

**ORDINANCE NO. 1303
SERIES 2022**

AN ORDINANCE AMENDING THE CITY OF CORTEZ LAND USE CODE, SECTION 3.05 – USE REGULATIONS REGARDING DWELLING, ACCESSORY UNIT – ADU.

WHEREAS, uses identified in the City of Cortez Land Use Code (the “Code”), Section 3.05, as dwelling, accessory unit - ADU, are classified as Conditional Uses in the RE and R-I zone districts in the City of Cortez; and

WHEREAS, dwelling, accessory unit – ADU are further subject to the standards in Section 3.05 (22); and

WHEREAS, the City desires to expand the opportunity for ADU’s in additional zone districts; and

WHEREAS, at the October 4, 2022 Cortez Planning and Zoning Commission meeting, the Planning and Zoning Commission reviewed the revisions to the Code as described in this ordinance, as evidenced by the adoption of P&Z Resolution No. 5, Series 2022; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission recommends that the Cortez Land Use Code, Section 3.05, be amended as set forth 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, SECTION 3.05, IS AMENDED AS FOLLOWS:

Section 3.05 – Schedule of Use Regulations is amended to include dwelling, accessory unit - ADU as a Permitted Use (P) in the R-2, MH, NB and C zone districts.

Section 3.05(22) – Accessory Dwelling Units (ADUs) is deleted in its entirety and replaced with the following:

(22) Accessory Dwelling Units (ADUs). This type of use is intended to provide a mechanism to help meet the need of affordable housing by allowing accessory residential dwelling units under certain circumstances in areas normally restricted to a single unit, while preserving existing single-family character. All accessory single-family dwelling units shall be subject to the following requirements:

a. An ADU shall be permitted within the RE and R-I zones in the City as a conditional use and shall be reviewed by the planning and zoning commission and the city council as per Section 6.10 of this code, Conditional use permits.

- b. An ADU shall be permitted within the R-2, MH and NB zones in the City as a permitted use and shall be reviewed by zoning administrator pursuant to these standards.
- c. The parcel must contain an existing or proposed single-family unit. Either the single-family dwelling or the ADU must be occupied by the property owner.
- d. The ADU may be attached or incorporated within the living area of the existing primary dwelling or detached.
- e. The ADU shall not exceed 850 gross sq. ft. of living area.
- f. The ADU may be used for long term rental purposes (greater than 30 days) and shall be reserved for occupancy of one family.
- g. The ADU must be provided with one off-street parking space, in addition to the two required for the existing single family residence as per Section 5.01 of this code. Spaces may be contained in a garage or protected by a carport. The spaces provided may be in tandem.
- h. Any new construction associated with the ADU shall comply with all setbacks, lot coverage, height, and design standards contained within the base zone and shall not alter the general appearance of the primary dwelling as a single-family residence.
- i. The ADU shall have adequate sewer and water services and additional tap fees may be required for the dwelling.
- j. The ADU shall not adversely impact traffic flow or parking in the neighborhood.
- k. The lot shall be a legal lot of record.

An ADU that conforms to these requirements shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the existing general plan and zoning designation for the lot.

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 25th 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 22nd day of November, 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 25th DAY OF OCTOBER, 2022.

CITY OF CORTEZ

ATTEST:



LINDA L. SMITH, CITY CLERK



ARLINA YAZZIE, MAYOR PRO-TEM

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 22nd DAY OF NOVEMBER, 2022.

CITY OF CORTEZ

ATTEST:



LINDA L. SMITH, CITY CLERK



RACHEL B MEDINA, MAYOR

APPROVED AS TO FORM:



J. PATRICK COLEMAN, CITY ATTORNEY