

**ORDINANCE NO. 1349
SERIES 2025**

**AN ORDINANCE APPROVING REVISIONS TO THE CORTEZ LAND USE CODE
REGARDING NONCONFORMING USES,
ENFORCEMENT AND PENALTIES, DEFINITION OF AFFORDABLE HOUSING,
NONRESIDENTIAL DIMENSIONAL STANDARDS, SCHEDULE OF USE
REGULATIONS, ADU STANDARDS, DWELLING MIXED USE STANDARDS,
OUTDOOR RECREATION, FLEA MARKET STANDARDS, SUBDIVISION
APPLICABILITY, PARKING LOCATION AND DESIGN STANDARDS, SIGN
MEASUREMENTS, APPLICATION PROCEDURES, APPLICATION COMPLETENESS
REVIEW, APPLICATION REVIEW, PUBLIC NOTICING TABLE, APPEALS, MINOR
DEVIATIONS AND EXCEPTIONS, AND REIMBURSEMENT AGREEMENTS**

WHEREAS, by Ordinance No. 1331, Series 2025, on March 11, 2025, the City Council of the City of Cortez repealed the City of Cortez Land Use Code in its entirety and replaced it by adopting the new City of Cortez Land Use Code dated March 11, 2025 (the "Code"); and

WHEREAS, since adoption of the Code, the City staff have found numerous typos, incorrect citations and other process changes that will improve the functionality of the Code; and

WHEREAS, at the September 2, 2025 Planning and Zoning Commission meeting, the Planning and Zoning Commission reviewed a draft of the proposed revisions to the City of Cortez Land Use Code, and made recommendations as evidenced by the adoption of P&Z Resolution No. 8, Series 2025; and

WHEREAS, based on the evidence and testimony presented at the September 2, 2025 meeting, the Planning and Zoning Commission recommends that the City Council adopt revisions to the City of Cortez Land Use Code as noted and shown on the redline changes to the Code, a copy of which is attached hereto and incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CORTEZ CITY COUNCIL THAT THE REVISIONS TO THE CITY OF CORTEZ LAND USE CODE AS NOTED AND SHOWN ON EXHIBIT A ARE HEREBY ADOPTED.

REPEALER. All orders, bylaws, resolutions, and ordinances of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.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. The effective date of this Ordinance shall be immediately after the date on which publication after second reading and final passage of this Ordinance occurs (the "Effective Date").

FIRST READING. This Ordinance shall be considered on first reading on the 12th day of November, 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 introduced on first reading** 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 and final reading on the 25th day of November, 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 12TH DAY OF NOVEMBER, 2025.

CITY OF CORTEZ

ATTEST:



DANIELLE WELLS, CITY CLERK



RACHEL B. MEDINA, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 25TH DAY OF NOVEMBER, 2025.

CITY OF CORTEZ

ATTEST:



DANIELLE WELLS, CITY CLERK



RACHEL B. MEDINA, MAYOR

APPROVED AS TO FORM:



J. PATRICK COLEMAN, CITY ATTORNEY

EXHIBIT A

PROPOSED CHANGES

Chapter 1

1.05.2.A.3: incorrect citation

1.06.1.D.6: typo

Chapter 2

Revised definition for “Affordable Housing” to meet new State Statute.

Chapter 3

Table 3.2: Include side yard setback for residential units in the NB district.

Table 3.4: Citation correction for accessory dwelling units

Allow accessory dwelling units as permitted uses in RE zone and CBD – voluntary compliance with 29-35-403(1)

Added additional housing types as conditional uses in the “C” zone

Added modular home as permitted in the “RE” zone

Switched “Farmers’ Market” from Permitted to Temporary use (there already were temporary use permit standards in text)

Added “outdoor recreation” and “outdoor commercial recreation” as uses with definitions

Switched “flea markets” from permitted to temporary use, added standards similar to farmers markets.

3.06.3.B.2.a.i: Included a provision that the single-family dwelling or the ADU must be occupied by the property owner “at the time of application for the ADU permit.” This was added at the suggestion of the attorney due to the difficulty of enforcing occupation of the dwellings.

