

LAND USE CODE ASSESSMENT REPORT

August 30, 2023

PREPARED BY LOGAN SIMPSON

CORTEZ LAND USE CODE & HOUSING POLICY UPDATE

Building a Strong Foundation Together



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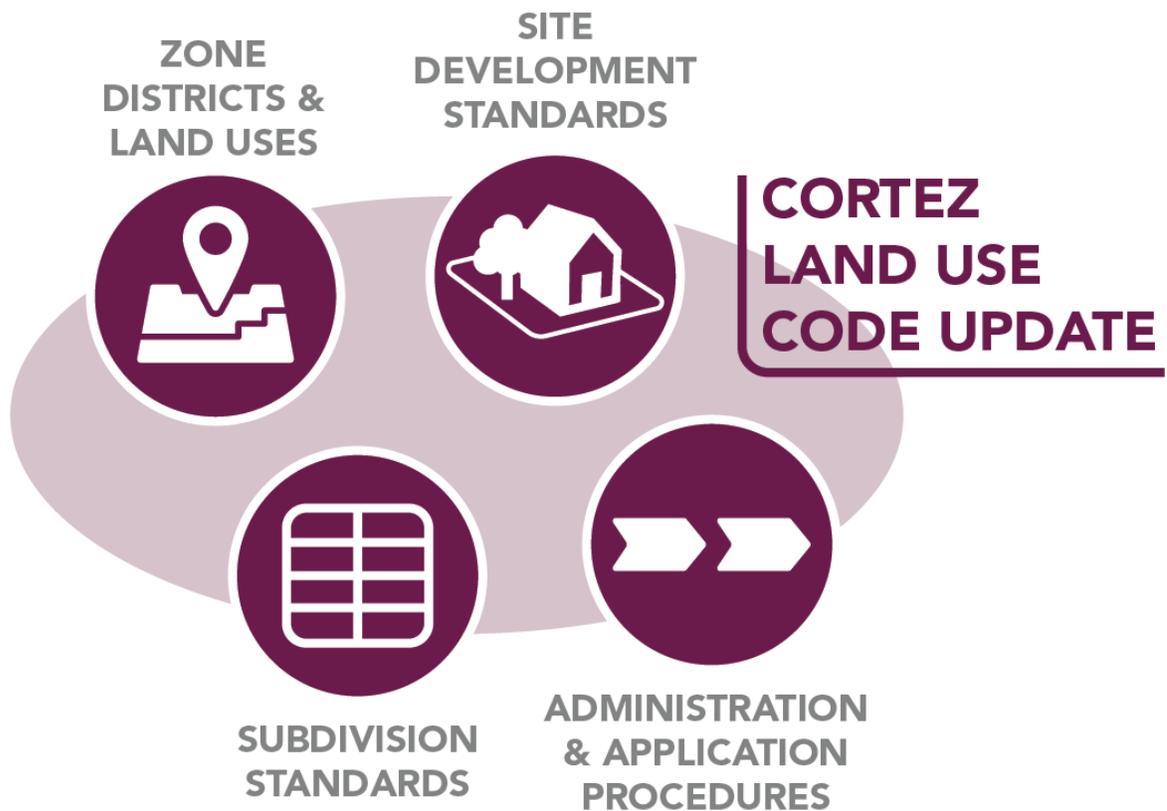
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INTRODUCTION

Project Overview and Purpose

The City of Cortez is in the process of updating the Cortez Land Use Code (LUC) and housing policies. The current LUC was adopted in 1996 and has been amended numerous times over the years. Since the initial adoption, almost 30 years ago, the City has grown and needs have changed. The current LUC needs an update specifically for ease of administration and simplification of review processes, as well as inclusion of standards that support the city's housing needs. For context, the Land Use Code is comprised of zone district regulations, use regulations, subdivision standards, site development standards, administration and application procedures.



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Overall Process

The City's Land Use Code (LUC) and Housing Policy Update will take place between April 2023 – June 2024. Throughout the four phases, as detailed in the below graphic, community members will have opportunities to share input on their top priorities.



Guiding Principles

The following guiding principles were established by the project team (City staff, community representatives, and consultants) during the initial kickoff of the Land Use Code and Housing Policy Update:

1. **ENSURE THE LUC IS USER-FRIENDLY.** The LUC should be easy for the public, applicants, and administrators to understand and use. Information should be logically arranged, easy to find, and include language and graphics that are attractive and clear.
2. **MAKE THE RIGHT THINGS EASY.** The LUC should result in a clear and concise approval process that encourages the type of development described by the City's established vision, goals and policies with a clear and concise approval process for.
3. **BALANCE FLEXIBILITY AND PREDICTABILITY.** The updated LUC should balance the benefits of clear, objective standards with common sense flexibility to best meet the needs of the Cortez community. The update process should increase transparency in the application and approval process to provide landowners, applicants, and the public with predictability.
4. **ENGAGE THE PUBLIC.** A code is not just a document—it is a process. To ensure long-term success, the LUC should reflect the input of a broad range of community members. The update process should utilize multiple avenues and platforms to engage the public and allow them to participate in shaping the future of Cortez in a meaningful way.

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5. **RIGHT-SIZE THE STANDARDS AND PROCEDURES.** The LUC should not over- or under-deliver. The zoning and subdivision standards should ensure that development reflects the expected level of design as well as the unique needs and market conditions in Cortez.
6. **PRESERVE AND ENHANCE LOCAL CHARACTER.** The LUC should support the landscapes and heritage that make Cortez unique. The Code should protect and enhance local cultural, environmental, and historic resources that contribute to the community's shared connection to place.
7. **RESPOND TO HOUSING NEEDS.** The LUC and Housing Policy Update should address current housing constraints and opportunities and lay the foundation to meet community housing needs.

How to Navigate the Assessment Report

This assessment report considers all public feedback; input from staff and elected and appointed officials; and the professional opinion of the consultant team, and serves as an updateable, living document that outlines a general roadmap for the LUC update process. Each of the recommendations discussed in this document will take time to develop and many may require additional public outreach and continued discussion with staff and elected and appointed officials. The following pages combine results of community feedback and detailed review of the existing LUC into recommendations for the update. Each section includes background and technical details followed by a summary of the suggested recommendations.



Recommendations from the **2023 Cortez Housing Needs Assessment** have also been incorporated into this document and noted with the housing icon to the left. The prioritization of these recommendations will need to be discussed with staff and considered in conjunction with the **2023 Cortez Housing Action Plan**.



