

Introduction

The following annotated outline proposes the overall organization and content of the amended Land Use Code (LUC) for the City of Cortez. It is organized in a manner that is intuitive by groupings similar provisions and standards together into individual sections. Generally, the LUC is organized to answer the following questions:

- What is my property zoned?
- What uses are permitted?
- Where and how much can I build?
- What development and design standards are required?
- What’s required to subdivide and development land?
- What’s required to develop an individual site?
- From whom do I receive approval?
- What are the steps in the process?
- What are my options if my property is nonconforming?
- May I request and appeal or variance and how?
- What do certain terms or phrases mean?

The outline also relates each proposed subchapter and section with the applicable chapter or section of the current Land Use Code. In this way, once completed, those who are familiar with the current LUC may locate similar provisions in the new LUC.

Proposed Land Use and Development Code (LUDC):

The purpose of the LUC is to include all development-related provisions. However, there are also related provisions currently located within the Code of Ordinances. For this reason, a Land Use and Development Code (LUDC) is proposed. The LUDC would include these related provisions, which are noted in the annotated outline in a light grey font. A contract amendment is required to include these added provisions. The proposed LUC is organized as follows:

Land Use (and Development) Code (LUDC)	
<i>Note: Numbering is based on the current Land Use Code.</i>	
New Section Number and Heading	Current Section Number
Chapter 1: Authority, Purpose, Jurisdiction, and Application	
Subchapter 1.01: General Provisions	
Sec. 1.01.01 Authority	NEW
Sec. 1.01.02 Purpose	1.02
Sec. 1.01.03 Jurisdiction	1.03
Sec. 1.01.04 Applicability	NEW
Sec. 1.01.05 Enactment and Repeal	1.01
Sec. 1.01.06 Effective Date	NEW
Subchapter 1.02: Effect of LUC	
Sec. 1.02.01 Abrogation and Greater Restrictions	1.04, 7.100
Sec. 1.02.02 Vested Property Rights	1.11, Municipal Code: 30 (1, 3-8)
Sec. 1.02.03 Consistency with Plans	1.05

Chapter 2: Zoning Districts and Land Uses	
Subchapter 2.01: Zoning Districts	
Sec. 2.01.01 Purpose	NEW
Sec. 2.01.02 Applicability	3.01
Sec. 2.01.03 Districts Established	3.02
Sec. 2.01.04 Official Zoning Map	3.03
Sec. 2.01.05 Zoning of Annexed Territory	3.04
Subchapter 2.02: Land Uses	
Sec. 2.02.01 Purpose	NEW
Sec. 2.02.02 Applicability	NEW
Sec. 2.02.03 Legend	NEW
Sec. 2.02.04 Agricultural, Residential, and Commercial Use of the Home Zoning Matrix	RE: Residential Estate District R-1: Residential Single-Family District R-2: Residential Multi-Family District MH: Residential Manufactured Home District
Sec. 2.02.05 Institutional, Recreation, and Amusement Use Zoning Matrix	PI: Public and Institutional District
Sec. 2.02.06 Commercial Uses Zoning Matrix	CBD: Central Business District C: Commercial Highway District NB: Neighborhood Business District
Sec. 2.02.07 Industrial, Utility, Transportation, and Communication Use Zoning Matrix	BP: Business Park I: Industrial District
Subchapter 2.03: Conditional and Limited Uses	
Sec. 2.03.01 Purpose	
Sec. 2.03.02 Applicability	3.05(b): Special Use Conditions
Sec. 2.03.03 Agricultural, Residential, and Commercial Uses of the Home Standards	3.05(b): Special Use Conditions
Sec. 2.03.04 Institutional, Recreation, and Amusement Uses	3.05(b): Special Use Conditions
Sec. 2.03.05 Commercial Uses	3.05(b): Special Use Conditions
Sec. 2.03.06 Industrial, Utility, Transportation, and Communication Uses	3.05(b): Special Use Conditions
Subchapter 2.04: Temporary Uses	
Sec. 2.04.01 Purpose	Schedule of Use Regulations, Temporary Uses 3.05(b): Special Use Conditions - Asphalt or Concrete Batching Plant, Temporary - Field Office, Temporary - Sales Trailer, Temporary
Sec. 2.04.02 Applicability	
Sec. 2.04.03 General Standards	
Sec. 2.04.04 Public and Commercial Events	
Sec. 2.04.05 Construction and Storage Uses	
Chapter 3: Development and Design Standards	
Subchapter 3.01: Purpose and Application	
Sec. 3.01.01 Purpose	NEW
Sec. 3.01.02 Applicability	NEW

