

CORTEZ LAND USE CODE UPDATE (AND THREE-MILE PLAN)



Citizens' Advisory Committee (CAC) Meeting
LUC Module No. 1
February 29, 2016

presented for:
City of Cortez, Colorado

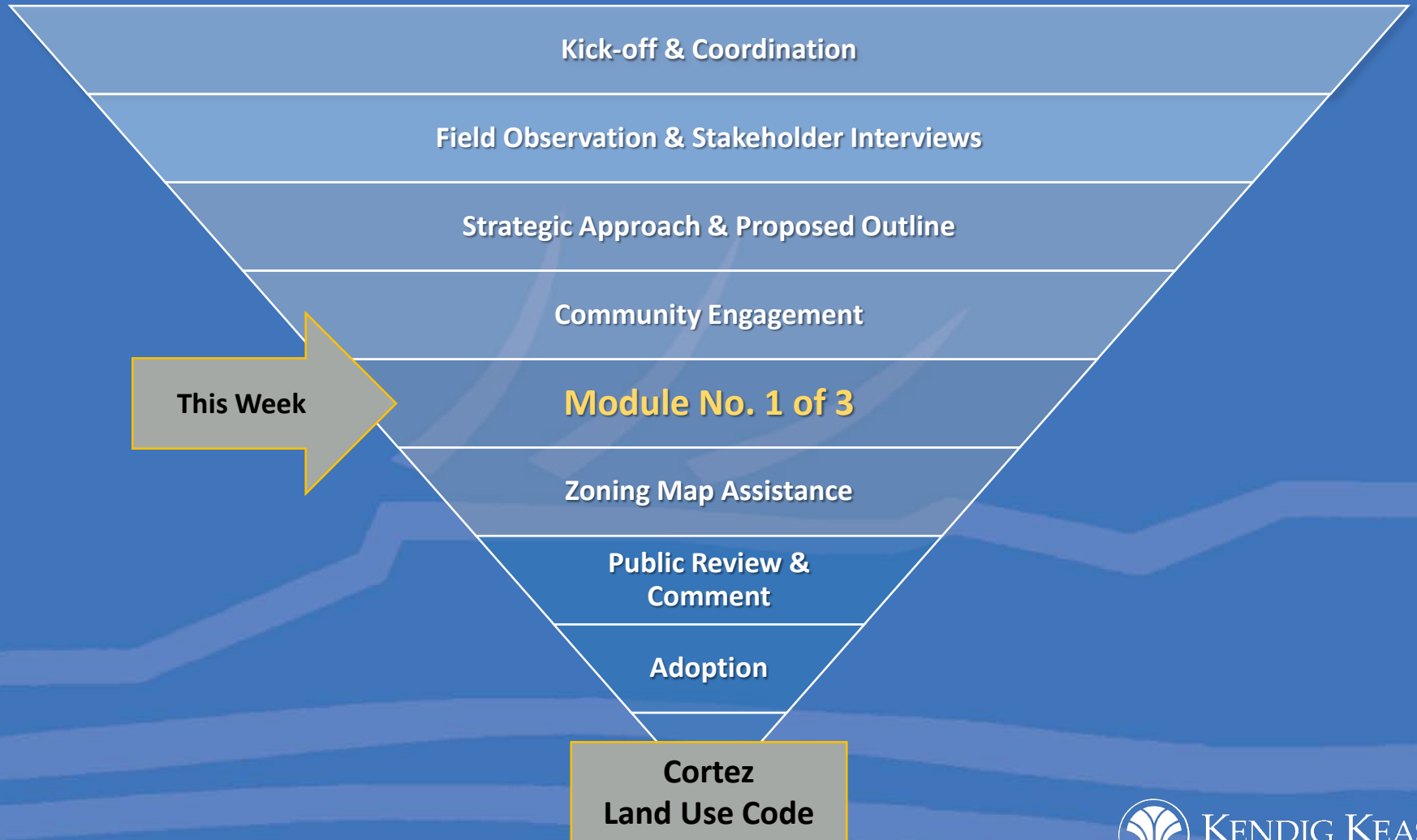
presented by:
Kendig Keast Collaborative