PUBLIC ENGAGEMENT OVERVIEW

On behalf of the City, Logan Simpson, conducted over thirty one-on-one and small group listening sessions, soliciting feedback from nearly 40 community members. In these meetings, which were held both in-person and virtually between April 25 through May 12, community members had the opportunity to share their input on challenges and opportunities as it relates to the City's current LUC and housing policies. This section summarizes emerging themes that came out of the listening sessions.

Who We Heard From

We heard from a diverse array of nearly 40 community members. The following representatives participated in either one-on-one or small group listening sessions:

- **CITY AND COUNTY RESIDENTS**, including current and potential property owners
- **PLANNING AND ZONING BOARD MEMBERS**
- **CITY COUNCIL MEMBERS**, as part of a Council Work Session
- **CITY STAFF**, including planning, permitting, public works, and engineering staff
- **PUBLIC AND NON-PROFIT PROJECT MANAGERS**, including professionals in land conservation, early childhood learning, and regional planning
- **LOCAL BUSINESS OWNERS**, including developers, construction company owners, and downtown local business owners

Outreach Goals

The goal of the one-on-one and small group listening sessions was to obtain more specific feedback on the following questions:

1. *Is the LUDC easy to use? What revisions could make it more user-friendly?*
2. *What works well with the current LUDC?*
3. *What does not work well with the current LUDC?*

Participants were prompted to consider the following topics when addressing the above questions:

1. *Land use impacts (e.g., noise, light, traffic)*
2. *Use standards (housing types, definitions and standards of specific allowed uses)*
3. *Zoning and dimensional standards (density, lot size, height, setbacks)*
4. *Application procedures and process*
5. *Review criteria*
6. *Additional standards that are missing from the current LUDC*



Emerging Community Priorities: Listening Session Summary

The following emerging community priorities represent what consultants heard during the small group and in-person listening sessions. As readers may notice, some of the ideas conflict with one another, representing the varied perspectives held by the broader community. These topics have been reviewed by consultants and used to develop a balanced set of recommendations, as described in the *Land Use Code Update Recommendation* section of this report.

Administration/Process

- Interest in clarifying criteria, for both applicants and those reviewing
- Interest in improving processes:
 - Clearer role of P&Z in admin and procedures
 - Engineering/Public Works should review plans earlier in process
 - Variance process needs review
 - Better coordination needed with CDOT
 - Reference needed to Master Streets Plan
 - In general, developers believe process runs smoothly if they are thorough with their applications; Some mentioned the lengthy process as a drawback
- General support for incentive-based standards
- Interest in flow charts/decision-making table

Code Structure/Organization/Language

- No major issues with the current code structure
- Broad support for more user-friendly language and eliminating redundancies
- Broad support for improving and overhauling the definitions sections
- More illustrations to accompany code language is welcome
- Interest in better aligning code with the Comprehensive Plan
- Interest in a more specific purpose section before Criteria
- Include plant list in separate document

Subdivision Standards

- Major/Minor Subdivision Process needs to be reviewed
 - Interest in major site plans going through PC with CC appeal
 - Interest in Minor site plans going through administrative process
- Subdivision improvement agreements should be referenced in LUC
- Some preferences for larger parcel subdivisions in more rural areas (35+ acre parcels) to support land conservation and wildlife crossings

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- Make sure new code builds in language related to bonds, letters of credit, calculating the cash-in-lieu, etc.
- Review ROW dedication language

Site Development and Design Standards

- Review the following site development/design/dimensional standards, especially as they relate to reducing barriers to development:
 - Parking
 - Lot Size
 - Setbacks
 - Sidewalks
 - Landscaping
 - Signage
 - Density
- Low-impact development should be incentivized if incorporated
- Drainage Study should be required/ Review of Floodplains
- Interest in incentivizing renewable energy infrastructure
- Dark Sky Compliance is important to community
- Review non-conforming standards
- More promotion of adaptive reuse
- Interest in addressing density of Manufactured Homes and adherence to fire code

Affordable/Workforce Housing

- Significant concerns around housing affordability
- Current code doesn't encourage middle-income housing, multi-family housing and workforce housing
- Broad support for reducing barriers to building "Missing Middle" housing, which currently doesn't pencil out
- Concern around decreased quality of life and rural character of the area if code becomes less restrictive to accommodate more affordable housing
- Interest in incentivizing adaptive reuse for affordable housing
- Interest in Tiny Homes

Zoning and Uses

- General interest in infill housing near Downtown
- Strong support for more mixed-use development
- Interest in making daycares permitted by right in more zones

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- Short Term Rentals (STRs):
 - Some interest in setting limits on number of allowed STRs
 - Interest in permitting STRs
- Update non-conforming uses section to allow for more leniency on changing uses
- Temporary uses section is not working and need to be reviewed
- Clarify needed on what can go in industrial and commercial uses
- Consider if and where design guidelines may be appropriate
- Cannabis regulations need to be reviewed and addressed in use table
- Historic Districts procedures and enforcement should be reviewed

Other Related Considerations

- Transportation:
 - Public transit was mentioned by many as a community priority
 - Interest in traffic calming measures
 - Sidewalk connectivity and street crossing was mentioned as priority
 - Truck unloading areas and downtown RV parking needed for tourists
- Water conservation:
 - Water conservation plan should be referenced in code
 - Interest in gray water recycling
- Agricultural heritage, community gardens, and bee keeping were mentioned as priorities
- There is a lack of parks and grocery stores on Southside of City
- Code should reference archaeological areas in some way
- General concerns around vacant buildings
- Interest in better use of outdoor spaces, including allowing vendors to sell outside and provide more sidewalk seating in front of restaurants



LUC UPDATE RECOMMENDATIONS

General Overview

This section of the Assessment Report provides a discussion of recommendations based on a comprehensive review of the existing LUC, the City’s Comprehensive Plan, and feedback generated from listening sessions with the community. The consultant team has also incorporated recommendations based on the 2023 Housing Action Plan, which has gone through a public process over the past year. Many of the recommendations will need further discussion among staff and community members to develop balanced code language that best suits the needs of Cortez.

While the LUC is currently organized in seven, fairly well-organized chapters, content and language updates will help address the current challenges related to development and code ambiguities. Many sections could be condensed or simplified to reduce redundancies, while others need to be expanded to include clearer, more specific and current language. Purpose and intent statements throughout are very helpful and should be added to all sections for consistency. The tables included throughout the code are also well formatted, consistent, and helpful in outlining many of the standards and procedures. In general, improving definitions is needed to clarify regulations and make the code more user-friendly.

General Recommendations

- Reduce redundancies throughout LUC.
- Ensure purpose and intent statements are consistent throughout LUC.
- Improve definitions throughout to clarify content for all users and modernize antiquated terminology.
- Add more graphics and tables to clarify regulations and processes.
- Make stronger statements by removing the words should, encourage and may and replacing with more specific standards requiring less interpretation.