Subchapter 3.02: Standards for Established Neighborhoods	
Sec. 3.02.01 Purpose	NEW
Sec. 3.02.02 Applicability	NEW
Sec. 3.02.03 Established Neighborhood Standards	NEW
Sec. 3.02.04 Established Neighborhood Alternative Standards	NEW
Subchapter 3.03: Standards for New Neighborhoods	
Sec. 3.03.01 Purpose	3.06(a)
Sec. 3.03.02 Neighborhood and Housing Types	3.06(a) RE: Residential Estate District R-1: Residential Single-Family District R-2: Residential Multi-Family District MH: Residential Manufactured Home District Planned Neighborhood (R-E, R-1, R-2)
Sec. 3.03.03 Development Standards	NEW
Sec. 3.03.04 Residential Lot and Building Standards	NEW
Subchapter 3.04: Standards for Nonresidential Use Development	
Sec. 3.04.01 Purpose	3.06(b-j)
Sec. 3.04.02 Applicability	3.06(b-j)
Sec. 3.04.03 Development Standards	3.06(b-j)
	O: Open District
	CBD: Central Business District
	C: Commercial Highway District
	NB: Neighborhood Business District
	I: Industrial District
PUD: Planned Unit Development District	
Sec. 3.04.04 Building Scale	NEW
Subchapter 3.05: Height and Area Exceptions	
Sec. 3.05.01 Residential Districts	3.06(i)(2)
Sec. 3.05.02 Nonresidential Districts	
Subchapter 3.06: Design Standards	
Sec. 3.06.01 Purpose	3.07, 3.08
Sec. 3.06.02 Applicability	3.07, 3.08
Sec. 3.06.03 Multi-Family Housing	3.09
Sec. 3.06.04 Manufactured Home Parks and Subdivisions	3.10 Municipal Code: 15A, Article III
Sec. 3.06.05 Nonresidential and Mixed Use Development	3.11, 3.12, 3.13, 3.14, 3.15, 3.16 NEW
Chapter 4: Accessory Use and Structure Standards	
Subchapter 4.01: Purpose and Application	
Sec. 4.01.01 Purpose	NEW
Sec. 4.01.02 Application	NEW

Subchapter 4.02: Residential Uses	
Sec. 4.02.01 Refuse Collection Facilities	
Sec. 4.02.02 Retaining Walls and Solar Arrays	
Subchapter 4.03: Residential Uses	
Sec. 4.03.01 Fences and Walls	5.04
Sec. 4.03.02 Carports and Porte-cocheres	3.06(d)(4); (e)(3); (f)(1)
Sec. 4.03.03 Accessory Dwelling Units	3.05(b)(22)
Sec. 4.03.04 Accessory Buildings and Structures	3.06(e)(2)
Sec. 4.03.05 Decks, Balconies, Patios, and Porches	NEW
Sec. 4.03.06 Sheds	NEW
Sec. 4.03.07 Satellite Dishes and Antennae	NEW
Subchapter 4.04: Nonresidential and Mixed Uses	
Sec. 4.04.01 Outdoor Display of Merchandise	NEW
Sec. 4.04.02 Fences and Walls	5.04
Sec. 4.04.03 Accessory Buildings and Structures	3.05(4)
Sec. 4.04.04 Outdoor Storage	NEW
Chapter 5: Land Subdivision Standards	
Subchapter 5.01: Purpose and Applicability	
Sec. 5.01.01 Purpose	NEW
Sec. 5.01.02 Applicability	4.01
Subchapter 5.02: General Subdivision Design	
Sec. 5.02.01 General Design Principles	NEW
Sec. 5.02.02 Streets, Alleys, and Driveways	4.03, 5.02(j) and NEW
Sec. 5.02.03 Blocks	4.03
Sec. 5.02.04 Building Lots	4.02
Sec. 5.02.05 Easements	4.04
Sec. 5.02.06 Open Spaces	NEW
Sec. 5.02.07 Street Lights	6.07(f)
Sec. 5.02.08 Traffic Control and Accessibility	6.07(d), (e)
Sec. 5.02.09 Medians	New
Sec. 5.02.10 Sidewalks, Bikeways, and Trails	5.03 and NEW
Sec. 5.02.11 Drainage and Utilities	4.04, 4.06, 4.08, 4.09, 4.10
Sec. 5.02.12 Covenants, Conditions and Restrictions	6.08, 4.05
Sec. 5.02.13 Development Phasing	NEW
Sec. 5.02.14 Public Land Dedication	4.05
Subchapter 5.03: Transportation Responsibilities	
Sec. 5.03.01 Responsibilities of Subdivider	NEW and 4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Sec. 5.03.02 Essential Nexus	NEW and 4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Sec. 5.03.03 Street Improvements Required	NEW and 4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Sec. 5.03.04 Traffic Impact Analysis	NEW
Sec. 5.03.05 Mitigation and Rough Proportionality	NEW and 4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Sec. 5.03.05 Mitigation Limitation and Exemptions	NEW and 4.06, 4.07, 4.08, 4.09, 4.10, 6.07

