

**ORDINANCE NO. 1331,
SERIES 2025**

AN ORDINANCE REPEALING, IN ITS ENTIRETY, THE CITY OF CORTEZ LAND USE CODE AND ADOPTING AN UPDATED CITY OF CORTEZ LAND USE CODE

WHEREAS, by Ordinance No. 814, Series 1996, passed and adopted on March 12, 1996, the City Council (the "Council") of the City of Cortez, Colorado (the "City"), adopted the City of Cortez Land Use Code, for the purpose of regulating land use, subdivision, and development in the City of Cortez in accordance with the Cortez Comprehensive Plan; and

WHEREAS, by Ordinance No. 958, Series 2001, passed and adopted December 11, 2001, the Council readopted the Land Use Code as amended; and

WHEREAS, since 2001, the Land Use Code has been amended numerous times; and

WHEREAS, the City Council determined that a comprehensive rewrite of the previously adopted and amended Land Use Code should be undertaken to better address changing needs in the community, address internal inconsistencies in the existing City of Cortez Land Use Code, and implement the adopted Housing Needs Assessment; and

WHEREAS, after a competitive bidding process, the City Council selected Logan Simpson Design Inc., d/b/a Logan Simpson (the "Consultant"), as a consultant to assist the City in drafting a new City of Cortez Land Use Code; and

WHEREAS, the City created a Land Use Code Advisory Committee, comprised of members of the public, City Staff, and a City Councilmember, to assist the Consultant in drafting a new City of Cortez Land Use Code; and

WHEREAS, extensive public outreach was conducted and input was solicited from the public and considered in the development and drafting of a new City of Cortez Land Use Code; and

WHEREAS, at the February 18, 2025 Planning and Zoning Commission meeting, the Planning and Zoning Commission reviewed a draft of a new City of Cortez Land Use Code, and made a recommendation to adopt that draft of a new City of Cortez Land Use Code as evidenced by the adoption of P&Z Resolution No. 3, Series 2025; and

WHEREAS, based on the evidence and testimony presented at the February 18, 2025 meeting, the Planning and Zoning Commission recommends that the City Council repeal in its entirety the current City of Cortez Land Use Code and adopt the new City of Cortez Land Use Code, a copy of which is attached hereto and incorporated herein as Exhibit A.

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT THE CITY OF CORTEZ LAND USE CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE CITY OF CORTEZ LAND USE CODE DATED MARCH 11, 2025, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A, WITH THE FOLLOWING AMENDMENTS:

Section 1.06.3 Fees. Amend Subsection (B) to read as follows:

- B. No applicant/property owner owing money to the City for any land use application fees may be granted a development permit or any other development approval, and the City and any of its boards, commissions, departments, officers or agents will not accept any land use application filed by such person or entity, will not determine such land use application to be complete, will not determine that a complete application has been submitted, and the City shall not take any action on such land use application until all land use application fees owed the City by such applicant/property owner are paid. This provision shall not prohibit the City or any of its designees from conducting a pre-application conference.

Section 2.04 Definitions of Terms and Uses. Add the definition for Historic Resources as follows:

Historic Resources

Historic Resources means any buildings, sites, structures, districts, and/or objects that have the potential for Historic Designation as outlined in Chapter 7. For the purpose of this Land Use Code "Historic Resources" may also include archaeological resources which means all sites, objects, structures, artifacts, and locations of prehistoric archeological interest, where recorded or still unrecognized.

Section 3.01.2. Scope and applicability. Amend by adding a Subsection B to read as follows:

- B. The Planning and Zoning Commission and the City Council shall have the authority to recommend (Planning and Zoning Commission, if acting as a recommending body) or approve (City Council, and Planning and Zoning Commission if Planning and Zoning Commission is acting as an approval body) less restrictive minor deviations or exceptions to the strict application of the provisions of the Zone District and Use Regulations in Chapter 3 of this Land Use Code in circumstances in which the Planning and Zoning Commission or the City Council determine involve unique characteristics of a particular property, of a particular proposed use, inconsistency with surrounding property, or other circumstances that make the strict application of the provisions of this Land Use Code inequitable, impractical or contrary to the public good. An applicant/owner that requests a less restrictive minor deviation or exception must provide objective reasons for the need for such deviation or exception.