Connection to Comprehensive Plan

As noted above, the LUC recommendations in this report are also guided by the goals, objectives and policies identified in the City’s [2008 Comprehensive Plan](#) and the vision depicted in the [2020 Vision for the City of Cortez](#).

Key relevant goals within Chapter 5 – Land Use Plan:

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- Goal 5.1: Establish land use patterns within the City to provide coordinated and responsible growth.
- Goal 5.2: Continually improve the sustainability and efficiency of new and existing Land Uses.
- Goal 5.2: Protect and enhance the visual aesthetics of the community, including mountain views and visual corridors.
- Goal 5.4: Expand infill and rehabilitation opportunities within the city limits.
- Goal 5.6: Maximize economic opportunities within Cortez without sacrificing quality of life.

Key relevant goals within Chapter 6 – Housing:

- Goal 6.1: Develop and maintain safe, desirable, and quality housing for all current and future residents, with emphasis on affordability/attainability and revitalization of neighborhoods.
- Goal 6.2: Continually improve the quality of existing houses and neighborhoods.
- Goal 6.3: Ensure that new housing is efficient, safe, compatible, and of sustainable building design.
- Goal 6.4: Expand opportunities for quality housing that is affordable and meets the needs of all residents.

Key relevant goals within Chapter 7 – Transportation:

- Goal 7.1: Maintain a transportation system that safely and efficiently meets the needs of residents, businesses, and visitors.
- Goal 7.2: Decrease traffic impacts on downtown and other areas of the community.

Key relevant goals within Chapter 8– Public Facilities and Services:

- Goal 8.3: Facilitate adequate emergency services, healthcare access, day care, and assisted living to meet the needs of all city residents.
- Goal 8.8: Construct new city facilities to aid in service expansion.

Key relevant goals within Chapter 9 – Natural Environment:

- Goal 9.1: Maintain natural biodiversity and critical lands, and preserve and enhance the natural physical environment within the city.
- Goal 9.2: Help to protect natural biodiversity and critical lands in the natural environment surrounding the city of Cortez through coordinated management, education, legislation, incentives, and requirements.
- Goal 9.4: Maintain healthy populations of native animals in and around the city.

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- Goal 9.5: Carefully manage the air, water, and soil on which city residents depend.

Key relevant goals within Chapter 10 – Parks, Recreation, Trails, and Open Space:

- Goal 10.1: Make Cortez a place where people come from all around to recreate and enjoy the environment.
- Goal 10.4: Leverage the City's resources to continually enhance the urban parks, trails, natural areas, urban forests and gardens, and recreational opportunities in the city.

Key relevant goals within Chapter 11 – Economic Development

- Goal 11.1: Sustain a well-balanced and diverse local economy.
- Goal 11.2: Serve the local economy through the provision of adequate infrastructure, emergency services, and land use designations.

Key relevant goals within Chapter 12 – Downtown Development

- Goal 12.1: Strengthen downtown as the retail, business, cultural, and governmental center of Cortez to help ensure the long-term viability of the downtown area.
- Goal 12.2: Enhance downtown's character by creating an aesthetically-appealing experience for daytime and nighttime functions.
- Goal 12.3: Provide a safe, pedestrian-friendly environment for downtown visitors and employees.

Recommendations By Chapter

CHAPTER 1 – GENERAL PROVISIONS

1.08 – Non-Conforming Provisions

To improve clarity related to non-conforming uses and structures, discussion is needed in respect to maintenance and repairs. The code currently states that alterations must not exceed fifty (50) percent of its assessed valuation unless such building or structure is changed to be a conforming use. Amending this language to include reference to size of structure could be easier to assess and result in more consistent administration of this provision.

In addition, the code currently allows for the rebuilding of non-conforming uses and structures that are destroyed by various causes. While there are currently some exceptions (1.08(a)(5)), the code is relatively flexible related to rebuilding of non-conforming uses and structures. One option to amend these regulations is to limit the rebuilding of non-conforming uses and structures to specific areas within the City, such as the Downtown.

1.09 – Enforcement and penalties



The enforcement regulations need to be updated to amend violations of code provisions from a misdemeanor to a civil offense to better reflect the nature of the violation.

Chapter 1 Recommendations

- Threshold for maintenance and repairs of non-conforming uses should be adjusted.
- Rebuilding of non-conforming uses should be limited to specific areas within the City, such as Downtown.
- Code violations should be amended from a misdemeanor to a civil offense.

CHAPTER 2 - RULES OF CONSTRUCTION, DEFINITIONS AND INTERPRETATIONS

2.02 – Definitions

Based on feedback from a wide array of community members as well as staff and consultant review of Chapter 2, there is significant interest in improving definitions to clarify regulations and in some cases remove antiquated terms. Some terms need to be better defined, some new definitions need to be written, and standards should not be buried within definitions. Many defined uses within the definitions section could also be moved to Chapter 3, but this should be discussed further with staff. As the project team moves through updates, the consultants will keep an on-going list of terms that need to be defined or definitions that need to be moved from one section to another.

In particular, the below list of terms were referenced during listening sessions and will be reviewed and redefined or defined for clarity:

- Front Yard
- Single-family equivalent
- Manufactured/Mobile Home and Manufactured Home Park (remove standards from definitions)
- Log Home
- Fraternal Youth Organizations
- City Clerk (change to Clerk)
- Replats and Plat Amendments (clarify difference)
- Apartments vs Multifamily dwellings (clarify difference)
- Hotels/Motels; Bed and Breakfasts; Short-Term Rentals
- Batch Plant
- Caretaker or Guard Residence
- Essential Services

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- Farm Stand/Farmers Market should be added under “Custom Personal Services,” which should also be better defined
- Mobile vendor (Clarify if this is only food related)
- Neighborhood Commercial
- Dust Free (Does this mean paved road?)
- Campground (define as use)



In addition to these above terms identified in listening sessions, the **2023 Housing Needs Assessment** also identified a number of terms that need to be removed or redefined to better accommodate community housing needs.