Subchapter 5.04: Utility and Drainage Responsibilities	
Sec. 5.04.01 Utility Responsibilities	NEW and 4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Sec. 5.04.02 Drainage Responsibilities	NEW and 4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Subchapter 5.05: Public Acceptance and Permitting	
Sec. 5.05.01 Public Acceptance	4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Sec. 5.05.02 Deferral and Permitting	4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Sec. 5.05.03 Improvement Assessments	4.11
Sec. 5.05.04 Reimbursement Agreements	4.06, 4.07, 4.08, 4.09, 4.10, 6.07
Chapter 6: Environmental Management	
Subchapter 6.01: Flood Damage Prevention	
Sec. 6.01.01 Statutory Authorization	7.010
Sec. 6.01.02 Finding of Fact	7.020
Sec. 6.01.03 Purpose	7.030
Sec. 6.01.04 Applicability	7.060
Sec. 6.01.05 Methods of Reducing Flood Losses	7.040
Sec. 6.01.06 Special Flood Hazard Area	7.070
Sec. 6.01.07 Floodplain Development Permit	7.080
Sec. 6.01.08 Compliance	7.090
Sec. 6.01.09 Warning and Disclaimer of Liability	7.120
Subchapter 6.02: Flood Hazard Reduction	
Sec. 6.02.01 General Standards	7.190
Sec. 6.02.02 Specific Standards	7.200
Sec. 6.02.03 Standards for Areas of Shallow Flooding (AO/AH Zones)	7.210
Sec. 6.02.04 Floodways	7.220
Sec. 6.02.05 Alteration of a Watercourse	7.230
Sec. 6.02.06 Properties Removed from the Floodplain by Fill	7.240
Sec. 6.02.07 Standards for Subdivision Proposals	7.250
Sec. 6.02.08 Standards for Critical Facilities	7.260
Sec. 6.02.09 Certification	7.270
Subchapter 6.03: General Environmental Standards	
Sec. 6.03.01 Applicability	5.07
Sec. 6.03.02 Exemptions	5.07
Sec. 6.03.03 Noise	5.07
Sec. 6.03.04 Light and Glare	NEW
Sec. 6.03.05 Dust and Particulate Matter	5.07
Sec. 6.03.05 Odors, Vibrations, Radiation and Electromagnetic Interference	NEW
Section 6.03.06 Flammable, Hazardous, and Noxious Materials	Sec. 5.07
Chapter 7: Site Development	
Subchapter 7.01: Parking, Loading, and Access	
Sec. 7.01.01 Purpose	5.01, 5.02(a)
Sec. 7.01.02 Applicability	5.02(b)

