivisions are compliant with the standards and requirements of this LUC and to encourage quality development consistent with Town goals, policies, and objectives as included in the comprehensive plan.

B. Applicability

A subdivision plat establishes parcels, lot lines, rights-of-way, utilities, and dedications of land. Every subdivision, including a condominium subdivision, shall be considered and decided under the procedures of this section, unless it conforms to the applicability provisions for a minor plat procedure of Section 6.16, Minor Subdivision Plat.

C. Preliminary Plats

1. Common Procedures

Common procedures for a major subdivision preliminary plat are established in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

(a) The following notice shall be stamped on the face of each preliminary plat: “Preliminary Plat application for review purposes only.” The Zoning Administrator shall distribute complete applications for preliminary plat approval to the following:

- (1) Electric power association
- (2) Dolores School District
- (3) Dolores Fire Protection District
- (4) Colorado Geological Survey
- (5) If the property is located within a wildlife habitat area, Colorado Parks & Wildlife

3. Notification Requirements for Preliminary Plat

- (a) Published notice of the public hearing shall be provided at least 10 days prior to the hearing.
- (b) Mailed notice shall be provided at least 15 days before the hearing date.
- (c) Posted notice shall be provided at least 15 days prior to the hearing.

4. Decision Criteria



The Planning and Zoning Commission and Board of Trustees shall consider the whether the proposed subdivision complies with the requirements of this LUC, including, but not limited to:

- (a) The physical arrangement of the subdivision;
- (b) 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
- (c) The adequacy of easements for proposed or future utility service;
- (d) Provisions for surface drainage; and
- (e) Whether lot sizes and areas are adequate to comply with the minimum requirements for the applicable zone district and for the type of sanitary sewage disposal proposed.

5. Review and Decision-Making

Preliminary plats shall be reviewed and decided upon as follows:

- (a) Planning and Zoning Commission
 - (1) P&Z shall hold a public hearing to review the preliminary plat application. The P&Z shall act on the preliminary plat within 30 days after the official filing date or within a reasonable time thereafter.
 - (2) 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.
 - (3) The action of P&Z shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and the other retained by P&Z.
- (b) Board of Trustees
 - (1) The Board of Trustees shall consider the P&Z recommendation at the next regularly scheduled meeting following Planning and Zoning Commission review
 - (2) The Board of Trustees shall approve or disapprove the preliminary plat as to street dedication and utility services, either with or without special provisions.

6. 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 and Zoning 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 and Zoning Commission at the request of the applicant.

D. Final Plats

1. Procedure

- (a) The applicant shall submit a final plat for all or some of the property within 12 months of the approval date unless extended by action of the Planning and Zoning Commission
- (b) The final plat shall conform substantially to the preliminary plat as approved and, if desired by the applicant, 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) After the presentation of the construction plans for a subdivision to the Zoning Administrator, the Zoning Administrator may submit the construction plans to the Town Engineer for review. The Engineer shall, if deemed necessary, review the plans and submit a report to the Planning and Zoning Commission 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.

2. Decision Criteria

When deciding a final plat, the Board shall consider the following:

- (a) Dedication of rights-of-way for public use;
- (b) Construction of utilities, streets, drainage and other improvements;
- (c) Status of conditions established by the preliminary plat approval;
- (d) Status of all fees paid to the Town; and
- (e) Proof of any required land dedication or payment of a cash-in-lieu fee.

3. Review and Decision-Making: Board of Trustees

- (a) The Board of Trustees shall hold a public hearing on the final plat prior to taking action.
- (b) An applicant may obtain approval of a portion or a section (“phase”) of a subdivision provided that each phase shall meet all the requirements of this Code in the same manner required for a complete subdivision, including proportionate provision of all required infrastructure and open space.
 - (1) When final plats are approved in phases, the final plat for each phase needs to carry the name of the entire subdivision, but is to bear a distinguishing letter, number, or subtitle.
 - (2) Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.
 - (3) The Board of Trustees shall consider all proposals with respect to the criteria in Section 6.17.D.2, and when satisfied with the proposals, shall authorize the establishment of agreements for same.

- (c) 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) Final plats that are disapproved by the Board of Trustees shall be returned to the applicant with an attached statement of the reasons for such action.

E. Post-Approval Action

1. 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 P&Z chairperson to execute the Planning and Zoning Commission certificate of approval on the plat. 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.

2. 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 applicant 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 P&Z chairperson.

3. Expiration and Extension

An approved final plat has not been recorded within 90 days of Board of Trustees approval shall be considered expired. An applicant may request the Board for a 90-day extension prior to the expiration of the original approval.

F. Improvements Agreements and Performance Guarantees

1. Improvements Agreements

- (a) Prior to the recording of a final plat or issuance of any building permit(s) the applicant shall submit an improvements agreement addressing construction of any required public improvements designated on the final plat to the Board for review and decision.
- (b) Form of Agreement: All Improvement Agreements shall utilize the standard Town template (guide) for the format and content of such agreements.

2. Performance Guarantee

- (a) 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 the 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. 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.

G. Acceptance of Subdivision Improvements

1. Timeframe for Completion

- (a) If public improvement construction has not commenced within one year after approval of the plans as reflected in the Improvement Agreement, re-submittal of plans may be required by the Town Engineer to ensure that the design meeting current standards and engineering requirements.
- (b) 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.
- (c) "Construction" shall mean the start or commencement of construction of Town maintained facilities.