- *Affordable and Workforce Housing (redefine to ensure it can apply everywhere the City uses it.*
- *Dwelling, Accessory dwelling unit*
 - *Consider editing to something like “A dwelling unit clearly incidental and subordinate to a primary dwelling unit including provisions for living, sleeping, eating, cooking and sanitation.” The current definition contains regulations that appear to have been changed by Ord 1303.*
- *Dwelling, Multi-family dwelling*
 - *This definition includes “3 or more residential dwelling units” while the use table has separate rows for “Dwelling, 3, 4, 5 or 6 family” and “Dwelling, multi-family 7 or more”. Consider defining these separately, or preferably, add more specific definitions for more housing types like triplex, fourplex, townhouses, etc.*
- *Dwelling, factory built*
 - *It appears that the only non-site built housing allowed is HUD-certified units defined as “Manufactured home dwelling” and Park trailers. Consider defining factory-built housing to allow for dwelling units built in a factory, and certified by the State. Factory-built housing should be allowed anywhere residential uses are allowed.*
- *Manufactured home park*
 - *Consider updating this definition to include 3 or more units rather than 2. With increased flexibility for ADUs, the current definition could potentially categorize a house with an ADU as a manufactured home park.*
- *Single-family equivalent*
 - *It is not clear that this term is used anywhere in the code. Consider removing it.*



- *Usable floor area*
 - *It appears that this term only applies to parking and group home regulations. It is quite technical and could easily be replaced by "floor area," which is already defined and much more straightforward.*

Chapter 2 Recommendations

- Maintain list of terms that need to be defined, removed, or amended through update process to incorporate new and improved definitions in the updated code, including all identified in this section.
- Consider moving defined uses to Chapter 3.
- Ensure standards are not buried within definitions.

CHAPTER 3 - ZONING DISTRICT REGULATIONS

Some reorganization and simplification of this chapter could make it more user friendly. Specifically, users must toggle back and forth between Chapter 2 and Chapter 3 when reviewing use definitions. Moving use definitions into Chapter 3, as recommended above, could improve the code review experience for all users. Simplifying area uses, specifically residential area uses, could also reduce text and make content and differences between residential dimensional standards clearer. These considerations are described in more detail below. In general, dimensional standards graphics could help clarify language throughout this Chapter.

3.05 – Use Regulations

As stated in Chapter 2 recommendations, use standards should be moved from the definitions section in Chapter 2 to Chapter 3.05 below the use regulations table. This will reduce the number of times users must toggle back and forth between chapters. Some of these use definitions could also be amended, so that differences between uses are clearer.

3.05(a) - Use Table

Within the use regulation table itself, adding a right-hand column referencing specific use criteria sections (if applicable) could also improve user experience. Additionally, the list of uses will be reviewed and updated to ensure current trends and terminology are captured. How those uses are applied (permitted vs. conditional) will be reviewed and updated for each zone district.



The **2023 Housing Needs Assessment** recommends adjusting content within the use regulation table. Specifically, the assessment recommends allowing additional residential uses in all or most districts. As stated in the report, *“Single-family homes are widely permitted across most districts, but more affordable housing types, like duplexes and multi-family, are not. Defining and then allowing more diverse housing types by-right in more zone districts is a key recommendation for enabling increased housing supply.*

Consider allowing additional residential uses in almost all districts. For example, modify the single-family district to allow for duplexes and triplexes on smaller lots and modify the multi-family district to allow for 7+ units by-right on smaller lots. In established neighborhoods, infill development will happen slowly and begin to integrate more affordable housing types throughout the City.

If allowing for more uses in existing districts is not desirable, consider creating a new zoning district that allows for much higher densities. The City could legislatively rezone properties or allow for rezoning applications on a case-by-case basis.”

3.05(b) - Special Use Conditions

The **2023 Housing Needs Assessment** also recommends amendments to single-family and two-family dwellings as well. These include:

- *a - remove 24' min. wall dimension of principal structures*
- *b.2 - allow additional exterior materials*
- *b.3 - revise or remove roof pitch requirement*

As stated in the Assessment, “these regulations can add cost to a project. Consider revising these regulations to make building more flexible and cost-effective. Keep those that are key to maintaining the desired community character.”

In addition, the Assessment recommends amendments to accessory dwelling units. These include:

- *e (Ord 1303) - “gross sq. ft. of living area” is not a defined term, consider using a different term*
- *f - Clarify if ADUs “may” be used for long-term rentals or “shall” be*
- *j - remove or edit the regulation on adverse impacts on traffic flow or parking*

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As stated in the Assessment, “The LUC already defines “floor area” and “usable floor area.” Consider using one of those terms rather than introducing a new term. The more straightforward the term, the easier it is to understand and implement. If ADUs are not to be rented under 30 days, then “may” needs to be changed to “shall.” Consider removing item j or revising it to be less subjective.”

3.06 – Area regulations

Renaming area regulations (3.06) to dimensional standards or spatial standards is recommended. Staff prefer keeping the structure of the dimensional standards table as is. No significant changes to the organization of dimensional standards is recommended, aside from potentially combining some residential area regulations and adding setback and lot areas from the text below the table to the area regulations table itself. The text below the area regulations table includes references to lot areas and setbacks, all of which should be more explicitly stated within the area regulations table itself. Graphics for some of the dimensional standards are also recommended to accompany the table.

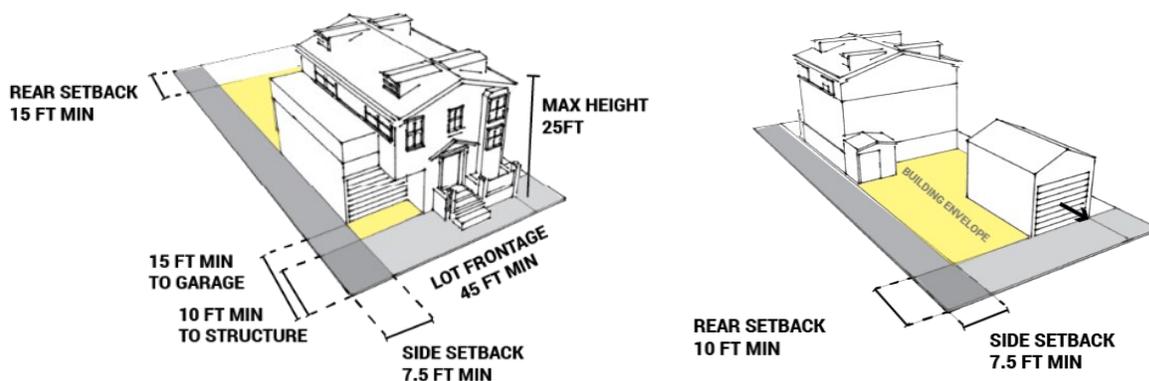


Figure 1: Example of dimensional standards graphics to accompany table.

Staff and consultants will also review specific dimensional standards in each district. Specific attention will be given to lot size and setbacks to ensure the code is able to accommodate a variety of housing types. Many community members, especially multi-family housing developers expressed concerns around the code’s limitations related to their abilities to build 2-4+ unit housing. Specifically, in the R-2 zone, there are a significant number of platted, non-conforming lots that could support multi-family housing, but developers are currently limited due to the restrictive dimensional standards.