Table 3.1 – Residential Dimensional Standards. Amend by adding the following to “Min. rear yard setback (ft.) in Zoning District R-1, Zoning District R-2, and Zoning District R-3:

5’ for Accessory Structures

Section 3.06.13. Urban Agriculture. Amend Subsection B(2)(a)(i) to read as follows:

- i. Minimum lot size of one quarter (1/4) acre, with a maximum of two (2) colonies per acre.

Section 3.06.13. Urban Agriculture. Amend Subsection B(2)(a)(iv) to read as follows:

- iv. Notification of a proposed colony shall be sent by permit applicant to all adjacent property owners.

Section 5.01.2. Scope and Applicability. Amend by adding a Subsection B to read as follows:

- B. The Planning and Zoning Commission and the City Council shall have the authority to recommend (Planning and Zoning Commission, if acting as a recommending body) or approve (City Council, and Planning and Zoning Commission if Planning and Zoning Commission is acting as an approval body) less restrictive minor deviations or exceptions to the strict application of the provisions of the Site Development Standards in Chapter 5 of this Land Use Code in circumstances in which the Planning and Zoning Commission or the City Council determine involve unique characteristics of a particular property, of a particular proposed use, inconsistency with surrounding property, or other circumstances that make the strict application of the provisions of this Land Use Code inequitable, physically impractical or contrary to the public good. An applicant/owner that requests a less restrictive minor deviation or exception must provide objective reasons for the need for such deviation or exception.

Section 6.02.3 Application Completeness Review. Amend Subsection (A) to read as follows:

- A. Purpose. To ensure all required submittal materials are included and all land use application fees owing to the City are paid, an application completeness review will be conducted by the Zoning Administrator or the Zoning Administrator's designee, for each application prior to a determination of a completed application and submittal, and prior to any City review of the application.

Section 6.02.3 Application Completeness Review. Amend Subsection (C)(1) to read as follows:

1. The Zoning Administrator shall make a determination of application completeness within ten (10) business days of application filing and a determination that a complete application filing has been submitted.

Section 6.02.3 Application Completeness Review. Amend Subsection (C)(3) as follows:

Replace the word "submittals" in the last sentence of Subsection (C)(3) with the word "filings."

Section 6.02.3 Application Completeness Review. Amend Subsection (D) to read as follows:

- D. Determination of Complete Application. An application shall not be considered complete unless and until all of the required information and materials, in the amounts and dimensions required by this Code, have been filed with the Planning Department, and all land use application fees owing to the City by the applicant/property owner are paid.

Subsection 6.02.4 Application Review. Amend Subsection (C)(1) to read as follows:

1. After an application filing has been determined to be a complete application, and a determination has been made that the complete application has been submitted, the Zoning Administrator shall review the complete application and determine if it meets the standards and requirements of this Code.

Subsection 7.01.3.1 Applicability. Amend Subsection (B) to read as follows:

- B. This Chapter applies to processes related to the City’s local register of historic resources. This Chapter does not apply to processes related to State and National designations, which must be addressed by those respective agencies.

Subsection 7.02.09 Designation of Historic Buildings, Structures, Sites, and Districts. Amend the title of this Subsection to read as follows:

7.02.09 Designation of Historic Resources.

REPEALER. All orders, bylaws, 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. All ordinances adopting or amending the City of Cortez Land Use Code are hereby repealed in their entirety.

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. The effective date of this Ordinance shall be thirty (30) days after the date on which publication after second reading and final passage of this Ordinance occurs (the “Effective Date”).

APPLICABILITY. The new City of Cortez Land Use Code shall be applicable to all land use applications determined by the City to be complete and submitted pursuant to Section 6.02.3(D) of the new City of Cortez Land Use Code after the Effective Date of this Ordinance. All land use applications determined by the City to be complete and submitted prior the Effective Date of this Ordinance shall be reviewed in accordance with the City of Cortez Land Use Code in effect prior to the Effective Date of this Ordinance.

FIRST READING. This ordinance shall be considered first reading on the 25th day of February, 2025, 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 11th day of March, 2025, 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 FEBRUARY, 2025.

CITY OF CORTEZ

ATTEST:


LINDA L. SMITH, CITY CLERK


MATTHEW KEEFAUVER, COUNCIL MEMBER

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 11th DAY OF MARCH, 2025.

CITY OF CORTEZ

ATTEST:


LINDA L. SMITH, CITY CLERK


ROBERT DOBRY, COUNCIL MEMBER

APPROVED AS TO FORM:


J. PATRICK COLEMAN, CITY ATTORNEY