2. Expiration and Extension of Approval

- (a) The construction and acceptance of public improvements by the Town, and the corresponding final plat for said subdivision filed in the plat records of the Montezuma County shall be completed within 36 months from the date of final plat approval. Where construction is not completed, the 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 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.

- (b) 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.

H. Plat Amendments and Corrections

Plat amendments 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 plat amendment is solely to correct the plat for one or more of the following purposes and does not remove any covenants or restrictions or increase the number of lots.

1. The purpose of the amendment is to correct an error in any course or distance shown on the prior plat.
2. The purpose of the amendment is to add any course or distance that was omitted on the prior plat.
3. The purpose of the amendment is to correct an error in the description of the real property shown on the prior plat.
4. 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.
5. 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.
6. The purpose of the amendment is to correct any other type of clerical error or omission in the previously approved plat.
7. The purpose of the amendment is to correct an error in courses and distances of lot lines between two 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.
8. 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.
9. The purpose of the amendment is to relocate or vacate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment.

Section 6.18. Condominium Subdivision/Townhouse Subdivision

A. Purpose

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.

B. Procedures

1. Common Procedures

Common procedures for a condo/townhouse subdivision plat are established in Table 6-2.

2. Specific Procedures

- (a) A preapplication meeting is required.
- (b) A new condominium subdivision shall be processed as a Section 6.17, Major Subdivision.
- (c) Condominium/Townhouse conversion shall be reviewed as a Section 6.16, Minor Subdivision, regardless of the number of units proposed for conversion.
- (d) 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.
- (e) 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.

C. Application Review Procedures for As-Built Condominium Subdivision Plats

1. The Zoning Administrator shall review as-built plats within 15 days of the submittal of the plat.
2. 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.

Section 6.19. Conservation Subdivision

A. Purpose

The purpose of a conservation subdivision is to encourage the conservation of environmentally sensitive or hazardous areas from development while allowing the permitted zoning density of the site to be clustered in smaller lots in less sensitive locations.

B. Procedures

1. Major Subdivision

A conservation subdivision application is processed as a Section 6.17, Major Subdivision, subject to the design requirements of this section.

2. Site Analysis Map

After the pre-application meeting, but prior to submittal of the conservation development subdivision application, the applicant shall prepare and submit a preliminary site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the proposed subdivision property and on all lands within 1,500 feet of the subject property's boundaries. The site analysis map scale shall be in accordance with standards for a preliminary plat and the map shall contain the information listed in the subsections below.

- (a) Public roads and trails;
- (b) Utility easements and rights-of-way, as filed with the county;
- (c) Constructed features, including but not limited to driveways, farm roads, buildings, foundations, walls and fences, wells, drainage fields, ditches, dumps, and utilities;
- (d) Topography (from United States Geological Survey (USGS) maps) as required for preliminary plats, including steep slopes (30% or greater);
- (e) Streams, rivers, waterbodies, and wetlands, and required setbacks as defined in this chapter;
- (f) Base flood areas;
- (g) Wildlife habitat protection areas identified by Colorado Parks and Wildlife (CPW);
- (h) Soils as mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service;
- (i) Public lands, both state and federal;
- (j) Lands protected under conservation easements; and
- (k) Historically and culturally significant sites or structures.

3. Proposed Conservation Area Design

- (a) The site analysis map shall depict the proposed or potential conservation area(s) (including total calculated conservation area and its percentage of the total subdivision) based on the natural features to be protected and to achieve the minimum amount of land to be conserved as identified in this section. The preliminary site

analysis shall also identify the applicant's approach to conservation area(s) long-term maintenance.

- (b) The site analysis map shall also delineate the potential buildable areas (including total calculated conservation area and its percentage of the total subdivision) as a last step, following delineation of the natural and constructed features and potential conservation area(s).

4. Site Visit

After the applicant creates a preliminary site analysis map, and prior to submission of the concept plan and complete application, the applicant shall schedule a site visit to the property with the zoning administrator. The zoning administrator may invite other relevant local, state, or federal agencies (e.g., Town engineer, Montezuma Land Conservancy, CPW) to attend the site visit. The purpose of the site visit is to:

- (a) Familiarize staff with the property's existing conditions and special features,
- (b) Identify potential site development issues, and
- (c) Provide an opportunity to discuss design concepts, including the general location and layout of the conservation area(s), the potential locations for proposed buildable areas, parcels, and building envelopes within parcels (as applicable), and the potential locations for utilities, roads, and other development features.
- (d) Comments made by staff during the site visit are not binding in any way and shall be interpreted as suggestions only. No official decisions shall be made during the site visit.

5. Concept Plan

After the pre-application meeting and site visit, the applicant shall submit the site analysis map, and a concept plan, and proposed conservation area(s) maintenance plan to the zoning administrator for review and comment.

6. Complete Application

Following receipt of the written comments on the concept plan from the zoning administrator, the applicant shall submit a complete subdivision application for a conservation development subdivision follow the requirements of Section 6.17, Major Subdivision.

Section 6.20. Planned Unit Development

A. Purpose

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 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 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

1. Common Procedures

Common procedures for a PUD approval are established in Table 6-2.

2. Specific Procedures

Every PUD District approved under the provisions of this LUC shall follow the rezoning procedure of Sec. 6.30, Zoning Map Amendment, and be considered an amendment to the zoning map.