The **2023 Housing Needs Assessment** made similar recommendations regarding dimensional standards as strategies to reduce the cost of development and promote more housing development. Recommendations are as follows:

- *Min. lot area/unit*

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- *Consider reducing in many districts for many uses. The minimum lot areas are quite large. Reducing these minimums can have significant impact on the cost of housing by being able to build more units on less land.*
- *Setbacks*
 - *Setbacks for residential uses are almost the same in all districts: 20' front, 7' side, and 7' rear. Reduce in at least some districts. Consider that less than 10' of building separation triggers additional requirements in the building code.*
- *Max. lot coverage*
 - *Establishing a maximum lot coverage is not needed as setbacks, parking, and other regulations help limit lot coverage.*
- *Min. floor areas*
 - *While these minimums are not restrictively too large, they are not necessary. Let the building code regulate this. Smaller is generally more affordable. Let builders determine what the market needs.*
- *Min. lot width*
 - *Consider reducing in many districts for many uses. These minimums, generally about 50' to 60', are quite large, and by reducing them, more units could be built on less land, or more creative layouts could be utilized.*
- *3.16 PUD*
 - *PUDs are intended to allow flexibility and should not be restricted to only projects with specific land area. Reduce or remove the land areas required to do a PUD. Also consider asking for some amount of affordable/workforce housing units in exchange for something the developer wants, like increased density. Note that this is not recommending broad inclusionary zoning, but rather as PUDs are negotiated.*



Chapter 3 Recommendations

- Consider moving defined uses from Chapter 2 to Chapter 3.
- Rename area regulations to dimensional standards or spatial standards.
- Move text related to dimensional standards that is below area regulations table into table. This is specifically in reference to setbacks and lot area dimensions.
- Consider amending a variety of dimensional standards to accommodate more housing types and prioritize those referenced in the *2023 Cortez Housing Needs Assessment*.
- Consider opportunities, including updates to dimensional standards, that will make currently platted, non-conforming lots conforming.

CHAPTER 4 - SUBDIVISION STANDARDS

This chapter is generally organized well and contains a good framework of information. That said, additional detail in many sections could help guide development in a direction to better meet the goals of the Comprehensive Plan and City Vision. What differentiates a major versus a minor subdivision could be defined in this section and reference the application procedure for each as defined in Chapter 6 including clarification on what defines a replat versus a new subdivision. Subdivision improvement agreements should be added to this section with specific standards for content and timing of submission. Additionally, a section needs to be added to describe bonding, letters of credit, and how to calculate in lieu fees as applicable. Sections 4.01, and 4.02, 4.07-4.11 are generally in good shape and will only require minimal edits for consistency. Below is an analysis of the primary sections that will require more review and revision.

4.03 – Streets and Alleys

This section could benefit from a more thorough review with Public Works to ensure the thresholds and dimensions are right sized for Cortez. Right-of-way language could be strengthened and graphics will be developed to illustrate dimensional standards.

4.04 Easements

The language in this section is vague therefore specific dimensions for desired easement widths will be developed, specifically related to irrigation ditch and drainage easements.

4.05 Public Land Dedication

This section will be reviewed in detail with staff to assure that the right level of dedications are taking place. Additionally, Public Works and Engineering staff have expressed a desire to require dedication of land along major drainages for conservation to contribute to a more City-wide drainage system for resiliency to high water events and flash flooding.

4.06 Drainage

Tying into the previous recommendation, this section should incorporate more specific standards to guide development and encourage more low impact development methods for stormwater management.



The **2023 Housing Needs Assessment** made Chapter 4 recommendations regarding *Streets and Alleys and Dedication Requirements/Cash in Lieu of Dedication*. Recommendations are as follows:

•4.03 - Streets and Alleys

- *Revisit street widths to determine if they can be reduced. Less land used for streets can mean more land available for housing while also reducing up front and long-term maintenance responsibilities.*

• 4.05(c) Dedication requirements and (f) Cash in Lieu of Dedication

- *Revisit the required 5% public land dedication or fee-in-lieu*
 - *This can add to the cost to develop while also adding long-term maintenance costs for the City. Consider revisiting this requirement or providing an exception for affordable and workforce housing.*

Chapter 4 Recommendations

- Add language to better define minor versus major subdivision and replat.
- Add subdivision improvement agreement standards.
- Add language on bonding for improvements.
- Review street standards and add graphics.
- Enhance easement language to provide specific dimensions and standards.
- Review and update public land dedication language as applicable.
- Update drainage standards to ensure preservation of priority drainageways and to incorporate low impact development standards for stormwater management.



CHAPTER 5 - SITE DEVELOPMENT STANDARDS

In general, this Chapter needs review as it relates to specific site development standards and how they may limit or allow certain building types. Many community members expressed interest in removing barriers to building multi-family housing, while others expressed interest in maintaining regulations that preserve the community's rural character. The project team will continue to review specific site development standards to balance the aforementioned community interests. In general, there is also broad interest in incorporating graphics to help describe some of the technical code language. Specific sub-section considerations are described below in more detail.

5.02 – Parking, loading and access

Parking was a topic mentioned by many community members during listening sessions. There was interest in exploring shared parking, parking incentives, and a reassessment of residential and commercial parking requirements. Within the "Off-Street Parking and Loading Requirements" table, *2 parking spaces per single-family equivalent* are required for all residential housing types, except for those *occupied by the elderly*, in which case 1.5 parking spaces are required. The term single family equivalent which should be replaced with number of units or defined in Chapter 2. Discussion is needed around potentially reducing the 2-parking space minimum in some areas for some or all residential housing to increase feasibility of building a variety of housing types. For example, residential housing structures of 1-10 dwelling units all require two spaces. This category could be disaggregated, and the minimum could be reduced for higher density development. In addition, the listening session feedback revealed that in some cases parking requirements have been prohibitive to commercial development and that there needs to be a provision for RV parking on streets and in general throughout the community. Further discussion is needed to determine if and where commercial parking requirements can be reduced. One potential consideration is including text that allows for reduced parking requirements if an applicant can prove they don't need the required number of spaces.



The **2023 Housing Needs Assessment** also made recommendations related to reducing minimum parking for multi-family housing and in the CBD, per section 5.02(d). As noted in the Assessment, *"Parking adds significant cost to development. Consider reducing multi-family parking minimums to 1 or 1.5 spaces per dwelling unit. Consider allowing all permitted uses in the CBD to not provide parking, not just those 10,000 sq. ft. or less. Consider also allowing for shared parking agreements with neighboring uses to utilize land more efficiently."*

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As highlighted by staff, gravel parking materials, or those referenced as unacceptable in 5.02(f)(2)(a), are currently non-compliant, so language should be incorporated into the code that describes when property owners must become compliant. This could be addressed by requiring compliance if, for example, 50% or more of a structure changes or is redeveloped.

