

# Article 3: Zone Districts

## Public Review Draft



**Dolores Land Use Code Update**

**May 2020**

## Article 3: Zone Districts

### Drafting Notes: Zone Districts

Article 3 contains the zone districts and dimensional standards for development in each of the zone districts. We analyzed the current zone districts in a number of places in the **Dolores Code Audit and Annotated Outline**, identifying the following potential changes:

In the **Key Issues** on page 1, the Town listed three areas of specific change that will involve changes to how the zone districts are designed and function:

#### A. Areas of Specific Change

This list identifies the concepts about which there was broad agreement during the kick-off meetings:

1. Establish a broader range of zone districts that encourage a mix of housing types and uses and are reflective of the various neighborhoods and commercial centers in the Town. Information about updated zone districts is provided in Section 3.C, Zone Districts.
2. Specify a more extensive list of use-specific standards that provide predictability for property owners and neighbors. Information about updated use standards is provided in Section 3.D, Use-Specific Standards.
3. Update and add new, wider ranging hazardous area standards that address concerns about development on steep slopes, in the floodplain, and in fire-prone areas of the community. Information about updated hazard regulations is provided in Section 3.K, Hazardous and Environmentally Sensitive Areas.
4. Update the Downtown zoning to reinforce the Town's business-friendly approach to development and encourage the creation and expansion of both local and new businesses. Information about updated zone districts and use standards is provided in Sections 3.C, Zone Districts, and 3.D, Use-Specific Standards.
5. Revise the land use code to encourage a range of housing opportunities and choices. Information about updated zone districts and use standards is provided in Sections 3.C, Zone Districts, and 3.D, Use-Specific Standards.

In the **Specific Issues** on page 3, the following items can be considered during the zone district edits:

- Tiny homes
- Residential lot sizes and transitions
- Live/work options
- Access to lots
- Accessory dwelling units
- Increased residential density
- Affordable housing
- Minimum house and garage sizes
- Lot coverage standards

And in the **Annotated Outline for Article 3: Zone Districts**, we have proposed the following

### **C. Article 3: Zone Districts**

#### **1. Purpose and Content of this Article**

This article will identify the range of applicable zone districts collected into six categories: resource, residential, mixed-use, commercial, industrial, and public. We anticipate that it will include the following sections:

- a. Districts Established
- b. Official Zoning Map
- c. Resource-35 District
- d. Resource-10 District
- e. Large Lot Residential District
- f. Residential xx District (new, lot size between LLR and R-1 to allow lot splits)
- g. Residential 6,000 District (current R-1, 6,000 sf lot size)
- h. Residential xx District (new, smaller lot size based on existing neighborhoods)
- i. Residential Mixed Density 1 (current MFR)
- j. Residential Mixed Density 2 (new, lot size averaging to fit Downtown)
- k. Residential Manufactured Home (current MH)
- l. Downtown Mixed-Use (current CB-1 modified to fit existing lot dimensions)
- m. Downtown Mixed-Use Historic (current CB-2 modified to fit existing lot dimensions)
- n. Highway Mixed-Use (current CH revised to address lot sizes and configurations)
- o. Public 1 (new, parks and open spaces)
- p. Public 2 (current, revised to allow civic uses with two or more buildings)
- q. Industrial (new, light industrial)
- r. Dimensional Standards: Encroachments and Exceptions (current Section 3.D)

We will relocate Section 3.C, Use Regulations, to Article 4, Use Specific Standards; Section 3.N, Planned Unit Development to Article 17, Specific Development Review Procedures; and all of the individual design standards will be grouped in Article 6, Site Layout Standards. We will also move the measurement standards from Section 3.D to Article 2, Measurements and Definitions, and update as necessary.

#### **2. Updated Regulations**

We will reorganize this article around the individual zone districts, with the goal of including both relevant information and updated cross-references in each district that allow a code user to determine what type of development is permissible in the district. We will make suggestions about adding a number of new districts, identified above, that will create a

changes:

wider range of lot sizes and development options. The new and updated districts will be drafted to reflect existing development and lot sizes, both to ensure that redevelopment and infill development works with the character of surrounding development as well as to limit the number of nonconformities in the Town. We anticipate working with the Town to determine how best to make this happen and adjusting the final number and contents of the zone districts accordingly. As we draft the new zone districts, we also anticipate having a discussion with the community about how to best fit tiny houses into the community.



