

TOWN OF DOLORES, COLORADO
ORDINANCE NO. 582 SERIES 2024

**AN ORDINANCE TO AMEND THE DOLORES LAND USE CODE TO AMEND
PROVISIONS RELATED TO ACCESSORY DWELLING UNITS**

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 provisions of the Land Use Code pertaining to accessory dwelling units that make it difficult for certain landowners to make reasonable use of their properties and unnecessarily inhibit the Town’s ability to address its affordable housing crisis; and

WHEREAS, the Planning Commission has held numerous meetings to study issues around accessory dwelling issues; and,

WHEREAS, after public notice and final public hearing on November 5, 2024 as required by the Dolores Land Use Code and applicable law and regulations, the Town of Dolores Planning and Zoning Commission has recommended approval of proposed amendments set forth in Exhibit A, attached hereto and incorporated herein by reference.

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

WHEREAS, the Board of Trustees wishes to exercise its express statutory authority to amend the Town of Dolores Land Use Code as set forth herein in order to address concerns that the current code unnecessarily imposes restrictions on accessory dwelling units and inhibits the goal of promoting affordable 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 December 26, 2024 or thirty (30) days after final publication whichever is later.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 25th day of November, 2024, 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 November 12th 2024.

DOLORES BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

Passed adopted and approved on the second and final reading this 25th day of November, 2024.

DOLORES BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

Dolores Accessory Dwelling Unit and Accessory Use or Structure LUC Updates

1. Table 4.3 is amended as follows:

Table 4.3: Accessory Uses	LL R	ae w	R1	ae w	MR F	MH P	CB 1+ CB 2	CH	LI	ae w	P	R 10	R35	Add. Use Stand.
	LL R1	LL R2	NR 1	NR 2	NR 3	M HP	D M U	CM U	IN D	P1	P2	R 10	R 35	
Key	/P/ Permitted, /PL/ Permitted with Use Limitations, /--/ Not Permitted /C/ Conditional Use Review													
Dwelling														
Accessory Dwelling Unit [1]	P	P	P	C	C	--	C	C	--	--	--	P	P	Sec. 4.6.A
Caretaker or guard residence, accessory Shelter [2]	--	--	--	--	--	--	--	--	P	--	P	--	--	
Short-Term Rental	P	P	P	P	P	P	P	P	P	--	P	--	--	
General														
Accessory Use or Structure	PL	PL	PL	PL	PL	--	PL	PL	PL	--	--	PL	PL	Sec. 4.5.B
Drive-Thru	P	P	P	P	P	P	C	C	P	--	P	P	P	Sec. 4.6.B
	--	--	--	--	--	--	--	P	--	--	--	--	--	Sec. 4.6.D

2. Section 4.6.A is amended as follows:

4.6. A. Accessory Dwelling Units

1. **Applicability**

Accessory dwelling units (ADUs) in applicable zones are permitted as follows:

- (a) In the LL1, LL2, and NR1 districts: One ADU per lot is permitted with a single-unit detached dwelling or duplex. Where each duplex unit is on an individual lot, each lot may have an ADU.
- (b) In the NR2, NR3, DMU, and CMU districts: One ADU is permitted on lots with a single-unit detached dwelling only.

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) 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.

3. Section 13.11 is amended as follows:

Section 13.11 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 Tables 4.1 and 4.3 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. Accessory dwelling units are exempt from the density calculation for any lot.

C. Procedures

1. Common Procedures

The common procedures for conditional use permits are identified in Table 13.2 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:

- (a) The proposed use is consistent with the Dolores Comprehensive Plan;
- (b) The proposed use complies with all applicable provisions of the LUC;
- (c) The proposed use will not have a negative impact on the value of surrounding property or the general neighborhood;
- (d) 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:

- (1) The location, nature, and height of buildings, structures, walls, and fences on the site; and
- (2) The nature and extent of the proposed landscaping and buffering on the site.
- (3) Whether adequate utility, drainage, and other necessary facilities have or will be provided; and
- (4) Whether adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

4. Section 2.6, General Definitions is amended to include the following, in alphabetical order:

“Tiny home” means a structure that meets the following, unless provided otherwise by C.R.S.:

- (I) Is permanently constructed on a vehicle chassis;
- (II) Is designed for long-term residency;
- (III) Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
- (IV) Is not self-propelled; and
- (V) Has a square footage of not more than four hundred square feet.

A tiny home is not:

- (I) A manufactured home as defined in C.R.S. 24-32-3302(20),
- (II) A recreational park trailer,
- (III) A recreational vehicle,
- (IV) A semitrailer, or
- (V) An intermodal shipping container.

“Tiny house” means a modular factory built residential structure not built on a permanent chassis that is 400 square feet or less; designed for long-term occupancy; built to the International Residential Code; and attached to a permanent foundation.