D. Site Plan Requirement

1. The establishment of a Planned Unit Development District shall require a comprehensive site plan of the development per Sec. 6.23. The site plan shall be approved as part of the ordinance approving a Planned Unit Development prior to the issuance of any further approvals or permits.
2. The site 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.



F. Maximum Density

The maximum density shall be no greater than that permitted in the underlying zone district prior to PUD approval. Densities may be reduced if:

1. There is not sufficient water pressure and other utilities to service the proposed development;
2. There are not adequate roads to ensure fire protection to the proposed development;
3. 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
4. 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.

G. 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.

H. Uses

The permitted, accessory, conditional, and temporary uses allowed shall be those of the underlying zone district.

Section 6.21. Short-Term Rental Permit (add adopted STR regulations)

Section 6.22. Sign Permits

A. Purpose

The purpose of a sign permit is to review a proposed sign for compliance with Article 5.G, Signs.

B. Applicability

1. Permanent Sign Permit

- (a) It shall be unlawful to erect, construct, reconstruct, alter, paint, or repaint, or change the use of any sign as defined in this LUC without first obtaining a sign permit.
- (b) A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit.
- (c) These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

2. Illegal Signs

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

C. Authority

- 1. A sign permit application may be submitted by a property owner, tenant, or an owner or tenant’s agent.
- 2. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

D. Procedures

1. Common Procedures

Common procedures for a sign permit are established in Table 6-2 and are included here for applicant convenience.

2. Administrative Determination

Sign permit applications are processed as a Section 6.6, Administrative Decision.

E. Appeal

An appeal to the BOA may be made by any applicant aggrieved by the Zoning Administrator’s determination on a sign permit application.



F. Post-Approval Action**1. Revocation**

The Zoning Administrator may, in writing, suspend or revoke a permit under provisions of this section whenever the permit was issued on the basis of a misstatement of fact or fraud.

2. Permit Expiration

A sign permit shall become null and void if installation is not commenced within 120 days from the date of permit issuance.

Section 6.23. Site Plan Review**A. Purpose**

The purpose of a site plan is to provide the decision-making authorities with a legally-binding visual representation of a proposed development to ensure compliance with the development and use-specific standards of these Regulations and to encourage quality development reflective of the goals, policies, and objectives of the Dolores Comprehensive Plan.

B. Applicability

1. When site plan review is required, as identified below, structures and uses may be established, and building permits may be issued only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this section.
2. Preliminary Planned Unit Development review and approval serves as site plan review for the purposes of this section.
3. The following applications and projects are subject to site plan approval:
 - (a) All new uses and structures that are not part of a preliminary PUD application or preliminary subdivision plat;
 - (b) All requests for temporary uses and structures;
 - (c) Any proposed redevelopment that meets or exceeds 10 percent increase in gross square footage, or 50 percent increase in assessed valuation, with either measurement calculated over a five-year period.
 - (d) Relocation of development pads, buildings, or dwelling units for some practical reasons such as topography, road alignment or easements provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans;
 - (e) An increase or decrease in a proposed setback, provided LUC requirements are still met;
 - (f) A modification to a recreation area or open space design, but not elimination or more than a 10 percent reduction;
 - (g) A change in the parking lot layout or vehicular circulation;
 - (h) Construction on any site with existing trees subject to Section 7.7, Tree Preservation;

- (i) A change in the landscape design or a change of more than 20 percent of plant types for any mixed-use or non-residential development subject to a valid landscaping plan;
- (j) Any change that may affect an adjoining residential neighborhood;
- (k) Any request that would significantly alter the design of the site or building(s); or
- (l) A request to change or delete a condition of approval established by the P&Z or the Board.

C. Procedure

1. Common Procedures

Common procedures for site plan review are established in Table 6-2 and are summarized here for applicant convenience.

2. Administrative Determination

Site plan applications are processed as a Section 6.6, Administrative Decision.

3. Referral to Planning Commission

The Zoning Administrator may refer any site plan application to the P&Z that, in the Zoning Administrator’s opinion, presents issues that require P&Z attention.

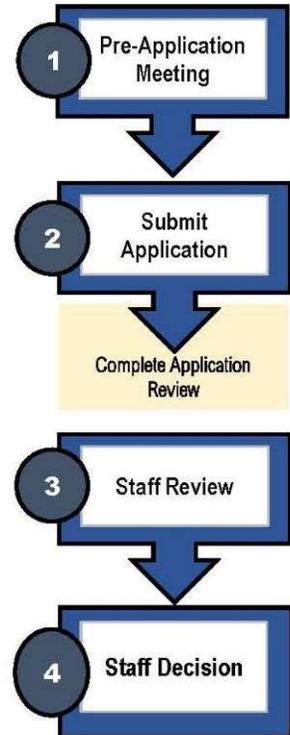
D. Decision Criteria

The Zoning Administrator may approve a site plan upon a finding that the application meets all of the following criteria, as applicable to the specific site and development design:

- 1. The site plan is consistent with the Dolores Comprehensive Plan;
- 2. The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;
- 3. The site plan complies with all applicable development and design standards set forth in this LUC;
- 4. Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- 5. The development proposed in the plan and its general location is, or will be, compatible with the character of surrounding land uses and structures; and
- 6. The development can be adequately served by Town services including, but not limited to: roads, water, and wastewater.

