

**TOWN OF DOLORES, COLORADO**

**ORDINANCE NO. 556 SERIES 2021**

**AN ORDINANCE REPEALING AND REENACTING ARTICLE V.J (PERTAINING TO RIDGELINE HAZARD STANDARDS), ARTICLE I.I (PERTAINING TO VESTED PROPERTY RIGHTS), AND ARTICLE VI (PERTAINING TO PROCEDURES) OF THE DOLORES LAND USE CODE AND CERTAIN SECTIONS OF CHAPTER 2.08 (PERTAINING TO THE PLANNING AND ZONING COMMISSION) OF THE DOLORES MUNICIPAL CODE**

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 Town has previously adopted a Land Use Code addressing zoning and land use within the Town’s boundaries as set forth in Article 17 of the Dolores Municipal Code.

WHEREAS, the Town is currently undergoing a comprehensive review and revision of its adopted Land Use Code.

WHEREAS, the geography of the Town of Dolores presents hazards from flooding, rockfall, landslides and wildland fire, the risks from which are increased from prolonged drought and climate change, and are thoroughly addressed in the proposed revised Article V.J of the Land Use Code.

WHEREAS, the existing Article VI pertaining to procedures has presented challenges for Town staff and the public that are thoroughly addressed in the proposed revised Article VI to the Land Use Code.

WHEREAS, existing Article I.I is a procedure for determining whether development rights have vested and is properly located within revised Article VI.

WHEREAS, existing Dolores Municipal Code Chapter 2.08 provides insufficient description about the organization and function of the Dolores Planning and Zoning Commission potentially in conflict with the Land Use Code that can be updated to help the overall application of the Land Use Code.

WHEREAS, the review and revision process of Article V.J pertaining to ridgeline hazard standards and Article VI pertaining to procedures is complete and that subject of these chapters is of critical and urgent importance to the citizens of the Town of Dolores.

WHEREAS, after public notice and public hearing 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 changes to Article V.J pertaining to ridgeline hazard standards, Article VI pertaining to procedures of Dolores Land Use Code, and DMC Section 2.08 pertaining to the organization and operation of the Dolores Planning and Zoning Commission.

WHEREAS after public notice and public hearing, the Town of Dolores Board of Trustees finds that the proposed amendments to Article V.J pertaining to ridgeline hazard standards, Article VI pertaining to procedures to the Town of Dolores Land Use Code, and DMC Section 2.08 pertaining to the organization

and operation of the Dolores Planning and Zoning Commission 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 Article V.J pertaining to ridgeline hazard standards, Article VI pertaining to procedures of the Town of Dolores Land Use Code, and DMC Section 2.08 pertaining to the organization and operation of the Dolores Planning and Zoning Commission as set forth herein.

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

SECTION 1. Article V.J pertaining to ridgeline hazard standards of the Dolores Land Use Code is repealed and reenacted with the revised Article V.1, Hazardous and Environmentally Sensitive Areas, attached hereto and incorporated herein.

SECTION 2. Article VI pertaining to procedures of the Dolores Land Use Code, except for Section VI.O, Areas of State and Local Interest, is repealed and reenacted with the revised Article VI attached hereto and incorporated herein. Section VI.O is renumbered Article IX and carried forward without change.

SECTION 3. Article I.I pertaining to the vested rights of approvals granted through the Dolores Land use Code is repealed and reenacted as relocated in Article VI.

SECTION 4. Section 2.08.020, Section 2.08.040, Section 2.08.060, 2.08.067 and 2.08.080 of Chapter 2 of Title 2 of the Dolores Municipal Code are repealed and reenacted as follows:

*2.08.020 Organization.*

*At the first regular Commission meeting in January of each year, the first item of business shall be the selection of the Commission Chairperson and Vice Chairperson from the membership of the Commission.*

*A. The Chairperson shall preside over meetings. In the event questions over procedures arise, Robert's Rules of Order shall prevail.*

*B. The Commission shall create and fill other offices as it deems necessary.*

*C. The recording of minutes of all Commission meetings shall be the responsibility of the Town Clerk, or in their absence the deputy clerk, or other such other individual designated by the Commission.*

*D. A majority of the appointed members of the Commission shall constitute a quorum to do business and the affirmative vote of three fifths of the appointed members in attendance shall be necessary to pass any motion.*

*2.08.040 Powers and duties generally.*

*The planning commission shall function and operate and perform all the duties and obligations and shall have all the powers and authority as provided under, by and through, Title 31, Article 23 of the Colorado Revised Statutes of 1973, as amended, and the appointed members shall be*

*subject to removal from office as provided by said statutes. The planning commission shall have the following specific powers and duties:*

- A. To recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein under this Code or the laws of the State of Colorado to the Board of Trustees and to recommend approval or denial of zoning changes and regulations under the Land Use Code;*
- B. To hear, recommend or determine any matter relating to zoning, planning or subdivision control as they may be specified or required under the Land Use Code or applicable laws of the State of Colorado;*
- C. To make and adopt a Comprehensive Plan for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the Board of Trustees, which in the Commission's judgment bear relation to the planning of the Town of Dolores (C.R.S. 31-23-306); and,*
- D. To exercise the duties and powers as may be now or hereafter conferred by the Land Use Code and the applicable laws of the State of Colorado.*

*2.08.060 Absence from meetings.*

*Should a member of the planning and zoning commission be absent for three consecutive meetings of the commission without cause, the office of such member may be deemed to be vacant and the term of such member terminated. The town **manager** shall inform the town board of such action. An absence due to illness or any unavoidable absence from the town and notice thereof to the town clerk, one day before the day of any regular meeting by such member shall excuse the member. The regular meeting is provided for by law or by rule of the commission and any regularly advertised and noticed public hearing shall be deemed a regular meeting.*

*2.08.080 Hearings.*

*Where specified in the Land Use Code, the commission shall hold public hearings before submitting recommendations to the town board. The town board shall not hold its public hearings or take action until it has received the recommendations of such commission. Public hearings shall be in conformance with CRS 31-23-108, as amended.*

**SECTION 5.** 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 6.** This Ordinance shall take effect \_\_\_\_\_ or thirty (30) days after final publication whichever is later.

**PUBLIC HEARING.** This ordinance shall be considered for second or final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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 this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

DOLORS BOARD OF TRUSTEES:

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Passed adopted and approved on the second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

DOLORS BOARD OF TRUSTEES:

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_