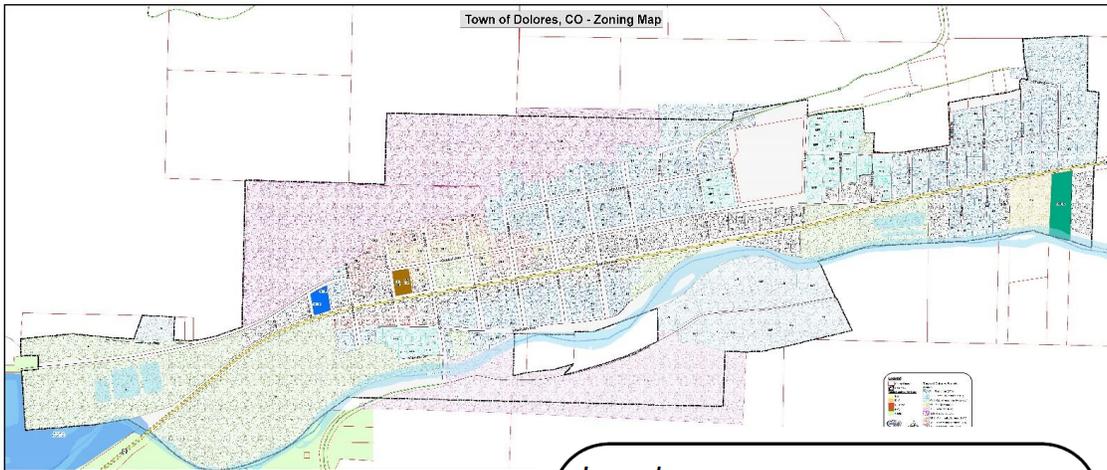
*Tiny house subdivision*

Each district will contain a complete purpose statement that identifies the role and long-term policy purposes of each zone district, and where important, differentiates somewhat similar districts. There will also be cross-references to the permitted and accessory use tables in Article 4, dimensional standards for primary uses and accessory uses, and any applicable district-specific regulations for each zone district. In addition, exceptions to dimensional standards will be included in their own section. We propose moving away from the consolidated dimensional table (Section 3.D, Area Regulations) and identifying district-specific dimensions within each district or small group of districts, similar to this example from another community:

**Table 32.02-25: Suburban Residential Low Flex (S-RLF) Dimensional Standards**

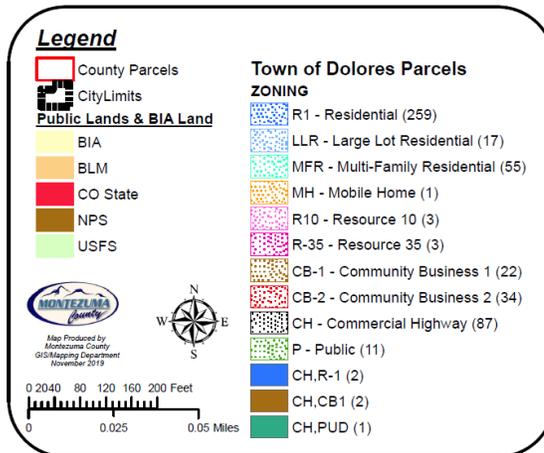
	Single Unit, Detached	Single Unit Attached, Two Unit, and Multi-Unit	Non-Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	5,000	3,600 / du	5,000
Frontage (ft., min.)	25	18 / du	25
Width at Setback (ft., min.)	50	18	50
Coverage (% max.)	70	70	70
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	25	25	25
Side, Internal [1]	5/14	5/14	5/14
Side, Street	15	15	15
Rear	25	25	25
<b>Structure Size</b>			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.)	--	--	10,000
<b>Residential Development [2]</b>			
Units per structure, max	1	8	--
<b>Notes:</b>			
[1] Attached units: applicable to the exterior of the structure, not between individually attached units.			
[2] Does not apply to accessory dwelling units.			

Two maps are relevant to the zone district update: 1) the Future Land Use Map in the Dolores Comprehensive Plan (available [here](#) on the LUC Update website or at Town Hall), and 2) the



current zoning map:

The zoning map is not legible at this scale. For a readable copy, please look [here](#) for the version on the LUC Update website or ask for a printed version at Town Hall.



This draft of Article 3 includes the changes proposed in the Code Audit and Annotated Outline for the Town's review and discussion. The P&Z Commission will provide an initial review and the consultant will edit the draft based on P&Z's feedback. We will then post the draft for public review and comment. While the public is reviewing Article 3, the consultant and P&Z will review and update Article 4. We will continue this way through late winter, spring, and into early summer until most of the Land Use Code has been revised and is ready for Town-wide discussion.