Sec. 7.01.03 Computing Parking	5.02(c),
Sec. 7.01.04 Off-Street Parking and Loading	5.02(d)
Sec. 7.01.05 Design and Use	5.02(e), 5.02(f), 5.02(g), 5.02(h),
Sec. 7.01.06 ADA Parking	NEW
Sec. 7.01.07 Special Studies	NEW
Sec. 7.01.08 Parking Credits and Reductions	NEW
Sec. 7.01.09 Shared Parking	NEW
Subchapter 7.02: Trees, Landscaping, and Screening	
Sec. 7.02.01 Purpose	5.01, 5.05(a)
Sec. 7.02.02 Applicability	5.05(b)
Sec. 7.02.03 Authority	5.05(c)
Sec. 7.02.04 Tree Protection and Land Clearing	5.05(e), NEW
Sec. 7.02.05 Credit for Existing Trees	NEW
Sec. 7.02.06 General Requirements	5.05(f), (g), (h), (i), (j), Municipal Code: 26D-3, 4, 5, 6, 7
Sec. 7.02.07 Development Landscaping - Street Trees - Parking Lot Landscaping - Landscape Surface and Foundation Plantings - Mechanical Equipment Screening	5.05 (m), (o), (p), Municipal Code: 26D-8(a), 26D-8(c)(6), 26D-9 NEW
Sec. 7.02.08 Bufferyards	NEW
Sec. 7.02.09 Landscape Plan	5.05(q), Municipal Code: 26D-8(c)(1-5)
Sec. 7.02.10 Landscape Maintenance	NEW
Subchapter 7.03: Signs	
Sec. 7.03.01 Purpose	5.01, 5.06(a)
Sec. 7.03.02 Applicability	5.06(b)
Sec. 7.03.03 Authority and Findings	NEW
Sec. 7.03.04 Administration	5.06(f), NEW
Sec. 7.03.05 Measurements and Calculations	5.06(e)
Sec. 7.03.06 Permitted Signs - Attached Signs - Detached or Freestanding Signs - Temporary Signs	5.06(c) NEW NEW
Sec. 7.03.07 Sign Type by District	NEW
Sec. 7.03.08 Signs in Special Areas	NEW
Sec. 7.03.09 Master Sign Plan	NEW
Sec. 7.03.10 Prohibited Signs and Sign Elements	5.06(d), NEW
Chapter 8: Administrative Bodies	
Subchapter 8.01: Purpose and Application	
Sec. 8.01.01 Purpose	NEW
Sec. 8.01.02 Applicability	NEW
Subchapter 8.02: Bodies Established and Authorized	
Sec. 8.02.01 City Council	NEW (Reference City Charter: Article III)

Sec. 8.02.02 Planning and Zoning Commission	6.01, Municipal Code: Chapter 2, Article II
Sec. 8.02.03 Board of Adjustment	6.15
Sec. 8.02.04 Historic Preservation Board	6.19
Sec. 8.02.05 Parks, Recreation, and Forestry Advisory Board	5.05(d), Municipal Code: 26D-2
Sec. 8.02.06 Development Review Committee	NEW
Sec. 8.02.07 Zoning Administrator	6.24
Sec. 8.02.08 Building Official	6.24
Sec. 8.02.09 Floodplain Administrator	7.140, 7.150
Chapter 9: Permits and Procedures	
Subchapter 0.01: Purpose, Application, Permits, and Approvals	
Sec. 9.01.01 Purpose	NEW
Sec. 9.01.02 Application	NEW
Sec. 9.01.03 Permits and Approvals	NEW
Subchapter 9.02: Standardized Development Approval Procedures	
Sec. 9.02.01 Pre-Application Conference	NEW
Sec. 9.02.02 Filing of Application	NEW
Sec. 9.02.03 Application Completeness Check	NEW
Sec. 9.02.04 Application Review	NEW
Sec. 9.02.05 Inactive Applications	NEW
Sec. 9.02.06 Staff Review and Referral	NEW
Sec. 9.02.07 Public Notice	6.02(d)(2)(3), (e)(3), 6.03(b), 6.04(d)(2), 6.05(c)(2), 6.10(d)
Sec. 9.02.08 Public Meetings and Hearings	NEW
Sec. 9.02.09 Continuances and Withdrawals	NEW
Sec. 9.02.10 Successive Applications	NEW
Sec. 9.02.11 Fees	1.10
Subchapter 9.03: Administrative Permits and Procedures	
Sec. 9.03.01 Building Permit	NEW
Sec. 9.03.02 Certificates of Occupancy	6.23
Sec. 9.03.03 Construction Design Standards	Municipal Code: 29
Sec. 9.03.04 Encroachment Permits	6.26
Sec. 9.03.05 Fence Permit	5.04(b)
Sec. 9.03.06 Floodplain Development Permit	7.080, 7.160
Sec. 9.03.07 Landscaping Plans	5.05(n), Municipal Code: 26D-8(b)
Sec. 9.03.08 Limited Use Permit	NEW
Sec. 9.03.09 Minor Modification	NEW
Sec. 9.03.10 Minor Subdivision Plat	6.11
Sec. 9.03.11 Planned Development Site Plan, Minor Amendments	NEW
Sec. 9.03.12 Sign Permits	6.21
Sec. 9.03.13 Temporary Use Permit	6.20

