

**ORDINANCE NO. 1311,  
SERIES 2022**

**AN ORDINANCE AMENDING THE CITY OF CORTEZ LAND USE CODE, SECTIONS 2.02, DEFINITIONS, 3.06 RESIDENTIAL AREA REGULATIONS, 3.09 R-2 RESIDENTIAL MULTI-FAMILY DISTRICT, 3.10 MH, RESIDENTIAL MANUFACTURED HOME DISTRICT, and 3.14 NB, NEIGHBORHOOD BUSINESS DISTRICT, TO CREATE DEFINITIONS FOR AFFORDABLE AND WORKFORCE HOUSING AND INCREASE DENSITY IN THE R-2, MH AND NB ZONES FOR AFFORDABLE AND WORKFORCE HOUSING.**

WHEREAS, housing costs have been rising rapidly in the City of Cortez; and

WHEREAS, the City Council of the City of Cortez wishes to promote housing for all residents;  
and

WHEREAS, the Cortez Land Use Code (the "Code") currently lacks a definition of affordable housing and workforce housing; and

WHEREAS, the Code currently allows multi-family developments at a density of 3,000 sq. ft. per multi-family unit in the R-2, MH and NB zones; and

WHEREAS, the City Council desires to encourage more affordable and workforce housing projects by allowing an increased density for qualifying development; 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. 7, Series 2022; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission recommends that Sections 2.02, 3.06, 3.09, 3.10 and 3.14 be amended as described in this ordinance:

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, SECTIONS 2.02, 3.06, 3.09, 3.10, AND 3.14, ARE AMENDED AS FOLLOWS:

**Section 2.02 – Definitions** is amended to add the following two definitions:

"Affordable Housing" means housing that is affordable to a household with an income that is eighty (80) percent or lower than area median income of households of that size. Developers will be required to provide assurances that the housing is and will remain affordable for at least 20 years.

“Workforce Housing” means housing that is affordable to a household with an income of between eighty (80) percent and one hundred and forty (140) percent of the area median income for households of that size. Developers will be required to provide assurances that the housing is and will remain affordable for at least 20 years.

**Section 3.09 - R-2, residential multi-family district, Subsection (f)** is deleted in its entirety and replaced with the following:

(f) Minimum Lot Area. The minimum lot area per dwelling unit in the R-2, residential multi-family district shall be as follows, subject to Section 3.06(c) of this chapter:

- (1) Six thousand (6,000) square feet per single-family dwelling unit;
- (2) Three thousand five hundred (3,500) square feet per duplex unit.
- (3) Three thousand (3,000) square feet per multi-family dwelling unit; and
- (4) Two thousand (2,000) square feet per multi-family dwelling unit for affordable and workforce housing. Where affordable and workforce housing projects are mixed with market rate projects the density will be pro-rated based on the percent of affordable versus market units. For example, a project proposing 10 affordable units and 10 market rate units would achieve an overall density of 2,500 sq. ft. per unit.

**Section 3.10 MH, residential manufactured home district, Subsection (f)** is deleted in its entirety and replaced with the following:

(f) Minimum Lot Area. The minimum lot area per dwelling unit in the MH residential manufactured home district shall be as follows, subject to Section 3.06(c) of this chapter:

- (1) Six thousand (6,000) square feet per single-family and manufactured home dwelling unit;
- (2) Three thousand five hundred (3,500) square feet per duplex unit.
- (3) Three thousand (3,000) square feet per multi-family dwelling unit; and
- (4) Two thousand (2,000) square feet per multi-family dwelling unit for affordable and workforce housing. Where affordable and workforce housing projects are mixed with market rate projects the density will be pro-rated based on the percent of affordable versus market units. For example, a project proposing 10 affordable units and 10 market rate units would achieve an overall density of 2,500 sq. ft. per unit.

**Section 3.14 N-B, neighborhood business district, Subsection (f)** is deleted in its entirety and replaced with the following:

(f) **Minimum Lot Area.** The minimum lot area per dwelling unit in the NB neighborhood business district shall be as follows, subject to Section 3.06(c) of this chapter:

- (1) Six thousand (6,000) square feet per single-family and manufactured home dwelling unit;
- (2) Three thousand five hundred (3,500) square feet per duplex unit.
- (3) Three thousand (3,000) square feet per multi-family dwelling unit; and
- (4) Two thousand (2,000) square feet per multi-family dwelling unit for affordable and workforce housing. Where affordable and workforce housing projects are mixed with market rate projects the density will be pro-rated based on the percent of affordable versus market units. For example, a project proposing 10 affordable units and 10 market rate units would achieve an overall density of 2,500 sq. ft. per unit.

**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 11<sup>th</sup> day of October, 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 25<sup>th</sup> day of October, 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.

CITY OF CORTEZ

ATTEST:



LINDA L. SMITH, CITY CLERK



RACHEL B MEDINA, MAYOR

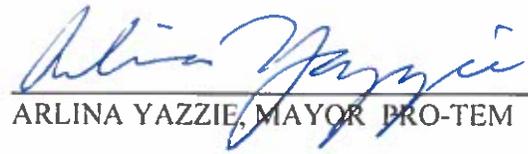
PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 25th DAY OF OCTOBER, 2022.

CITY OF CORTEZ

ATTEST:



LINDA L. SMITH, CITY CLERK



ARLINA YAZZIE, MAYOR PRO-TEM

APPROVED AS TO FORM:



J. PATRICK COLEMAN, CITY ATTORNEY