**End of Drafting Notes**

## Table of Contents

Article 3: Zone Districts .....	98
Section 3.1. Districts Established.....	98
Section 3.2. Official Zoning Map.....	98
A. Map Adoption.....	98
B. Zoning Map Amendment.....	98
C. Interpretation of District Boundaries .....	108
Section 3.3. Resource-35 (R-35) and Resource-10 (R-10) Districts.....	1240
A. Purpose .....	1240
B. Permitted Uses .....	1240
C. Area and Bulk Standards .....	1240
Section 3.4. Large Lot Residential 1 (LLR-1) and Large Lot Residential 2 (LLR-2) .....	1412
A. Purpose .....	1412
B. Permitted Uses .....	1412
C. Design Standards .....	1412
D. Area and Bulk Standards .....	1412
Section 3.5. Neighborhood Residential 1 (NR-1), Neighborhood Residential 2 (NR-2), and Neighborhood Residential 3 (NR-3) Districts .....	1614
A. Purpose .....	1614
B. Uses .....	1614
C. Area and Bulk Standards .....	1614
Section 3.6. Neighborhood Mixed-Use District (NMU) (new) .....	1917
A. Purpose .....	1917
B. Uses .....	1917
C. Area and Bulk Standards .....	1917
Section 3.7. Manufactured Home District (MH).....	2018
A. Purpose .....	2018
B. Uses .....	2018
C. Area and Bulk Standards .....	2018
D. District-Specific Standards for Manufactured Home Parks or Subdivisions .....	2018
Section 3.8. Downtown Mixed-Use 1 (DMU-1) and Downtown Mixed-Use 2 (DMU-2) Districts	2321
A. Purpose .....	2321
B. Uses .....	2321

C. Area and Bulk Standards .....	<u>2324</u>
D. District-Specific Site and Structure Standards.....	<u>2422</u>
Section 3.9. Highway Mixed-Use District (HMU) (was CH) .....	<u>2523</u>
A. Purpose .....	<u>2523</u>
B. Uses .....	<u>2523</u>
C. Area and Bulk Standards .....	<u>2523</u>
D. Locational Standards .....	<u>2523</u>
Section 3.10. Public 1 District (P1) .....	<u>2725</u>
A. P1: Parks and Open Space.....	<u>2725</u>
B. P2: Public, Civic, and Institutional, Small .....	<u>2725</u>
C. Uses .....	<u>2725</u>
D. Dimensions.....	<u>2725</u>
Section 3.11. Industrial District (IND) (new) .....	<u>2826</u>
A. Purpose .....	<u>2826</u>
B. Uses .....	<u>2826</u>
C. Area and Bulk Standards .....	<u>2826</u>
Section 3.12. Planned Unit Development District (PUD).....	<u>2927</u>
A. Purpose and Intent.....	<u>2927</u>
B. Types of Planned Unit Developments .....	<u>2927</u>
C. Procedures for Approval and Conditions.....	<u>2927</u>
D. Site Plan Requirement.....	<u>2927</u>
E. Permitted Variation from Zoning Standards .....	<u>2927</u>
F. Conditional, Permitted, Accessory and Temporary Uses.....	<u>2927</u>
G. Maximum Density.....	<u>2927</u>
H. Minimum Common Open Space .....	<u>3028</u>
Section 3.13. Supplementary Dimensional Standards .....	<u>3129</u>
A. Setback Encroachments .....	<u>3129</u>
B. Building Height Encroachments .....	<u>3230</u>

## Article 3: Zone Districts

### 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 ~~twelve (12)~~ zoning districts:

Designation	Zoning Districts
R-1	Residential District
LLR	Large Lot Residential
MFR	Multi-family Residential District
MH	<del>Mobile</del> Manufactured Home District
R-10	Resource 10 District
R-35	Resource 35 District
CB-1	Community Business District 1
CB-2	Community Business District 2
CH	Commercial Highway District
P	Public District
LI	Industrial District
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 Article VI.C. 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. ~~The Zoning Administrator shall be responsible for the physical updating and amendment of the official zoning map.~~

#### C. ~~Map Replacement~~

~~In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Trustees may adopt a new official zoning map that shall supersede the prior map. The new official zoning map may correct drafting and clerical errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending this chapter or any subsequent amendment thereto without a duly noticed public hearing as provided herein. Unless the prior official zoning map has been lost or~~

~~totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.~~

#### **D.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 ~~all the area so involved shall then and henceforth 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 ~~Article III.B.4-Section 3.2.C.1~~(a) through (f), above, the property shall be considered as classified R-35, Resource-35, temporarily, and subject to Article VI.C.