Sec. 9.03.14 Zoning Development Permit - Permitted Use - Limited Use	6.22
Subchapter 9.04: Public Meeting: Permits and Procedures	
Sec. 9.04.01 Annexation	6.13
Sec. 9.04.02 Conditional Use Permits	6.10
Sec. 9.04.03 Condominium Subdivisions	6.12
Sec. 9.04.04 Designation of Historic Structures, Sites, and Districts	6.19(d)(e)(f)(g)
Sec. 9.04.05 Final Plats	6.05
Sec. 9.04.06 Historic Alterations	6.19(h)(i)
Sec. 9.04.07 Improvements Agreement and Acceptance	6.06, 6.07
Sec. 9.04.08 Land Use Code Amendment	6.02
Sec. 9.04.09 Master Plan Amendments	6.03
Sec. 9.04.10 Planned Development Site Plan	3.16
Sec. 9.04.11 Preliminary Plats	6.04
Sec. 9.04.12 Reimbursement Agreement	6.27
Sec. 9.04.13 Re-Plats and Plat Amendments	6.09
Sec. 9.04.14 Master Sign Plan	NEW
Sec. 9.04.15 Sign Permit in Special Areas	NEW
Sec. 9.04.16 Site Plans	6.14
Sec. 9.04.17 Vacations	6.25
Sec. 9.04.18 Zoning Map Amendment	6.02
Subchapter 9.05: Appeals, Variances, and Special Exceptions	
Sec. 9.05.01 Interpretations	2.03
Sec. 9.05.02 Appeals	6.16
Sec. 9.05.03 Variance	6.17, 5.05(l)
Sec. 9.05.04 Variance, Floodplain	7.170
Sec. 9.05.05 Special Exceptions	6.18
Chapter 10: Nonconformities	
Subchapter 10.01: Purpose and Application	
Sec. 10.01.01 Purpose	NEW
Sec. 10.01.02 Application	NEW
Subchapter 10.02: Classification of Nonconformities	
Sec. 10.02.01 Nonconforming Uses	1.08(a)
Sec. 10.02.02 Nonconforming Buildings and Structures	1.08(a)
Sec. 10.02.03 Nonconforming Lots	1.08(b)
Sec. 10.02.04 Nonconforming Landscaping and Buffering	NEW
Sec. 10.02.05 Nonconforming Signs	1.08(c)
Sec. 10.02.06 Nonconforming Parking and Loading	NEW
Subchapter 10.03: General Regulations	
Sec. 10.03.01 Termination, Restoration, and Removal	NEW
Sec. 10.03.02 Nonconforming Lots; Construction and Combination	NEW

Sec. 10.03.03 Changes of Use and Reuse	NEW
Sec. 10.03.04 Repairs and Modification	NEW
Sec. 10.03.05 Compliance Thresholds	NEW
Subchapter 10.04: Conversion of Nonconformities	
Sec. 10.04.01 Purpose	NEW
Sec. 10.04.02 Repairs and Modification	NEW
Sec. 10.04.03 Criteria for Approval	NEW
Sec. 10.04.04 Effect for Approval	NEW
Chapter 11: Enforcement and Remedies	
Subchapter 11.01: Enforcement Procedures	
Sec. 11.01.01 Purpose	NEW
Sec. 11.01.02 Applicability	NEW
Sec. 11.01.03 Violations	1.09(a), 1.09(d), 1.09(e), 5.05(k), Municipal Code: 26D-10
Sec. 11.01.04 Owner Responsibility	1.09(b)
Sec. 11.01.05 Penalties	1.09(c), 7.180, Municipal Code: 26D-11
Sec. 11.01.06 Right of Entry	1.09(f)
Subchapter 11.02: Remedies	
Sec. 11.02.01 Civil Liability	NEW
Sec. 11.02.02 Criminal Penalty	NEW
Chapter 12: Definitions	
Subchapter 12.01 Rules of Construction, Severability and Acronyms	
Sec. 12.01.01 Rules of Construction	2.01
Sec. 12.01.02 Severability	1.12, 7.130
Sec. 12.01.03 Acronyms	NEW
Subchapter 12.02 General Definitions	2.02, 6.27, 7.050; Municipal Code: 26D-1(c), 30-2; NEW
Subchapter. 12.03 Use Definitions	2.02, 6.27, 7.050 Municipal Code: 26D-1(c), 30-2; NEW
Appendix A, Preferred Plant List	