E. Appeal

An appeal to the BOA may be made by any applicant aggrieved by the Zoning Administrator’s determination on a site plan application. Appeal of a P&Z site plan approval may be made to the Board of Trustees.



F. Post-Approval

1. Site-Specific and Binding

- (a) Approved site plan documents shall be binding upon the applicants and their successors and assigns.
- (b) No permit shall be issued for any building, structure, or use that is not in accord with the approved documents, or any approved modifications thereto.
- (c) The construction, location, use or operation of all land and structures within the site shall conform to all conditions and limitations set forth in the documents.
- (d) No structure, use, or other element of approved design review documents shall be eliminated, altered, or provided in another manner unless an amended site plan is approved.

2. Expiration

- (a) Approved site plan documents shall expire one year after approval if a building permit has not been issued, or the approved use established.
- (b) In the event that the documents expire due to the passage of this time period, new site plan review documents must be submitted for approval in the same manner as an original application for development review. An extension not to exceed one year may be granted by the zoning administrator.

3. Modifications to Site Plans

The holder of an approved site plan may request a modification to the document, or the conditions of approval, by submitting amended documents to the Zoning Administrator. The amended documents shall be filed and processed in accordance with the procedures for an initial site plan submittal.

Section 6.24. Solar and Wind Energy Facilities Permitting

1. Application Types

- (a) Tier 1 wind and solar facilities require Sec. 6.23, Site Plan approval.
- (b) Tier 2 wind and solar facilities are processed through Sec. 6.12, Conditional Use Permit Review.

2. Additional Information

Tier 2 applications shall include the following information:

- (a) Approved net metering agreement(s) and copies of applications to or approved permit from applicable state and federal agencies.
- (b) A landscape plan showing that all areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the zoning administrator.
- (c) A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff.

- (d) A preliminary transportation plan describing ingress and egress to the proposed project site to deliver equipment and provide access during and after construction. Such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, as well as measures which will be taken to restore damaged or disturbed access routes following construction.
- (e) An environmental assessment that analyzes the impact of the proposed project regarding on-site and site-adjacent floodways, riparian corridors, open water, wildlife migration routes, protected habitat, protected plant species, and other environmentally sensitive areas as identified by the County, City, State, or federal government, along with proposed mitigation recommendations.
- (f) A decommissioning plan.

Section 6.25. Special Exceptions

A. 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.

B. Authority

A property owner or developer may request a special exception when the provisions of Section 6.5, Administrative Adjustment, are insufficient to provide the regulatory relief sought for the site or development.

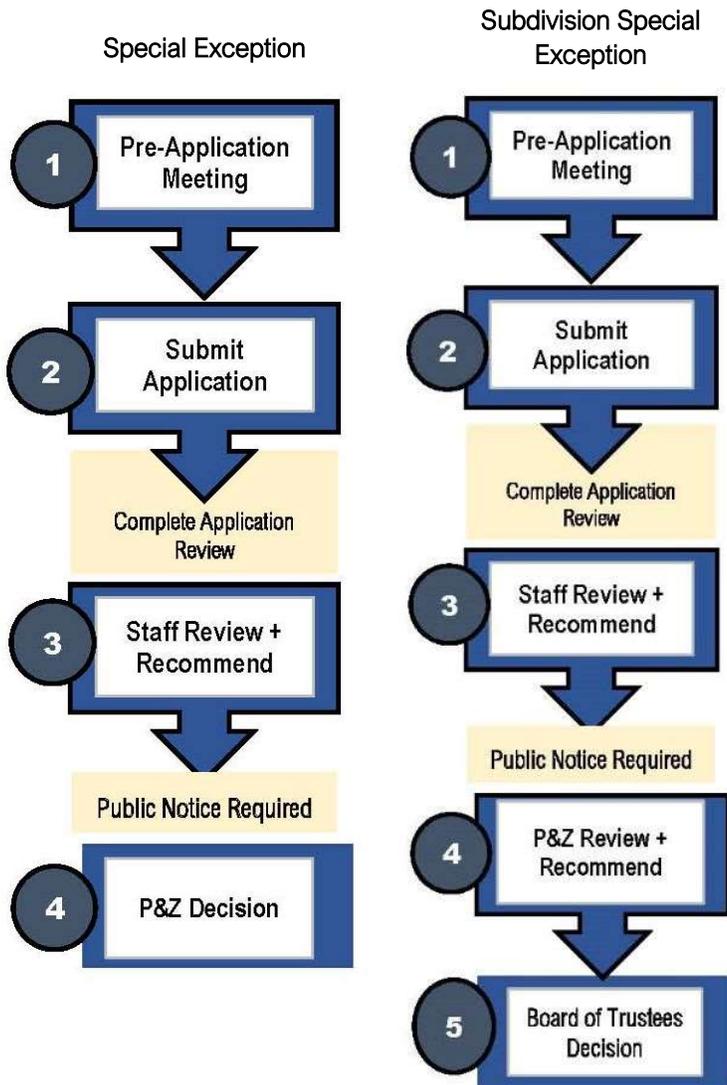
C. Procedure

1. Common Procedures

Common procedures for a special exception application are established in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures

- (a) Published notice of the P&Z public hearing shall be provided at least 15 days before the hearing date.
- (b) Mailed notice of the Board of Trustees public hearing shall be given at least 15 days before the hearing date.