#### **Area Regulations**

##### **~~E. Schedule of Residential Area Regulations~~**

~~The following Residential Area Regulations Schedule summarizes the regulations of this Code with regard to minimum lot size, minimum yards, minimum lot width, maximum lot coverage, or maximum building height of residential uses in the various zoning districts. Additional provisions contained in this section or in the individual district regulations may modify the standards shown in the following schedule. In the event of any conflict between the text of this Article and the Schedule of Residential Area Regulations, the text shall control.~~

##### ~~Schedule of Nonresidential Area Regulations~~

~~The following Nonresidential Area Regulations Schedule summarizes the regulations of this Code with regard to minimum yards, maximum lot coverage, and maximum building height of nonresidential uses in the various zoning districts. Additional provisions contained in this section or in the individual district regulations may modify~~

~~the standards shown in the following schedule. In the event of any conflict between the text of this Article and the Schedule of Nonresidential Area Regulations, the text shall control.~~

### Section 3.3. Resource-35 (R-35) and Resource-10 (R-10) Districts<sup>1</sup>



#### A. Purpose

##### 1. R-35 (current)

The R-35, Resource-35 District is designed primarily to accommodate large lot single-family ~~uses~~ 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. ~~In addition to the use and area regulations of this section, development in the R-35, Resource-35 District shall be in compliance with all other applicable provisions of this Code.~~

##### 2. R-10 (current)

The R-10, Resource-10 District is designed primarily to accommodate large lot single-family ~~uses~~ 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. ~~In addition to the use and area regulations of this section, development in the R-10, Resource-10 District shall be in compliance with all other applicable provisions of this Code.~~

#### B. Permitted Uses

1. Permitted and conditional uses are identified in Table 4.1: Permitted Uses.
2. Accessory uses are identified in Table 4.2: Accessory Uses.

#### C. Area and Bulk Standards

Each site in an R-35 or R-10 district shall be subject to the following standards.

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

Development Standard	R-35	R-10
<b>Min. Lot Dimensions</b>		
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
<b>Min. Setbacks (ft)</b>		

<sup>1</sup> R-35 and R-10 zone districts are not currently used within the Town’s corporate limits. Theses districts are included in the LUC for future applicability following annexation.

<b>Development Standard</b>	<b>R-35</b>	<b>R-10</b>
<b>Min. Lot Dimensions</b>		
Front Yard	25	25
Street Side	25	25
Interior Side Yard	20	20
Rear Yard	20	20
<b>Structure Dimensions</b>		
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 3.4. Large Lot Residential 1 (LLR-1) and Large Lot Residential 2 (LLR-2)**



**A. Purpose**

**1. LLR-1 (was LLR)**

The LLR-1 district is designed primarily to accommodate single-family uses 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. ~~In addition to the use and area regulations of this section, development in the LLR, Large Lot Residential District shall be in compliance with all other applicable provisions of this Code.~~

**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.

**B. Permitted Uses**

1. Permitted and conditional uses are identified in Table 4.1: Permitted Uses.
2. Accessory uses are identified in Table 4.2: Accessory Uses.

**C. Design Standards<sup>2</sup>**

**D. Area and Bulk Standards**

Each site in an LLR-1 or LLR-2 district shall be subject to the following standards.

**Table 3.4: LLR-1 and LLR-2 Dimensional Standards**

Development Standard	LLR-1	LLR-2
<b>Min. Lot Dimensions</b>		
Lot Area/unit (sq. ft. or ac.)	43,560	12,000
Min. Lot Width (ft.)	70	70 <sup>3</sup>
Max. Lot Coverage (%)	20	50
<b>Min. Setbacks (ft)</b>		
Front Yard	25	25
Street Side	25	25
Interior Side Yard	20	20

**Comment [EAG1]:** Do we want to allow duplexes in LLR-2 on 12,000 sf lot (not 12,000 sf per unit)?

<sup>2</sup> We are moving the design standards to Article 6, Site and Structure Standards.

<sup>3</sup> Staff comment: This may not work for a land locked parcel with two interior sides.

<b>Development Standard</b>	<b>LLR-1</b>	<b>LLR-2</b>
Rear Yard	20	20
<b>Structure Dimensions</b>		
Min. Area/unit (sq. ft.)	900	900
Max. Height, Principal Bldg (ft.)	35	35
Max. Height, Accessory Structure	[1]	[1]
Notes	[1] Height of principal building	

### Section 3.5. Neighborhood Residential 1 (NR-1), Neighborhood Residential 2 (NR-2), and Neighborhood Residential 3 (NR-3) Districts

#### A. Purpose

##### 1. NR-1 (was R-1)

The R-1, Residential 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. ~~In addition to the use and area regulations of this section, development in the R-1, Residential District shall be in compliance with all other applicable provisions of this Code.~~



##### 2. NR-2 (new)

The NR-2 Neighborhood Residential 2 District is designed primarily to accommodate single and two-unit dwellings on lots of approximately 4,000 to 6,000 square feet in 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.



##### 3. NR-3 (was MFR)

The 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.



