

**ORDINANCE NO. 1305
SERIES 2023**

**AN ORDINANCE AMENDING THE CITY OF CORTEZ LAND USE CODE, SECTION 3.05 -
USE REGULATIONS REGARDING MOBILE VENDORS.**

WHEREAS, uses identified as Mobile Vendors in the City of Cortez Land Use Code (the "Code"), Section 3.05, are classified as Permitted Uses in all zone districts in the City of Cortez with the exception of the CBD, central business district zone; and

WHEREAS, individuals that operate as mobile vendors in the City have requested to operate in the CBD under special conditions such as at approved special events; and

WHEREAS, the Code currently further restricts Mobile Vendors in the CBD under specific provisions in Section 3.05(11); and

WHEREAS, the City has held meetings with the general public, food truck advocates and CBD business owners; 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. 6, 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 to allow Mobile Vendors as Conditional Uses in the CBD zone; and

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 classify a Mobile Vendor as a Conditional Use in the CBD Zoning District.

Section 3.05(b)(11) is deleted in its entirety and replaced with the following:

(11) Mobile vendors shall be allowed as a permitted use on public or private property in the CBD zone at approved temporary, special events such as Third Thursdays and the Farmers Market. Mobile vendors may be allowed in the central business district (CBD) outside of special events only after issuance of a conditional use permit with full consideration for impacts on adjacent businesses. Mobile Vendors in the CBD shall only be allowed in approved locations and never in public right of way of State or Public roads, unless closed for approved special events. Mobile vendor food courts may be

approved with a Conditional Use Permit on private land in an approved location. The Conditional Use Permit shall state the time that the Mobile vender may remain on the property, which may exceed the limits in Chapter 15. Mobile vendors shall also be regulated as set forth in the Cortez City Code at Chapter 15, Article IX, Mobile Food Vendors Sections 15-66 thru 15-68.8 and all other applicable Cortez City Code sections, now in effect or as may be amended from time to time with the exception that the Conditional Use Permit shall determine the time frame.

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.

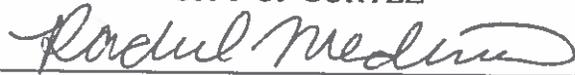
EFFECTIVE DATE. This ordinance shall be effective upon publication after second reading and final passage.

FIRST READING. This ordinance shall be considered on first reading on the **10th day of JANUARY, 2023, at the hour of 7:30 p.m.**, in the City Council Chamber 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 **24th day of JANUARY, 2023, 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 10TH DAY OF JANUARY, 2023.

CITY OF CORTEZ



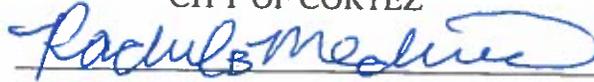
RACHEL B. MEDINA, MAYOR

ATTEST:


LINDA L. SMITH, CITY CLERK

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS
24TH DAY OF JANUARY, 2023.

CITY OF CORTEZ



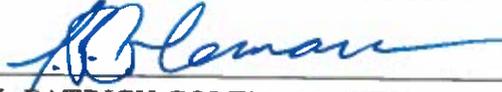
RACHEL B. MEDINA, MAYOR

ATTEST:



LINDA L. SMITH, CITY CLERK

APPROVED AS TO FORM:



J. PATRICK COLEMAN, CITY ATTORNEY