D. Decision Criteria

The Planning and Zoning Commission and Board of Trustees shall consider the following criteria when reviewing a special exception application:

1. That granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards;
2. 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;
 - (a) 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;
 - (b) Special exceptions for historic replica signs shall be granted subject to the following:
 - (1) A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Section 6.14.
 - (2) Applications for a historic replica sign 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 and format of a historic sign, but need not employ the same words, phrases, or symbols; and
 - (4) The Planning and Zoning Commission or Board of Trustees must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.
3. That granting the special exception will not adversely affect property values in any material way; and
4. That granting the special exception will be generally consistent with the purposes for this LUC described in Section 6.4.E.3.

E. Decision-Making

Decision-making for a Special Exception Permit shall be undertaken as follows:

1. Planning and Zoning Commission

- (a) 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.
- (b) The P&Z may impose such conditions on a Special Exception Permit as are necessary to accomplish the purposes of this LUC, 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.

2. Board of Trustees: Subdivision Special Exceptions

In conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant special exceptions subject to the requirements of Article 6, Subdivision Standards.

F. Post-Approval Actions

1. General

Issuance of a Special Exception Permit shall authorize only the particular variation, which is approved in the Special Exception Permit.

2. Site-Specific

A Special Exception Permit shall run with the land.

3. Expiration and Extension

(a) 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.

(b) Permitted time frames do not change with successive owners.

(c) Upon written request, only one extension of the 12-month time frame may be granted by the Planning and Zoning Commission for a period not to exceed 12 months for good cause shown.

Section 6.26. Temporary Use Permits

A. Purpose

The purpose of a temporary use permit is to ensure that a proposed temporary use or structure is in compliance with the applicable regulations in this LUC.

B. Applicability

A temporary use permit may be approved only where the use or structure for which the permit is requested is authorized as a temporary use or structure in the district in which the use is to be located.

C. Process

1. Common Procedures

Common procedures for a temporary use permit are established in Table 6-2 and are summarized here for applicant convenience.

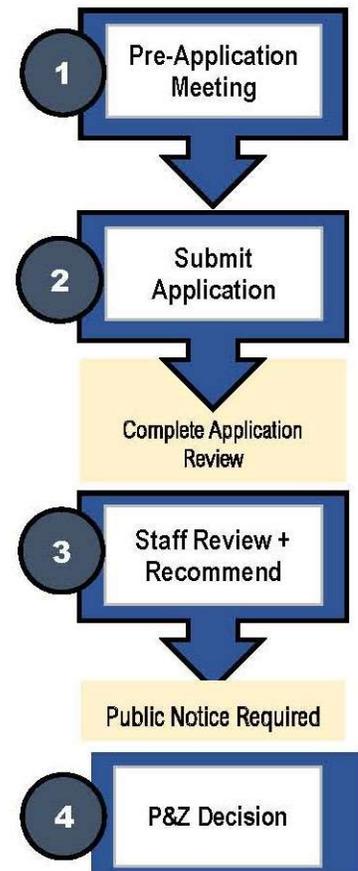
2. Specific Procedures

Temporary use permit applications shall be processed through the Section 6.23, Site Plan review process with a determination made by P&Z. Neither notice nor a public hearing are required for the issuance of a temporary use permit. The Planning and Zoning Commission may, in its discretion, hold a public hearing on any temporary use permit application of Town-wide significance.

D. Decision Criteria

In addition to the site plan review criteria, the Planning and Zoning Commission shall also review temporary use applications for the following:

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation;
2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat); and
3. Regulation of maintenance and site restoration during, and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the P&Z may be required prior to the initiation of the use to ensure cleanup after the use is finished.



E. Time Limit

A time limit for the discontinuance of the Temporary Use shall be specified on the Temporary Use Permit. If no time limit is specified, then the time limit shall be 30 days from the day on which the temporary use is commenced.

Section 6.27. Variances

A. 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.

B. Authority

1. The Board of Adjustment may review and decide on an application for a variance.
2. The Board of Trustees is authorized to review and decide on subc Variance

C. Procedure

1. Common Procedures

Common procedures for a variance are established in Table for applicant convenience.

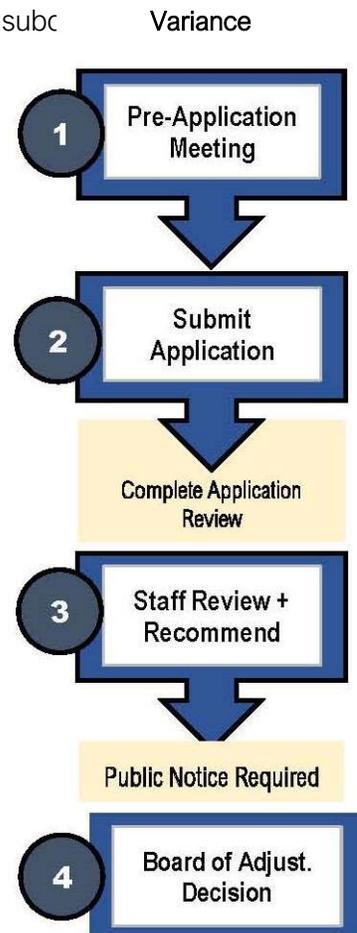
2. Specific Procedures

- (a) Published notice of the public hearing shall be provided hearing date.
- (b) Mailed notice shall be provided at least 15 days before t

D. Required Findings

In exercising its power to grant a variance in accordance w Adjustment or Board of Trustees shall make the following findings:

1. There are special circumstances existing on the property on related to size, shape, area, topography, surrounding condi apply generally to other property in the same area and zone
2. That a variance is necessary to permit the applicant the s property that are presently enjoyed under this Code, by othe zone, but which rights are denied to the subject property;
3. That the granting of the variance on the specific property wil use pattern as outlined by the Future Land Use Plan and will feature of the Comprehensive Plan of the Town of Dolores;



4. 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;
5. That such unnecessary hardship has not been created by the applicant; and
6. That the proposed use is a permitted use in the underlying zone district.