#### B. Uses

1. Permitted and conditional uses are identified in Table 4.1: Permitted Uses.

2. Accessory uses are identified in Table 4.2: Accessory Uses.

#### C. Area and Bulk Standards

1. Each site in an NR-1, NR-2, or NR-3 district shall be subject to the following standards.

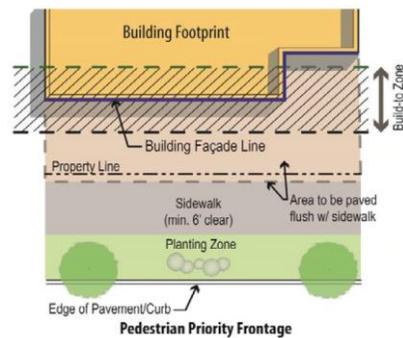
**Table 3.5: NR-1, NR-2, and NR-3 Dimensional Standards**

NR-1	NR-2/ NR-3	NR-1, NR-2, NR-3 [1]	NR-3
------	---------------	----------------------	------

Development Standard	One Unit/ Two Unit	One Unit/ Two Unit	Town house	3-4 DU Apart- ment	5-8 DU Apart- ment	9+ DU Apart- ment
<b>Min. Lot Dimensions</b>						
Lot Area (sq. ft.)	One: 6,000; Two: 3,000 [2]	One: 4000; Two: 2000 [2]	1200	7000/ structure	10,000/ structure	10,000/ structure
Min. Lot Width (ft.)	50	50	20	50	20	50
Max. Lot Coverage (%)	50	60	60	60	60	60
<b>Front Build-to Line (ft)</b>						
Min/max range (ft)	n/a	n/a	10-20 ft	10-20 ft	10-20 ft	10-20 ft
<b>Min. Setbacks (ft)</b>						
Front Yard	10	10	n/a	n/a	n/a	n/a
Street Side	10	10	10 [3]	10	10	10
Interior Side Yard	6	6	6 [3]	15	6	15
Rear Yard	6	6	6	10 [4]	10 [4]	10 [4]
Detached Accessory Structure, <del>Adjacent to</del> <b>Setback from Alley</b>	0	0	0	0	0	0
<b>Structure Dimensions</b>						
Min. Area/unit (sq. ft.)	900	900	900	400	400	400
Max. Height, Principal Bldg (ft.)	35	35	35	35	35	35
Max. Height, Accessory Structure (ft)	[5]	[5]	<u>27</u>	<u>27</u>	<u>27</u>	<u>27</u>
Notes	[1] May require conditional use permit approval in NR-1 district. [2] Minimum lot size is per unit [3] Side setbacks measured at exterior of building, not between individual units [4] 20 abutting LLR-1 or LLR-2 [5] Height of principal building					

- The front build-to-line establishes a mandatory zone in which at least 60 percent of the front façade of the building must be located. Where there is an existing block face average build-to location, new construction and redevelopment shall comply with that build-to location.

*[note: this image is from another community and will be updated to match the Dolores requirements]*



**Drafting Note: Site Layout Discussion about Setback vs. Build-to Lines**

In an early set of project notes, some members of P&Z identified a desire to use form-based codes in Dolores. According to the Form-Based Codes Institute, form-based codes “address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.” Form-based codes are much more specific about where a building is placed on a lot than the Town’s current traditional (or Euclidean) zoning.

To get a feel for how form-based codes work, let’s look at the differences between setback and build-to lines.

In the current Land Use Code, zone districts have setback lines that create a buildable area. Buildings can be located anywhere within the buildable area, as illustrated in Figure A.

In a form-based code, zone districts more typically have “build-to” or required building lines. Buildings are designed to front on the building line to create a continuous frontage that helps to define the street, public areas, and private areas. Form-based development is intended to result in a development pattern that looks like Figure B.

A zoning code can be drafted to include either approach or both approaches; e.g., some districts can have setbacks and some can have build-to lines. The purpose and location of the district can help the Town determine which approach to use where. If it is important to have the houses on smaller lots help define the urban design<sup>4</sup> of downtown, then we should consider establishing build-to lines for some of those lots. If it is not important to use that design tool for residential development, the Town may decide instead that it is better to allow residential development to locate in the best spot on the lot. Maybe a build-to line would work best downtown, where much of the existing urban form (buildings, streets, sidewalks, public spaces) has been established and can be reinforced by site layout standards included in the zone district?

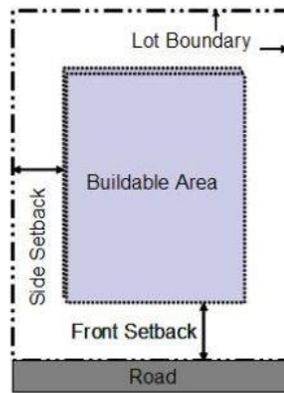


Fig. A: Buildable Area



Fig. B: Build-to Line

As P&Z and the public have an opportunity to discuss these issues, we can talk about how best to make the LUC reflect local urban design priorities.

<sup>4</sup> “Urban design” means the process of designing and shaping the physical features of buildings, streets, and public spaces. It can apply to towns as well as cities and does not mean “we are going to build a huge downtown.”