5.03 – Sidewalks

As highlighted by City staff within the engineering department and by community members interested in safer pedestrian facilities, there is a need for wider sidewalks in Cortez. Current sidewalk construction standards, per 5.03(b), state the following:

- Central Business Sidewalk Width: 5ft*
- Commercial Highway District: 5ft*
- Neighborhood Business District: 5ft*
- All other Districts: 4ft*

Discussion around wider sidewalk dimensional requirements for new development within all zones is needed to increase pedestrian safety across the City. These could use the [NACTO urban street guide](#) as a base for reference. Additionally, location requirements should be added either in this section or in Chapter 4, Subdivisions, to better define when and where sidewalk improvements are required.

5.04 – Fences and walls

This section should be reviewed for consistency. For example, fence height for commercial and industrial areas is 7', but 8' for rear yard residential development. This discrepancy should be discussed and addressed in the update. Furthermore, additional clean up and review for consistency is needed. For example, jails are exempt for this section, but a fence/wall height is provided in the "Maximum Fence Height" table.

5.05 – Trees, landscaping and screening

This section could be reorganized into better defined subsections. Tables and graphics could also improve this section. During listening sessions, many community members expressed that the landscape section of the unapproved 2019 LUC draft was confusing. There was interest in the code providing incentives for Low Impact Development, but there was also a strong desire not to incorporate any residential tree, landscaping or screening requirements.

There was also interest in greater buffer requirements between residential and commercial development. There is currently very limited languages as it related to buffers within this section. Further discussion around increased requirements or incentives for commercial development is needed.

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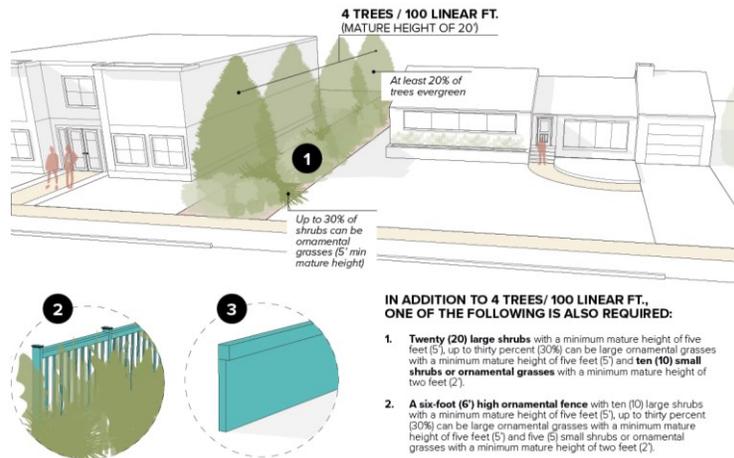


Figure 2: Example graphic of landscaped buffer; Specific buffer requirements on illustration are not intended for Cortez.

Listening sessions with staff revealed that the current standards are not working. Although many developers go above and beyond, resulting in quality landscaping surrounding new commercial developments, the current minimum requirements do not yield satisfactory commercial landscaping and need to be improved. One potential improvement could be a requirement for landscaped islands within parking lots to be placed every 15 parking spaces in a row or a similar dimension. This is a common standard in Land Use Codes across the west and specifically in Colorado to ensure adequate opportunities for trees to provide shade to parking surfaces.

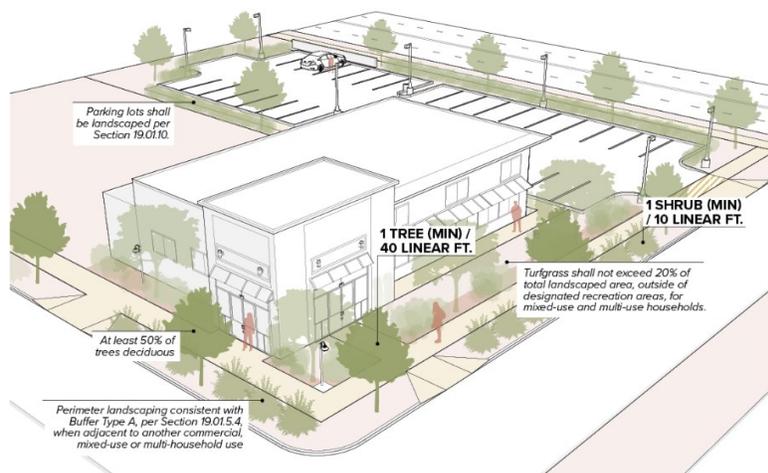


Figure 3: Example of Commercial Landscaping graphic; Specific requirements on illustration are not intended for Cortez.

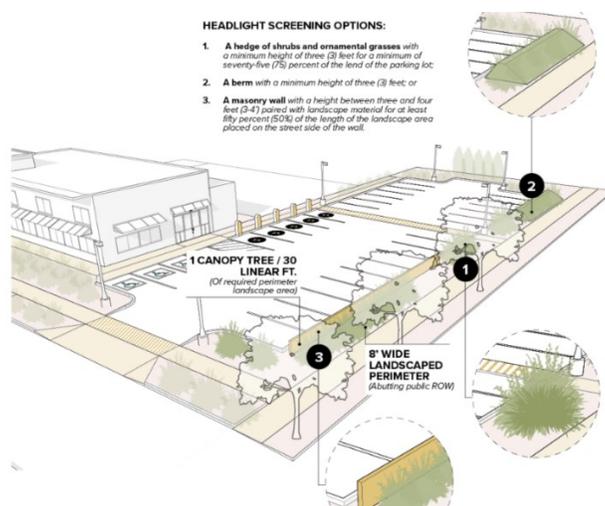


Figure 4: Example of Perimeter Parking Lot Landscaping; Specific requirements on illustration are not intended for Cortez.

5.06 – Signs

While there was mixed feedback from community members as it related to sign regulations, current code language is compliant with federal regulations and very few, if any, updates may be needed in this section. Some minor clean up is needed to remove content-oriented language in the temporary signs and billboards subsections.

Some community members suggested greater regulation related to signage, while others expressed general interest in maintaining the current standards. Improvements could include updates to the billboards subsection (5.06(C)(3)), including a language update from “billboards” to “off-premise signs.” While billboards are currently permitted in Cortez, discussion around the potential to not permit new billboards is also needed.

In addition, graphics defining sign types or photos of suggested signage could improve this section and provide developers and business owners with helpful guidance.



Figure 5: Example signage graphics.