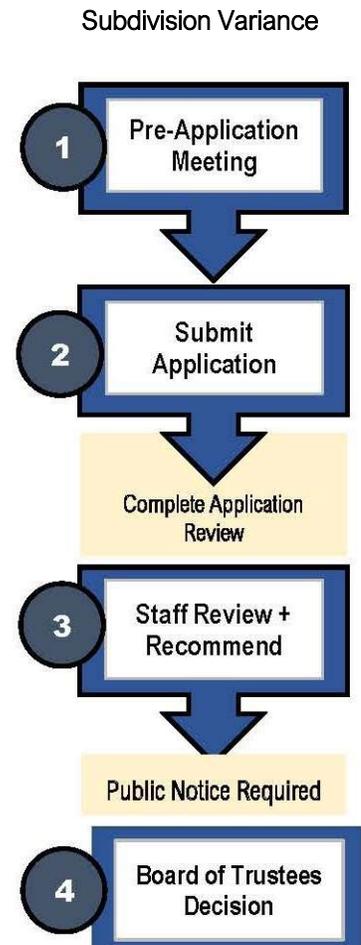
E. Decision-Making

Decision-making for a variance application shall be undertaken as follows:

1. Reviewing Board (Adjustment or Trustees)

The reviewing board shall hold a public hearing on an application for a Variance Permit.

- (a) The concurring vote of four members of the Board of Adjustment shall be necessary grant any variance authorized by this Code.
- (b) The Zoning Administrator may recommend, and the reviewing board may impose, such conditions on a variance as are necessary to accomplish the purposes of this LUC, 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.



F. Post-Approval Actions

1. General

Approval of a variance shall authorize only the particular variation, which is approved in the Variance Permit.

2. Site-Specific Approval

A Variance Permit shall run with the land.

3. Expiration and Extension

- (a) Unless otherwise specified in the Variance Permit, an application to commence construction of the development that was the subject of the Variance Permit 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.
- (b) Permitted time frames do not change with successive owners.

- (c) 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.

Section 6.28. Vested Rights

A. General

1. 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.
2. 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.
3. 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.

B. Vested Property Right Term

1. A property right that has been vested shall remain vested for a period of three years. However, the Board of Trustees may enter into development agreements with landowners specifying that property rights shall be vested for a period exceeding three 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.
2. 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.
3. Should no building permit or development permit be issued within the applicable three years, the plan shall be terminated and the vested property right shall automatically expire.

C. Extension of Vested Property Right Term

1. The affected land owner may request that the Board of Trustees grant an extension of the final plat for up to three 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) 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;
 - (c) 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;

- (d) The Applicant has demonstrated that the final plat is consistent with the Comprehensive Plan; and
- 2. The extension request shall be considered by the Board in a public hearing, notice of which shall be published at least 30 days prior to the hearing. The extension, if granted, shall be valid only for the period approved by the Board of Trustees.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

Section 6.29. Zoning Development Permits

A. Applicability

1. 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. Every application for a zoning permit shall be accompanied by two 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.
2. 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. Revocation of Zoning Development Permits

Failure to comply with any condition(s) of approval, as determined by the Board of Trustees, shall result in:

1. Inability to obtain any rights granted conditionally there under, in accordance with Section 6.28, and
2. 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.

C. 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.

D. 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.

Section 6.30. Zoning Map and Land Use Code Text Amendments

A. Purpose

1. Rezoning: The boundaries of any zone district may be changed, or the zone classification of any parcel of land may be changed pursuant to this section. The purpose of rezoning is to make adjustments to the official zoning map that are necessary in light of changed conditions, changes in public policy, to bring property into conformance with the Dolores Comprehensive Plan, or to advance the general welfare of the Town.
2. LUC Text Amendment: The purpose of this section is to provide standards and requirements for amending the text of this LUC. The purpose of text amendments is to make adjustment to the text of this Code that are necessary in light of changed conditions, changes in public policy, or to advance the general welfare of the Town.

B. Applicability

1. A zoning map amendment is required for a change in the boundary of a zoning district, or the assignment of a parcel to different zoning district. Rezoning should not be used as a way to legitimize nonconformities when a conditional use, variance, or administrative adjustment could achieve the same result.
2. Corrections of drafting and clerical errors or omissions are not map amendments and may be made by the town clerk without a map amendment procedure.
3. Text amendment are not intended to relieve particular hardships or to confer special privileges or rights on any person.

C. Authority

1. 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 the zoning map or this Code,
2. The Planning and Zoning 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.

