

TOWN OF DOLORES, COLORADO

ORDINANCE NO. 565 SERIES 2023

AN ORDINANCE TO AMEND THE DOLORES LAND USE CODE TO PROMOTE AFFORDABLE HOUSING

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

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

WHEREAS, the Dolores Town Board identifies housing affordability as a priority community issue; and

WHEREAS, the Dolores Town Board believes that it is important that the people who serve our community including hourly employees, town staff and our teachers have the option to live in the community they serve; and,

WHEREAS, a diversity of housing options benefits community vitality and health; and,

WHEREAS, encouraging a diversity of housing options will increase the ability of individuals and families across a range of income levels to choose to live in the same community in which they work; and,

WHEREAS, the Town of Dolores has created a task force to study the issue of housing affordability and make recommendations to the Board of Trustees; and,

WHEREAS, the Planning Commission has held numerous meetings to study the issue of housing affordability; and,

WHEREAS, the Department of Local Affairs and the state of Colorado under the newly passed Proposition 123 provide funding opportunities to municipalities and developers for affordable housing projects; and,

WHEREAS, the Town of Dolores Planning Commission and the Housing Task Force has recommended certain changes to the Town of Dolores Land Use Code to achieve the goal of promoting the development of affordable and workforce housing in the community as well to be better positioned to receive grants and other funding to support these goals; and,

WHEREAS, after public notice and final public hearing on June 6, 2023, as required by the Dolores Land Use Code and applicable law and regulations, the Town of Dolores Planning and Zoning Commission has recommended approval of proposed amendments set forth in Exhibit A, attached hereto and incorporated herein by reference.

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

Dolores, including the goal of promoting the Town’s inventory of affordable and workforce housing, and should be adopted.

WHEREAS, the Board of Trustees wish to exercise its express statutory authority to amend the Town of Dolores Land Use Code as set forth herein in order to obtain sources of funding to promote affordable and workforce housing and to incentivize development in a manner to increase the Town’s inventory of affordable and workforce housing.

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

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

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

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

SECTION 4. This Ordinance shall take effect July 10th 2023 or thirty (30) days after final publication whichever is later.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 10th day of July 2023, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading on June 12, 2023.

DOLORES BOARD OF TRUSTEES:

By: [Signature]
Mayor Leigh Reeves

Attest:

By: [Signature]
Town Clerk Tammy Neely



Passed adopted and approved on the second and final reading this 10TH day of July, 2023.

DOLORES BOARD OF TRUSTEES:

By: 
Mayor Leigh Reeves



Attest:


By: 
Town Clerk Tammy Neely

EXHIBIT A

1. **Section 2.6 of the Dolores Land Use Code is hereby amended to include the following Affordable Housing Definition:**

Affordable housing, as further defined under Article 16, is either a rental unit(s) priced for households earning no more than 80% of the Area Median Income, or an ownership unit(s) priced for households earning no more than 120% of the Area Median Income. AMI information shall be determined by the U.S. Department of Housing and Urban Development (HUD), and affordable rental information shall be as determined by the Colorado Housing Finance Authority (CHFA). The affordability measurements in this definition may be adjusted pursuant to the Town of Dolores Affordable Housing Policy.

2. **There is hereby created a new Article 16 to the Dolores Land Use Code as follows:**

Article 16 Affordable Housing

Statement of Policy

The Town of Dolores, Colorado, establishes the following affordable housing policies and definitions, adjustable as necessary to remain eligible for applicable sources of state and federal funding.

Dolores, Colorado, will aim to approve housing developments priced so that more rental households earning no more than 80% of the Area Median Income, and homeowners earning no more than 120% of the Area Median Income, can afford to live in the Town.

Where required by state or federal funding requirements, these standards shall be adjusted as follows:

Dolores, Colorado, will aim to approve, and as needed, annually increase the supply of new and existing housing so that more rental households earning no more than 60% of the Area Median Income, and existing homeowners earning no more than 100% of the Area Median Income, and first-time homeowners earning no more than 120% of the Area Median Income, can afford to live in the Town while paying no more than 30% of their gross monthly income for housing

Affordable units shall be deed-restricted for a minimum of 50 years, or a length as determined by the Dolores Board of Trustees.

Applicability and Process Modifications

A site plan for a development project that includes at least 50 percent affordable housing shall be reviewed in accordance with the general approval procedures applicable to administrative review in Section 13.6, with the following modifications:

A community meeting shall be required for those projects that propose:

10 or more total dwelling units.

10,000 square feet or more of floor area; or

Development of 3 or more units on a lot adjacent to an existing single-family detached dwelling.

The community meeting shall be held no more than 60 days prior to submission of the project application. The Zoning Administrator shall be responsible for providing reasonable notice to the entire community of the meeting time and location along with an opportunity to submit comments for at least seven days following the meeting. The applicant shall be responsible for providing a project summary to the Town at least 15 days prior to the community meeting.

The total time between when the affordable housing site plan application is determined to be complete and a determination on the site plan shall not exceed 120 days. Applicants shall have 20 days to resubmit revised documents to address comments from the Town or the application shall be considered inactive and abandoned.

Applicable Standards and Adjustments

The project shall comply with all applicable LUC requirements with the following exceptions:

Vehicle parking shall be provided in accordance with Table 8.1 except that off-street parking for affordable housing units shall be provided at a minimum of 1 space per dwelling unit.

Bicycle parking: Long-term spaces shall be provided for single-family attached or multifamily developments as follows: 2 plus .05 per bedroom calculated across the entire development, including market-rate units. Long-term bicycle parking shall be covered, enclosed, and secured to the maximum extent practicable. Long-term bicycle parking may be located inside a building.

Section 13.5 Administrative Adjustments may be requested for any applicable standard except vehicle and bicycle parking.

Development Timing and Construction

The construction of affordable units in any development approved through this process shall be timed such that the units shall be constructed and pass final inspection concurrently or prior to the market-rate dwelling units in that development.

Submission Requirements

The following information shall be submitted either on the site plan or with an application for expedited review, as determined by the Zoning Administrator:

Name of proposed development.

Sworn proof of ownership and a notarized letter of authorization from the landowner permitting a representative to process the application.

The land area and legal description.

The proposed land use and the area of each use in square feet.

The existing zoning of the property.

The zoning and residential density of all adjacent properties.

Public and private utility service lines and/or main lines with appurtenances.

Title certificate or abstract of titles covering all lands to be conveyed to the Town.

Current tax information.

If the application involves public improvements:

Preliminary construction plans for the proposed public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements.

A preliminary pavement design report.

A Traffic Study, if required elsewhere in the Code.

A draft Affordable Housing Agreement with the Town that documents how the applicant will meet the requirements of this section. The Affordable Housing Agreement shall be in a form approved by the Town Attorney.

Signature blocks for the Zoning Administrator and Planning and Zoning Commission chair.