**Section 3.6. Neighborhood Mixed-Use District (NMU) (new)**

**Comment [EAG2]:** Do we want to convert some CH areas to NMU?.



**A. Purpose**

The purpose of the NMU district is to provide for a compatible mix of residential, small-scale neighborhood serving commercial and civic uses. This district is intended to be placed in a neighborhood setting providing a comfortable and safe pedestrian environment and further enhancing the character of the neighborhood. .

**B. Uses**

1. Permitted and conditional uses are identified in Table 4.1: Permitted Uses.
2. Accessory uses are identified in Table 4.2: Accessory Uses.

**C. Area and Bulk Standards**

Each site in the NMU District shall be subject to the following property development standards.

**Table 3.6: NMU Dimensional Standards**

Development Standard	One Unit, Detached	Two Unit, Attached	Town homes	Multiunit Dwelling	Non-Residential
<b>Min. Lot Dimensions</b>					
Lot Area/unit (sq. ft. or ac.)	4,000	2,000	1200	1200	[1]
Min. Lot Width (ft.)	50	50	20	50	50
Max. Lot Coverage (%)	60	60	70	70	70
<b>Min. Setbacks (ft)</b>					
Front Yard	6	6	6	6	6
Street Side	6	6	6	6	6
Interior Side Yard	6	6	6	6	6
Rear Yard	6	6	6	6	6
Detached Accessory Structure, <del>Adjacent to</del> <u>Setback from</u> Alley	0	0	0	0	0
<b>Structure Dimensions</b>					
Min. Area/unit (sq. ft.)	900	900	900	400	n/a
Max. Height, Principal Bldg (ft.)	35	35	35	35	35
Max. Height, Accessory Structure (ft)	[2]	[2]	27	27	27
Notes	[1] Must meet setback, height, and lot coverage requirements [2] Height of principal building				

**Section 3.7. ~~Mobile~~Manufactured Home District (MH)**



**A. Purpose**

The MH, Manufactured Home District is designed primarily to accommodate multi-family uses. It is intended for application to areas designated “~~Mobile~~ Homes” on the Future Land Use Map in the Comprehensive Plan. In addition to the use and area regulations of this section, development in the MH, Manufactured Home District shall be in compliance with all other applicable provisions of this Code.

**Comment [EAG3]:** Can we update the FLUM?

**B. Uses**

1. Permitted and conditional uses are identified in Table 4.1: Permitted Uses.
2. Accessory uses are identified in Table 4.2: Accessory Uses.

**C. Area and Bulk Standards**

Each site in the MH district shall be subject to the following property development standards.

**Table 3.7: MH Dimensional Standards**

Development Standard	MH	
<b>Min. Lot Dimensions</b>		
Lot Area/unit (sq. ft.)	6,000	
Min. Lot Width (ft.)	50	
Max. Lot Coverage (%)	50	
<b>Min. Setbacks (ft)</b>	<b>Manufactured Home</b>	<b>Other Structures</b>
Front Yard	25	10
Street Side	25	10
Interior Side Yard	10	10
Rear Yard	10	10
<b>Structure Dimensions</b>	<b>Manufactured Home</b>	<b>Other Structures</b>
Min. Floor Area per Principal Dwelling Unit (sq. ft.)	n/a	1 and 2 unit du: 900; 3 or more du: 600
Max. Height, Principal Bldg (ft.)	25	<del>35</del>
Max. Height, Accessory Structure	[1]	<del>[1]</del>
Notes	[1] Height of principal building	

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

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

1. Existing ~~mobile~~manufactured home parks or ~~mobile~~manufactured home subdivisions shall not be enlarged, expanded or additional ~~mobile~~manufactured homes permitted

unless the same shall be brought into compliance with the standards of this subsection and the area regulations of Section 3.7, MobileManufactured Home (MH) zone district regulations.

2. MobileManufactured home parks or mobilemanufactured home subdivisions shall have an internal driveway not less than 20' wide and the internal driveway shall have an all-weather, durable dust-free surface.
3. Each mobilemanufactured home site in mobilemanufactured home parks and mobilemanufactured home subdivisions shall be clearly designated and arranged so that all mobilemanufactured homes have access to the internal driveway.
4. There shall be a minimum of 20' between mobilemanufactured homes, including enclosed porches or other enclosed extensions.
5. All parks and individual mobilemanufactured home sites shall be provided with safe, convenient, all season pedestrian access of adequate width for the intended use.
6. MobileManufactured home parks and mobilemanufactured home subdivisions shall be improved with adequate and sufficient night lighting to enable persons to walk in such areas at night without difficulty.
7. MobileManufactured home parks and mobilemanufactured home subdivisions shall be properly graded and well drained, so as to prevent the accumulation of surface water.
8. Each trailer-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.
9. All refuse shall be stored in fly-tight, water-tight, rodent-proof, dog-proof containers, which shall be located no more than 150 feet from each mobilemanufactured home site. Containers shall be provided in sufficient number and capacity to properly store all refuse generated in the Mobilemanufactured home park or mobilemanufactured home subdivision.
10. Exposed ground surfaces in all parts of a mobilemanufactured home park or mobilemanufactured home subdivision shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
11. A detached, accessory storage building or buildings shall be provided within a mobilemanufactured home park or mobilemanufactured home subdivision containing a minimum storage capacity of 10 cubic yards per mobilemanufactured home site.
12. Exterior boundaries of mobilemanufactured home parks and mobilemanufactured 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 mobilemanufactured home park.
13. MobileManufactured home parks and mobilemanufactured home subdivisions shall connect to the sanitary sewer system.
14. All utility lines shall be installed underground.

