

TOWN OF DOLORES, COLORADO

ORDINANCE NO. 566 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 July 18, 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 August 14 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 14TH day of AUGUST, 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 July 24th, 2023.

DOLORES BOARD OF TRUSTEES:

By: [Signature]
Mayor Leigh Reeves

[Signature]

Attest:

By:

Town Clerk Tammy Neely



Passed adopted and approved on the second and final reading this 14th day of August, 2023.

DOLORES BOARD OF TRUSTEES:

By: 
Mayor Leigh Reeves

Attest:



By:

Town Clerk Tammy Neely



EXHIBIT A

1. Table 4.1 Primary Uses is amended as follows:

Table 4.1: Primary Uses	LL	ne	R1	ne	MR	M	CB	CH	LI	ne	P	R1	R3	Additional Use Limitations
	R	w		w	F	H	1+			w		0	5	
	LL	LL	N	N	N	M	D	C				R1	R3	
Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /-/ Not Permitted [1] Affordable Housing Required														
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	--	--	--	--	--	
Affordable dwelling unit(s)	P	P	P	P	P	P	P	P	--	--	--	P	P	Sec. 4.5.A
Manufactured Home	--	--	--	--	--	P	--	--	--	--	--	--	--	Sec. 4.5.A

2. Section 4.5.A.1 is amended as follows:

A. Residential Uses

1. Affordable Housing

Affordable dwelling units shall comply with the following:

- (a) The project shall meet the dimensional and density standards of the applicable zone district.
- (b) All units shall meet the definition of Affordable Housing in Section 2.6.
- (c) Density bonus is not applicable to affordable housing projects approved administratively.

3. Section 5.1 is amended to include the following section:

D. Density Bonus for Affordable Housing

The Planning Commission may recommend and the Board of Trustees may approve and apply any combination of the following adjustments to accommodate the inclusion of one affordable housing unit per lot in addition to the maximum number of units allowed in the applicable zone district (for example, where a duplex unit is allowed, a triplex may be approved when one of the units meets the Town requirements for affordability):

1. Minimum setbacks or lot widths may be adjusted by up to 20 percent;
2. Maximum lot coverage may be increased by up to 20 percent;
3. Minimum lot size may be reduced by 20 percent;
4. Maximum height may be increased:
 - (a) Residential zoning district limit of 35 feet may be increased to 40 feet;
 - (b) Height in mixed-use or nonresidential districts may be increased by 1 story, not to exceed an additional 15 feet above the original maximum height ;
5. The required off-street parking spaces may be reduced to 1.5 spaces per dwelling unit, and
6. If a public park or open space is located within 1,320 feet and safely accessible to the development site, any required open space dedication may be reduced by 50%.

4. Section 13.20 is amended as follows:

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

1. General PUD

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.

2. Community Benefit PUD

In order to be deemed as an acceptable alternative to the Town's established zone districts, a Community Benefit PUD shall include at least one of the following community benefits:

a. Affordable Housing PUD providing at least 20 percent of the proposed residential units in either rental or for-sale deed-restricted affordable housing.

b. Historic Preservation PUD including an existing structure or site that is currently designated or is documented as eligible for designation on the Town Register, state list of historic structures, or the National Register of Historic Places within a contiguous area included in the PUD application, and must either:

1. In the case of an existing designated historic structure or site, the PUD application must include a written commitment to preserve the structure or site in compliance with all applicable historic preservation standards for a period of at least 20 years; or

2. In the case of an undesignated historic structure or site, the PUD application must include a written commitment to complete the Town designation of the structure or site prior to development of any portion of the PUD, and to preserve the designated structure or site in compliance with all applicable historic preservation standards for a period of at least 20 years.

3. The PUD application may include additional lands contiguous with the lot or parcel containing the historic structure.

C. Sustainable/Resilient Design PUD with proposed project, site, or building design features intended to achieve one or more of the following reductions in resource consumption or trip generation when compared to those levels anticipated for developments of a similar type under the reference base district:

a. A reduction in water consumption of at least 25 percent; or

b. A reduction in non-renewable energy use of at least 25 percent; or

c. A reduction in average daily motor vehicle trip generation of at least 25 percent;

d. A combination of reductions in water consumption, non-renewable energy use, and/or average daily motor vehicle trip generation providing at least an equivalent sustainable/resilient development benefit to the Town.

C. Procedures

1. Common Procedures

Common procedures for a PUD approval are established in Table 13.2.

2. Specific Procedures

Every PUD District approved under the provisions of this LUC shall follow the rezoning procedure of Sec. 13.30, 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. 13.23. 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 Dimensional 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

1. The maximum density in a General PUD shall be no greater than that permitted in the underlying zone district prior to PUD approval.
2. The Zoning Administrator may recommend and the Board of Trustees approve a maximum density increase in a Community Benefit PUD by up to 20 percent based on the applicant's ability to demonstrate that the increased density is appropriate for the location, will not detrimentally impact surrounding neighborhoods, and that the site does not meet any of the density reduction criteria in Section F.3.
3. Densities in any type of PUD 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.