Lighting standards (not currently a numbered subsection of LUC)

This Chapter includes requirements as it relates to lighting, but these requirements are integrated within the chapter’s subsections. Given the strong community interest in maintaining dark skies at night and the City’s proximity to Mesa Verde, which is a designated *International Dark Sky Community*, a dedicated outdoor light section could be added to this Chapter. Discussion is needed as to specific elements that should be incorporated in this potential new subsection.

5.07- Performance Standards

There are several topics in this section that could use updates, including noise (d) and open storage (j). In particular, more clarity is needed around what constitutes, “a noise of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.” This could be easily remedied by referencing state statute or by adding decibel maximums in the use section for higher intensity uses.

Open Storage language is also unclear and needs to be updated. Specifically, terms within this subsection, 5.07(d) need to be defined and specific use standards developments. Clarity around where open storage is permitted is also important and could be incorporated into the use standards rather than as a stand alone performance standard.

Sustainable Development Standards

The LUC currently does not specifically include sustainable development standards such as low impact development for stormwater management, solar, or electric vehicle charging infrastructure. A new section could be developed that includes incentives for providing these elements by way of a point system which would provide relief from some regulations or streamlined review and approval for inclusion of sustainable design elements.

| A. Menu Item | B. Points |
|---|--|
| Provide community garden plots, fruit trees, or other means of food production on site for at least 15% of multi-household dwellings. | 1 point per each garden plot with a minimum size of 20 square feet |
| Provide connections to existing trails and pedestrian networks using foot bridges and passageways | 3 points |
| Provide double the minimum of the required amount of bicycle parking on site. | 1 point |
| Provide secure and enclosed bicycle parking (e.g. lockers, storage room) | 2 points per 5 long term bicycle parking spaces |

Figure 6: Excerpt of Sustainability Menu from Manitou Springs, CO.



Chapter 5 Recommendations

- Review parking requirements for potential to reduce minimums, especially for multi-family development and within the CBD.
- Define or remove the term single-family equivalent in lieu of a specific unit count.
- Address how non-compliant gravel parking becomes compliant.
- Widen sidewalk width minimums for new development.
- Amend fence height requirements for consistency.
- Reorganize landscaping section into more subsections for clarity.
- Incorporate buffer language requirements between residential and commercial development.
- Clean up language within sign subsection to remove any content-oriented language; consider not permitting new billboards; and updated billboard language to “off-premise signs.”
- Consider adding a subsection specific to lighting standards.
- Add state statute reference or decibel maximum to noise performance standards.
- Incorporate illustrative graphics and/or photos throughout section to help clarify technical language.

CHAPTER 6 - ADMINISTRATION AND PROCEDURES

This Chapter could benefit from significant reorganization to reduce redundancies and clarify processes. The listening sessions revealed that many community members would like to better reference and understand the various procedures related to land use decision making. Due to interest in simplifying and clarifying this chapter, the project team recommends creating a decision-making matrix, or table of procedures as illustrated below, at the beginning of the chapter for all application types. The addition of a section defining the general roles and responsibilities of each review authority could support the new table and could be located in this section or in the general provisions. A general procedures section that outlines the different steps of the process, such as pre-application and noticing standards, should also be added to this chapter to reduce the need to describe them repeatedly throughout the specific application procedures.

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| Application Type | Pre-application Conference Required <small>Y = Yes O = Optional</small> | Authority | | | |
|---------------------------|--|--|---------------------|------------------------|---------------------|
| | | Staff Review | Planning Commission | Town Board of Trustees | Board of Adjustment |
| | | <small>R = Recommendation D = Decision</small> | | | |
| Entitlements | | | | | |
| Amendment | O | R | R | D | -- |
| Rezone | Y | R | R | D | -- |
| PUD | Y | R | R | D | -- |
| Conditional Use | Y | R | R | D | -- |
| Annexation | Y | R | R | D | -- |
| Variance | Y | R | -- | -- | D |
| Special Review | Y | D | -- | -- | -- |
| Plans | | | | | |
| Site Plan | Y | R | D | -- | -- |
| Plot Plan | O | D | -- | -- | -- |
| Administrative | | | | | |
| Administrative Adjustment | Y | D | -- | -- | -- |
| Lot Line Adjustment | Y | D | -- | -- | -- |
| Easement Adjustment | Y | D | -- | -- | -- |
| Minor Deviation | Y | D | -- | -- | -- |
| Plats | | | | | |
| Major Subdivision | | | | | |
| <i>Preliminary Plat</i> | Y | R | R | D | -- |
| <i>Final Plat</i> | O | R | R | D | -- |
| Minor Subdivision | Y | R | R | D | -- |
| Revised Final Plat | Y | D | -- | -- | -- |
| Condominium/Townhome Plat | Y | D | -- | -- | -- |

Figure 7: Example Table of Procedures.

Several sections, including required materials for application submittal and signature blocks, could be moved to an appendix or live as a checklist on the City’s website. Outside of the code, formatted as checklists, these required application materials could be more legible and easier for applicants to ensure they include all materials in their submittals. There are pros and cons to this approach, which should be discussed in more detail.

To modernize this chapter, another general recommendation is to remove reference to the number of copies and size of sheets for applications throughout.

6.04 – Preliminary plats

As referenced above, this section includes a lengthy list of requirements, which could be moved to a checklist for an improved applicant experience. Additional discussions will be needed to address review authority. Currently, Preliminary plats are reviewed by Planning Commission and not City Council. It is common to have a preliminary plat reviewed by both Planning Commission

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and City Council have allow final plats to be primarily administrative approval. The application review procedure section could be simplified for clarity and the review timeframes need to be discussed and updated accordingly.

6.05 – Final plats

As referenced above, this section includes a lengthy list of requirements, which could be moved to a checklist for an improved applicant experience. The review authority needs to be discussed further as these could be administratively approved if the preliminary plat was approved by both Planning Commission and City Council. In addition, staff shared that final plat certificates are not clear and the associated language should be reworded to improve clarity.

6.09 - Replats and plat amendments

The current code states that, “replats and plat amendments shall be subject to all of the requirements of this code regarding preliminary plats and final plats.” Staff expressed interest in replats and plat amendments following the same processes as minor subdivision plats, which as expressed below, could follow an administrative approval process.

6.10 – Conditional use permits

As referenced above, this section includes a lengthy list of requirements, which could be moved to a checklist for an improved applicant experience. Other than some minor clean up and streamlining of language for consistency with other sections, this section appears to be working well for the City.

6.11 – Minor subdivision plat

Minor subdivision plats currently require approval by City Council. Staff and community members expressed interest in simplifying the process by allowing for administrative approval of minor subdivisions. With clearer requirements and updated code language, which will include clearer definitions and criteria, minor subdivision plat approval process could be expedited through administrative approval.

