ORDINANCE NO. 1310
SERIES 2022

AN ORDINANCE AMENDING THE CITY OF CORTEZ LAND USE CODE, SECTION 3.05 – USE REGULATIONS REGARDING CHILD CARE FACILITIES, LARGE HOME BASED.

WHEREAS, uses identified in the City of Cortez Land Use Code (the "Code"), Section 3.05, as Child care facilities, large home based, are classified as Conditional Uses in all zone districts in the City of Cortez; and

WHEREAS, Colorado House Bill 21-1222 codified amendments to the Child Care Licensing Act, C.R.S. § 26-6-101, et. seq, which has been repealed and renumbered as C.R.S. § 26.5-5-301, et. seq, (the Child Care Licensing Act"); and

WHEREAS, the Child Care Licensing Act, as amended, requires that all local regulatory agencies treat all licensed family child care homes as residences for regulatory purposes; and

WHEREAS, the Code currently classifies large home based child care facilities as conditional uses in the RE, R-1, R-2 MH, CBD, C and NB Zoning Districts; and

WHEREAS, the Code currently classifies single family dwellings as Permitted Uses in the RE, R-1, R-2 MH, O and NB Zoning Districts and Conditional Uses in the C Zoning District; and

WHEREAS, at the September 6, 2022 Planning and Zoning Commission meeting, the Planning and Zoning Commission reviewed the revisions to the Code as described in this ordinance and as evidenced by the adoption of P&Z Resolution No. 4, Series 2022; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission recommends that the Schedule of Use Regulations, Cortez Land Use Code Section 3.05 be revised as set forth in this ordinance, as required by the Child Care Licensing Act.

WHEREAS, the authority and procedure for amending the City Land Use Code is set forth in the Cortez City Charter, and the Code.

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT THE CITY OF CORTEZ LAND USE CODE, SECTION 3.05, IS AMENDED AS FOLLOWS:

The classification of Child care facility, large home based, shall be changed from Conditional Uses to Permitted Uses in the RE, R-1, R-2, MH, and NB zones. The classification of Child care facility, large home based, shall remain as Conditional Uses in the C and CBD zones.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. 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 such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon publication after second reading and final passage.

FIRST READING. This ordinance shall be considered first reading on the 13th day of September, 2022, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time this ordinance shall be read and the public hearing for the second or final reading of this ordinance shall be set.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 27th day of September, 2022, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 13th DAY OF SEPTEMBER, 2022.

CITY OF CORTEZ

ATTEST:

_____
LINDA L. SMITH, CITY CLERK

_____
RACHEL B MEDINA, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 27th DAY OF SEPTEMBER, 2022.
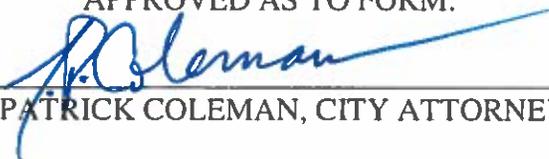
CITY OF CORTEZ

ATTEST:

_____
LINDA L. SMITH, CITY CLERK

_____
RACHEL B MEDINA, MAYOR

APPROVED AS TO FORM:

_____
J. PATRICK COLEMAN, CITY ATTORNEY