15. Each ~~mobilemanufactured~~ home park or ~~mobilemanufactured~~ 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 ~~Mobilemanufactured~~ home park or ~~mobilemanufactured~~ home subdivision. Lawns, parking, driveways, access way, streets, etc. shall not be considered part of the required recreational area and facilities.

~~15.16.~~ Any manufactured home that is replaced shall meet the requirements of this LUC.

**Section 3.8. ~~Community Business Downtown Mixed-Use 1 (DMU-1) and Downtown Mixed-Use 2 (DMU-2) Districts~~**



**A. Purpose**

**1. DMU-1 (was CB1)**

The DMU-1, Downtown Mixed-Use 1 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. ~~In addition to the use and area regulations of this section, development in the CB, Community Business District shall be in compliance with all other applicable provisions of this Code.~~

**Comment [EAG4]:** This is the historic district. Do we need to distinguish it more from the non-historic district?

**2. DMU-2 (was CB2)**

The DMU-2, Downtown Mixed-Use 2 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. ~~In addition to the use and area regulations of this section, development in the CB, Community Business District shall be in compliance with all other applicable provisions of this Code.~~

**Comment [EAG5]:** This doesn't seem to align with the zoning map. Let's discuss.

**B. Uses**

1. ~~Permitted and conditional uses are identified in Table 4.1: Permitted Uses.~~
2. ~~Accessory uses are identified in Table 4.2: Accessory Uses.~~

**C. Area and Bulk Standards**

Each site in a DMU-1 or DMU-2 district shall be subject to the following standards.

**Table 3.8: DMU-1 and DMU-2 Dimensional Standards**

Development Standard	One Unit, Detached [1]	Two Unit, Attached [1]	Town homes	Apartment (max 8 units)	Mixed-Use and Non-Residential
<b>Min. Lot Dimensions</b>					
Lot Area/unit (sq. ft. or ac.)	6,000	6,000	1200	1,200	[2]
Min. Lot Width (ft.)	n/a	n/a	n/a	n/a	[2]
Max. Lot Coverage (%)	100	100	100	100	100

**Table 3.8: DMU-1 and DMU-2 Dimensional Standards**

Development Standard	One Unit, Detached [1]	Two Unit, Attached [1]	Town homes	Apartment (max 8 units)	Mixed-Use and Non-Residential
<b>Min. Setbacks (ft)</b>					
Front Yard	0	0	0	0	0
Street Side	0	0	6	0	0
Interior Side Yard	0	0	6	0	0
Rear Yard	25	25	25	25	25
Detached Accessory Structure, <del>Adjacent to</del> <u>Setback from</u> Alley	0	0	0	0	0
<b>Structure Dimensions</b>					
Min. Area/unit (sq. ft.)	900	900	900	400	Res: 400
Max. Height, Principal Bldg (ft.)	35	35	35	35	35
Max. Height, Accessory Structure	[2]	[2]	27	[2]	[2]
Notes	[1] Conditional use permit required [2] Must meet setback, height, and lot coverage requirements [3] Height of principal building				

**Comment [EAG6]:** Do we want to move to a build-to zone here that is back from the ROW to allow outdoor seating or some landscaping? If so, we should also reduce the rear yard setback.

**D. District-Specific Site and Structure Standards**

**1. Generally Applicable**

- (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.

**2. Downtown Core**

The following standards apply on either side of Railroad Avenue and Central Avenue between N 3<sup>rd</sup> and S 9<sup>th</sup>.

- (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
  - ~~(1)~~(2) Lots with 50 feet or more of street frontage: at least 20 percent of the buildable lot area.

**Section 3.9. Commercial Highway Mixed-Use District (HMU) (was CH)**

**Comment [EAG7]:** Let's look at the zoning map and make sure this is applied in the right locations.



**A. Purpose**

The HMU, Highway 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. ~~In addition to the use and area regulations of this section, development in the CH, Commercial Highway District shall be in compliance with all other applicable provisions of this Code.~~

**B. Uses**

1. Permitted and conditional uses are identified in Table 4.1: Permitted Uses.
2. Accessory uses are identified in Table 4.2: Accessory Uses.