6.14 – Site Plans

Staff suggested separating site plans into a major and minor process, moving zoning development permits (6.22) and site plan requirements into the minor site plan process, which could be administratively approved. Standards will need to be developed to differentiate the thresholds of each site plan type and the current review process, including Planning Commission approval, refined for the major site plan process.



The **2023 Housing Needs Assessment** also made the recommendation to allow administrative review of all site plans. As noted in the assessment, *“The currently required public review of site plans adds significant time to the process.*”

Administrative review is adequate with clear regulations. Only require review by the Commission if requesting an exception to the rules or perhaps for very complicated/large projects."

6.17 – Variances

Variance criteria (or findings as they are referred to in the current code) need further review and discussion to ensure that only applications meeting true hardship are able to be approved. The consultants will look for trends in recurring variance applications to address standards elsewhere in the code to minimize the number of variance applications filed.

Administrative Adjustments, per 6.17(d), should be separated from variances into their own sub section for clarity. The terms "Compatible and Harmonious" should be replaced with more quantitative terms.



The **2023 Housing Needs Assessment** notes recommendations in section **6.16(d)(7) Administrative Adjustments**. Specifically, the assessment recommends adding alternate criteria for approval, granting the adjustment supports the expansion of affordable and/or workforce housing as defined by the LUC. As noted in the Assessment, *"This could allow an administrative adjustment for affordable/workforce housing projects without having to meet all other criteria."*

6.18(b) – Special Exceptions

The Assessment also recommends adding alternate criteria for approval, granting the exception supports the expansion of affordable and/or workforce housing as defined by the Land Use Code. As noted in the Assessment, *"This could allow the Commission to reduce off-street parking for affordable/workforce housing projects without meeting all other criteria."*

6.19 - Historic Preservation

This section could be moved to its own chapter to ensure that Chapter 6 only includes content related to application procedures. This should be discussed in more detail with the project team.



Chapter 6 Recommendations

- Add decision-making matrix at beginning of chapter.
- Add general procedures section.
- Consider moving details on required materials for submittal into an appendix or checklist.
- Remove references to number of copies and size of sheets.
- Separate site plans into minor and major with administrative review of minor site plans.
- Consider adding alternate criteria for approval of administrative adjustments and special exceptions.
- Discuss options to improve variance process.
- Consider creating a new chapter for historic preservation and removing it from Chapter 6.

CHAPTER 7 – FLOOD DAMAGE PREVENTION

This chapter could use some reorganization, but the content does not need much modification. This is the only chapter of code where applicable definitions will remain within the chapter given the technical nature of the topic and the long list of associated definitions. The title of this chapter could also be broadened to “floodplain regulations” to better align with the content. The following minor updates are recommended for clarity and alignment with the rest of the LUC.

7.030 – Statement of Purpose

The statement of purpose should reference compliance with the Federal Emergency Management Agency (FEMA) standards. This section could also be moved to the top of Article 1 before Statutory Authorization and Findings of Fact.

7.060 – Lands to which this chapter applies

This could be moved to Article 1 below the Statement of Purpose within a new applicability section.

7.170 – Variance procedures

Some content in this section could be removed and a reference to 6.17 could be added.

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7.270 – Certification

This section could be simplified and moved to Article 1.

Chapter 7 Recommendations

- Update title to “floodplain regulations.”
- Reference FEMA in 7.030 (Statement of Purpose)
- Move 7.060 below 7.030 (Statement of Purpose)
- Simplify 7.170 (Variance procedures) and reference back to 6.17 (Variances)
- Simplify 7.270 (Certification) and move to Article 1.

APPENDICIES

Appendix A-F contain permits, agreements, and applications. All of these forms could be moved out of the LUC and live on the City website for easy access. There are pros and cons to this approach that should be discussed further with staff.

Appendices Recommendations

- Consider removing Appendix A-F and moving contents to the City’s website for easier access.



FUTURE CONSIDERATIONS

The following topics may not yet be appropriate for inclusion within the current LUC update, but they should be considered for future inclusion.

Inclusionary Zoning

As noted in the **2023 Cortez Housing Needs Assessment**, some communities establish dedicated local funding sources for housing through tools such as inclusionary zoning, which can incentivize or require that new development dedicate a certain percentage of units to affordable housing or pay an in-lieu fee. While the *Housing Assessment* doesn't recommend that the City implements inclusionary zoning policies at this time, it's a strategy that could be useful in the future. Considerations when developing an inclusionary zoning ordinance are listed below:

- ✓ What triggers the requirement?
- ✓ Threshold units should be required
- ✓ Percentage of the development that is affordable
- ✓ How the units need to be included?
- ✓ AMI thresholds

Short Term Rentals

The topics of Short-Term Rentals (STRs) emerged in both listening sessions and in the **2023 Cortez Housing Needs Assessment**. While there appear to be no major issues regarding STRs at this time, there was general interest in addressing them in some way before they do become problematic for the community. As noted in the **2023 Cortez Housing Needs Assessment**, incorporating some basic regulations to get in front of the issue could be beneficial. Furthermore, as stated in the Assessment, *"These regulations can then be edited based on whatever issues come up in the future. Consider a cap on the total number allowed or restrict them to certain districts and/or dwelling types."*

Topics to consider when developing Short-Term Rental regulations:

- ✓ Should there be a cap on the number of STRs?
- ✓ Should there be any distance requirements between permitted STRs?
- ✓ Should STRs be permitted in all zones or only some?
- ✓ If accessory dwelling units are permitted as STRs, should property owners be required to live in the primary dwelling unit?



CONCLUSION AND NEXT STEPS

In summary, the current Cortez LUC has some effective provisions and is generally well organized. There is, however, a significant opportunity to update and clarify language to modernize the code and ensure it meets the needs of the broader Cortez community. Some chapters will require significant updates or additions to realize the City's planning goals and objectives thoroughly while other sections will remain largely untouched. Further reorganizing, rewriting, and illustrating existing and revised zoning requirements will make the document easier to read, and potentially create a higher quality of public discourse and design.

This report is one of the first and very important steps in a lengthy process as it sets the road map for the full LUC update. The next step in the process includes finalization of an outline to define any reorganized elements and then initial drafting of the first code module. The process will include additional public input sessions to further refine the LUC language and ensure the new regulations are in alignment with community values. The update process will build on the work completed through this first phase of the process and many of the suggestions within this report will be further discussed to determine the best approach to each of the issues presented.

The LUC update will be drafted in modules to include reorganization and technical edits; updating existing language; and development of new language, subsections or chapters. The final document will go through the standard adoption process, which includes public hearings.