D. Procedures

1. Common Procedures

Common procedures for a zoning map or LUC amendment are established in Table 6-2 and are summarized here for applicant convenience.

2. Specific Procedures 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:

- (a) Published notice of the public hearing shall be provided at least 10 days prior to the hearing.
- (b) Mailed notice shall be given at least 10 days before the hearing date.
- (c) Mailed notice is not required when the zoning 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.
- (d) Posted notice shall be placed in a prominent location on the subject property at least 10 days prior to the hearing date.

3. Specific Procedures for LUC Text Amendment

When any such amendment relates to a change of a regulation or to the text of this Code not affecting specific property, published notice of the public hearing shall be provided at least 15 days prior to the hearing date.

E. Decision Criteria

1. Zoning Map Amendment

When recommending and deciding on a zoning map amendment, the Planning and Zoning Commission and Board of Trustees shall consider the following criteria:

- (a) Was the existing zone for the property adopted in error?
- (b) 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.)?
- (c) Is there a need for the proposed use(s) within the area or community?
- (d) 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?
- (e) Will there be benefits derived by the community or area by granting the proposed rezoning?
- (f) 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?
- (g) Is the proposal in conformance with the policies, intents and requirements of the Dolores Comprehensive Plan and the Plan's Future Land Use Map?
- (h) Does the proposed change constitute "spot zoning" based on guidance offered by the Town Attorney?

2. LUC Text Amendment

When recommending and deciding a code text amendment, the Planning and Zoning Commission and Board shall consider the following criteria:

- (a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text designations were established;
- (b) Whether the proposed amendment is consistent with the Dolores comprehensive plan or other applicable Town plans and policy guides;
- (c) Whether the proposed amendment is consistent with the purpose and intent of this LUC;
- (d) Whether the proposed amendment will result in a logical and orderly development pattern; and
- (e) Whether the proposed amendment is in the best interests of the Town as a whole.

F. Review and Decision-Making

Review and decision-making for a zoning map amendment or LUC text amendment shall be undertaken as follows:

1. Planning and Zoning Commission

- (a) Before taking action on any proposed amendment, supplement, or change, the Board of Trustees shall submit the same to the Planning and Zoning Commission for its recommendation and report.
- (b) The Planning and Zoning Commission shall hold a public hearing on any application for amendment or change prior to making its recommendation to the Board of Trustees.

2. Board of Trustees

- (a) 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.
- (b) As set forth in Section 31-23-305, C.R.S., a two-thirds vote of all members of the Board shall be required in favor of a zoning map amendment where there has been filed a protest with the town clerk at least 24 hours prior to the governing body's vote on the amendment where such protest is signed by owners of 20 percent or more of the area of land which is subject to the proposed change or 20 percent or more of the area of land extending a radius of 100 feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys.

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Article 14: Enforcement and Penalties

Section 14.1. General

No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of this Code or enforcement of the LUC regulations shall result in penalties and remedies as set forth in this article.

Section 14.2. Specific Violations

In addition to other activities that may be determined by the Town to be violations of this LUC, the following are specific violations of this LUC. Each day that a violation is permitted to exist shall constitute a separate offense.

A. Activities Inconsistent with Code

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, or sign, or to engage in development of any land in contravention of any zoning or other regulation of this ordinance, including all required approvals.

B. Activities Inconsistent with Approval or Permit

Engage in any development, use, construction, remodeling, or other activity that is inconsistent with the terms and conditions of any permit or approval.

C. Making Lots or Setbacks Nonconforming

Reduce the lot area, setbacks, or open space below the minimum required by this LUC.

D. Increasing Intensity of Use

Increase the intensity of use of any land or structure beyond that permitted by right or approved through the procedures of this LUC.

E. Subdivision Sale Prior to Approval

Transfers, sale, agreement to sell, or negotiation to sell any part of a subdivision before the plat has been approved by the Board of Trustees and recorded or filed in the office of the 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.

F. Expand Nonconformities

Create, expand, replace, or change a nonconforming use, structure, lot, or sign except in compliance with this LUC; or failure to remove or discontinue a nonconformity beyond the specified amortization period.

G. Misrepresentation

Obtaining any permit or approval listed in Article 13 through misrepresentation, the use of misleading documents or testimony, or the withholding of information known to the applicant, that might lead the decision-making body to conclude that the application was not consistent with the applicable standards or criteria for such development under this ordinance.

Section 14.3. Complaint

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.

Section 14.4. Enforcement

- A. 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.
- B. To enforce the terms and provisions of this ordinance, the Zoning Administrator shall:
 - 1. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this LUC; and
 - 2. Receive from any person complaints alleging, with particularity, a violation of this LUC and investigate such complaints.

Section 14.5. 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. 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.
- C. Liability: The owner of a noncompliant lot, use, structure, sign, fence, lighting fixture, or similar is responsible for all costs and any other liability resulting from failure to comply with this chapter.
- D. Money Penalties
 - 1. Violations may be punishable by a penalty of up to \$499.00 per violation, where each day of a continuing violation may be considered a separate violation.
 - 2. Violations shall be considered civil infractions and shall not be considered a criminal offense. Violations are not punishable by jail or imprisonment. Any person who violates this Code shall not have the right to a jury trial.
- E. Revocation: The Town may revoke any zoning development permit upon 30 days' notice to the developer and after the opportunity for a hearing and determination of noncompliance.