**C. Area and Bulk Standards.**

Each site in the **CHMU** District shall be subject to the following ~~property development~~ standards.

**Table 3.9: HMU Dimensional Standards**

Development Standard	One/ Two Unit	Townhomes	Multiunit Dwelling	Mixed-Use Non-Residential
<b>Min. Lot Dimensions</b>				
Lot Area/unit (sq. ft. or ac.)		1200	1,200	n/a
Min. Lot Width (ft.)		n/a	n/a	n/a
Max. Lot Coverage (%)		70	70	70
<b>Min. Setbacks (ft)</b>				
Front Yard		10	10	0
Street Side		6	10	0
Interior Side Yard		6	6	0
Rear Yard		6	6	25
Detached Accessory Structure, <del>Adjacent to</del> Setback from Alley		0	0	0
<b>Structure Dimensions</b>				
Min. Area/unit (sq. ft.)		900	400	Res: 400
Max. Height, Principal Bldg (ft.)		35	35	35
Max. Height, Accessory Structure		27	27	27
Notes	[1] Height of principal building			

**Comment [EAG8]:** Is this the district where we want to allow larger apartment buildings?

**D. Locational Standards**

**1. Generally Applicable**

- (a) Residential development in mixed-use structures shall be located either behind the front 30% of the building or above the first floor.
- (b) Single and two-unit dwellings are only permitted in mixed-use structures.

**Section 3.10. Public 1 District (P1)**

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

**A. P1: Parks and Open Space**

The P1 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.

**B. P2: Public, Civic, and Institutional, Small**

The P2 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.

**C. Uses**

1. Permitted and conditional uses are identified in Table 4-x: Permitted Uses.
2. Accessory uses are identified in Table 4-x: Accessory Uses.
3. Temporary uses are identified in Table 4-x: Temporary Uses.

**A-D. Dimensions**

Each site in a P2 district shall be subject to the following standards:

**Table 3.10: P1 and P2 Dimensional Standards**

Development Standard	P1	P2
<b>Min. Lot Dimensions</b>		
Lot Area/unit (sq. ft. or ac.)		n/a
Min. Lot Width (ft.)		n/a
Max. Lot Coverage (%)		50
<b>Min. Setbacks (ft)</b>		
Front Yard		25
Street Side		25
Interior Side Yard		10
Rear Yard		10
<b>Structure Dimensions</b>		
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 3.11. Industrial District (IND) (new)**



**A. Purpose**

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 \_\_\_\_\_ 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-x: Permitted Uses.
2. Accessory uses are identified in Table 4-x: Accessory Uses.
3. Temporary uses are identified in Table 4-x: Temporary Uses.

**C. Area and Bulk Standards**

Each site in the IND District shall be subject to the following standards.

**Table 3.11: IND Dimensional Standards**

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

### Section 3.12. Planned Unit Development District (PUD)

#### A. Purpose and Intent

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 for Approval and Conditions

Every PUD District approved under the provisions of this LUC shall follow the rezoning procedure of Article VI.C and be considered an amendment to the zoning map. In approving the Planned Unit Development District, the Town Board may impose conditions relative to the standard of development and such conditions shall be complied with before a Zoning Development Permit is issued for the use of the land or any structure that is part of the Planned Unit Development District. ~~All Planned Unit Development Districts approved in accordance with the provisions of this Ordinance shall be referenced on the Official Zoning Map.~~

#### D. Site Plan Requirement

The establishment of a Planned Unit Development District shall require a comprehensive site plan of the development. Such site plan shall be approved as part of the ordinance approving a Planned Unit Development prior to the issuance of any Zoning Development Permit in the Planned Unit Development. Such required 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; provided that, the overall project shall not exceed the allowable gross density in the zone district in which the PUD (excluding public and private rights of way) by the minimum lot area of the district. Density may be further reduced by the provisions of this section, as appropriate.

#### F. Conditional, Permitted, Accessory and Temporary Uses

The Conditional Use, Permitted, Accessory and Temporary Uses allowed shall be those of the underlying zone district.

#### G. Maximum Density

The maximum density shall be no greater than that permitted in the underlying zone district prior to PUD approval. ~~Furthermore, d~~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.

**H. 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.

**Section 3.13. 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:

**Comment [EAG9]:** This section provides some standard exceptions for review. These should be customized to Dolores, which can include larger or smaller exceptions or deciding not to regulate an item.

Projection	Front	Street Side
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'
Evaporative coolers or air conditioners (ground)	Not permitted	Not Permitted

Projection	Front	Street Side
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:

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'