3.06.3.I Dwelling Mixed Use: Deleted standards b & c which pertained to mixed use development in the “C” zone since multi-family uses are now conditional in the “C” zone.

3.06.5.N Outdoor Recreation: Added definition which encompasses most public outdoor park type uses. This land use was added after the Parks and Recreation Department noted that public parks and outdoor recreation uses were not listed in the code.

3.06.7.E Flea Markets: Revised the definition slightly to remove indoor flea markets as these are not perceptibly different than a thrift store or antiques store. Included use standards similar to Farmers Market standards. Staff noticed during the review of the Farmers Market that Flea Markets did not have any standards and farmers markets did.

Chapter 4

4.01.2B Added reference and applicability of the minor deviations and exceptions process.

Chapter 5 – Administration and Procedures

5.02.5.B Parking Location and Design Standards: Removed requirement that stated that all off-street parking must have a driveway that is a minimum of twenty feet and maximum of 40 feet and simply referenced section 5.03. This statement was redundant, confusing and wrong in some cases such as single-family homes.

Table 5.6 Sign Measurements: Removed the maximum amount of window that can be covered with signs per window.

Chapter 6

Table 6.1 Application Procedures Summary Table: Clarify that zone map amendments and historic landmark designations require two readings at the City Council level (approved by ordinance).

Added rows for Appeals and Minor Deviations which were missing. Corrected reference sections for appeals, variances, administrative adjustments.

6.02.3.D Application Completeness Review: Clarified that the Zoning Administrator may waive required items that are not applicable to a specific application.

6.02.4.C.3: Clarified that the applicant must respond to agency comments and revise and resubmit the application and allow for additional agency review when necessary.

Table 6.2: Public Noticing Table: Added timeline for Historic Designations and Annexations. Both types of reviews referenced the table but the table simply referred back to the section.

6.03.6.E.3.b: typo

6.03.E.9 & 10 Preliminary Plat Submittal Requirements: Added requirements for soils report and traffic assessment. Soils report is required in Chapter 5 but was not listed. Traffic assessment is required by CDOT for everything adjacent to the highway (which is almost all commercial development) and often necessary for us to determine impacts.

6.03.7.E.1.k Final Plat Submittal Requirements: Removed (k) requirement for proposed uses and renumbered. Proposed uses are not appropriate on a final plat as they may change over time and plats don't without a new plat.

6.03.7.E.1.o.ii Final Plat Submittal Requirements: Removed some of the dedication certificate language that referenced spaces and lien holders. These are covered in the language that will remain as “persons, firms or corporations owning an interest in the property..”

6.03.7.E.1.o.i(a): Added “metes and bounds” per request of a local surveyor.

6.03.7.E.1.p Approval Certificate: Removed references to Planning Commission and replaced with City Council (Mayor) to reflect correct approval authority.

6.03.7.E.3: Construction Plans: added “roads”

6.03.12.E.2 Site Plan Submittal Requirements:

d clarified that existing and proposed structures should be shown

e. removed layout and dimension requirement (duplicative with above)

h. removed requirement to show common open space (for subdivisions not site plans) and replace with “paving plan” since that is commonly left off.

g. revised required site contours from 10 feet to 2 feet.

i. removed “lots or plots” (again subdivision requirement) and added proposed storage with screening – also often left off

l – n. removed; these are also subdivision requirements

l (new) added “utility plan”

6.03.12.E.3: Clarified narrative requirements

6.03.12.E.5: added “grading”

6.03.12.E.9. added “traffic assessment”

6.03.18 Appeals

A. Purpose; clarify purpose (to appeal decisions made by boards to the City Council).

B. change from Board of Adjustment to City Council.

E. clarify submittal requirements

F. change from Board of Adjustment to City Council

H. remove – not applicable or necessary

6.03.21 Minor Deviations and Exceptions – This section is all new and required after the “minor deviations section was added to Chapters 3 and 5 during adoption of the code hearings.

6.04.3 Reimbursement Agreements: This section was previously in the code and appears to have been inadvertently left out. Just putting it back in with a few slight revisions.