Article 15: Matters of State and Local Interest

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Section 15.1. Applicability and Definitions

A. Applicability

This section of the Code contains development standards for Areas and Activities of State and Local 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:

1. Floodplain hazard areas;
2. Geologic hazard areas; and
3. Wildlife habitat areas.

B. Definitions

"Avalanche" means a mass of snow or ice and other material which may become incorporated therein as such mass moves rapidly down a mountain slope.

"Expansive soils and rocks" means any mineral, clay, rock or other type of geologic deposit having the property of absorbing water with an accompanying swelling to several times their original volume.

"Geologic hazard" means a geologic phenomenon that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to: avalanches, landslides, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity, and ground subsidence.

"Geologic hazard area" means an area which contains or is directly affected by a geologic hazard.

"Ground subsidence" means a process characterized by the downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation or dissolution of underground minerals, or man-made phenomena such as underground mining.

"Initial control area" means an area suspected, but not finally determined, to be a natural hazard area or a mineral resource area.

"Landslide" means a mass movement where there is a distinct surface of rupture, or zone of weakness, which separates the slide material from more stable underlying material.

"Mudflow" means a flowing mass of predominately fine-grained earth material possessing a high degree of fluid during movement.

"Radioactivity" means a condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits or rocks, soils, and water.

"Rock fall" means the rapid free-falling, bounding, sliding, or rolling of large masses of rock or individual rocks.

"Seismic effects" means direct and indirect effects caused by a natural earthquake or a man-made phenomenon.

"Unstable or potentially unstable slope" means an area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.

C. Exemptions

This section shall not apply to any development in an area of state interest or any activity of state interest which met any one of the following conditions as of the date of the Town's adoption of these regulations of Areas of State and Local Interest:

1. The development or activity is covered by a current building permit issued by the appropriate local government; or
2. The development or activity has been approved by the electorate; or
3. The development or activity is to be on land:
 - a. 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
 - b. 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
 - c. With respect to which a development plan has been conditionally or finally approved by the appropriate governmental authority;" and
4. Normal and customary ranching and agriculture-related uses or activities.

Section 15.2. Standards

A. Generally Applicable

The standards in this section apply to all Areas of State and Local Interest.

1. Avoid Development in Hazard Areas. Restrict development to a hazard-free area if such an area exists on a site.
2. 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.
3. Prohibit Development. Development shall be prohibited within an Area of State and Local Interest (Colorado Revised Statute 1041 Environmental Hazard Area) if:
 - a. Site planning and engineering techniques cannot reasonably mitigate potential hazards to public health, safety, and welfare or
 - b. 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.

B. Floodplain Hazard Areas Standards

In addition to the development standards in Chapter 17.08, Flood Damage Prevention, 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:

1. Have the lowest floor, including basement, elevated to one-foot above the base flood level or be designed to that below the base floor level the structure is water tight with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
2. Be designed by a qualified professional engineer who shall certify that the flood-proofing methods identified in Section 11.C.6.a are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood.

C. Geologic Hazard Areas Standards

This section identifies development standards applicable to specific geologic hazard areas in addition to the general standards in Section 11.C.4. 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:

1. Slopes Greater Than 30 Percent Standards

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

- a. Provide mechanical support for all cuts;
- b. Confine cuts and fills and grading and scraping to the minimum area needed for construction; and
- c. Provide for stability and re-vegetation of cut and fill slopes.

2. Landslide Areas

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

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

3. 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:

- a. Cutting into slope without providing adequate mechanical support;

- b. Decreasing slope stability by adding water;
- c. Adding weight to the top of the slope;
- d. Removing vegetation from the slope without adequate re-vegetation; and
- e. Causing grades that are too steep for the slopes.

4. 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:

- a. Stabilization of rocks by bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing or installation of retaining walls;
- b. Slowing or diverting moving rocks with rock fences, screening, channeling and dams, or with concrete barriers or covered galleries;
- c. Construction of physical barriers around vulnerable structures;
- d. Periodic maintenance of mitigation measures; and
- e. Development shall not:
 - (1) Increase water supply to cliffs or overhangs;
 - (2) Remove protective vegetation;
 - (3) Add weight or otherwise disturb overhanging strata; and
 - (4) Cause any excavations or increase erosion that removes underlying support.

D. Wildlife Habitat Areas Standards

This section establishes land use standards for wildlife habitat areas in addition to the general standards of Section 11.C.4. The standards apply to areas mapped by the Colorado Department of Natural Resources and to areas known to be wildlife habitat areas by the Division of Parks & Wildlife.

1. General Standards

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

- a. Commercial, industrial, or open pit mineral extraction shall be prohibited.
- b. Residential development shall be clustered to avoid impacting wildlife and their habitat.
- c. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.
- d. 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.

- e. 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.
- f. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.
- g. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.
- h. Mesh or woven fences shall be prohibited.
- i. Fences shall be limited to a maximum of four (4) strands and to 42 inches in height.

2. Elk Severe Winter Range

Land uses in elk severe winter range shall comply with the general standards of Section 11.C.4. and the standards in this section.

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

3. Riparian Areas and Shore lands

Land uses located in riparian or shore land areas shall comply with the standards in the general standards of Section 11.C.4. and the standards in this section.

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

Section 15.3. Review Procedure

A. Applicability

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.

B. Requirement for a Project-Specific 1041 Permit

1. 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.