- Review and discuss Module No. 1
 - General overview of organization of Chapters 1-3
 - Summary presentation
 - Questions and answers
 - Warranted changes or modifications
- Receive CAC input and direction
- Next steps
 - Module No. 2 submitted on March 11th
 - Revised Module No. 1 (Reflect CAC/P&Z Comments)
 - Next meetings:
 - April 25 – Planning Commission Work Session
 - Module Nos. 1 and 2
 - Three Mile Plan
 - April 26 – CAC Meeting and City Council Briefing
 - Module No. 2
 - Zoning Map

LAND USE CODE | 3-MILE PLAN

CORTEZ



AUTHORITY, PURPOSE, JURISDICTION AND APPLICATION

CORTEZ

Authority

- Home Rule Charter
- Intergovernmental Agreement Placeholder
 - Three Mile Plan
 - Subdivision Coordination
- Colorado Statutes

Purposes

- 2008 Comprehensive Plan and 2020 Illustrated Vision
- Cortez Heart and Soul
- Specific purposes
 - Redevelopment and infill
 - Housing options
 - Neighborhood integrity
 - Environmental preservation
 - Efficient and fair processes

Jurisdiction

- Corporate limits
- Extraterritorial Area

AUTHORITY, PURPOSE, JURISDICTION AND APPLICATION

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Applicability

- Generally – Defined “development”
 - Use of land
 - Clearing of land
 - Other disturbance or alteration
 - Subdivision / Site Plan
- Publicly owned land (Included)
- Pending applications (Vested Rights)

Enactment and Repeal

- Repeal / Rename Chapters of the Municipal Code
 - Ch. 2, Article II, Planning and Zoning Commission
 - Ch. 15A, Art. III, Standards for Mobile Home Parks
 - Chapters 26D-2, 26D-8(a), 26D-8(b), 26D-8(c)(1-6), 26D-9 and 26D-11, Trees and Shrubs
 - Ch. 29, Zoning (Rename Chapter)
 - Ch. 30, Vested Property Rights
- **Establish an Effective Date**



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AUTHORITY, PURPOSE, JURISDICTION AND APPLICATION

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Subchapter 1.02 Effect of LUC

Abrogation and Greater Restrictions

- Greater restriction applies (Deed Restrictions)
- City has no duty

Vested Property Rights

- Updated
- Overlaps with Chapter 30, Vested Property Rights, Municipal Code rectified

ZONING DISTRICTS & LAND USES

CORTEZ

Zoning Districts

- Residential Uses
 - Residential Estate
 - Standard (RE) / Planned (RPE)
 - Residential Single Family
 - Standard (R-1) / Planned (RP-1)
 - Residential Multi-Family
 - Standard (R-2) / Planned (RP-2)
 - Residential Manufactured Home (MH)
 - Manufactured Home Subdivision
 - Manufactured Home Park
 - Recreational Vehicle Park
- Nonresidential Uses
 - Neighborhood Business (NB)
 - Commercial Highway (C)
 - Central Business District (CBD)
 - Business Park (BP)
 - Industrial (I)
 - Public and Institutional (PI)

Changes from Current LUC

- ✓ Added standard and planned development types (RE, R-1, and R-2)
- ✓ Distinguish manufactured home subdivisions and parks and RV parks
- ✓ Eliminated Open “O” District
- ✓ Added Business Park “BP” District
- ✓ Added Public and Institutional “PI” District

ZONING DISTRICTS & LAND USES

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Official Zoning Map

Zoning of Annexed Territory

- Temporarily zoned Residential Estate “RE”
- Permanent Zoning Assigned consistent with Future Land Use Map

ZONING DISTRICTS & LAND USES

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Land Uses

- Categories:
 - Agricultural, Residential, and Commercial Uses of the Home
 - Public, Institutional, Recreation, and Amusement Uses
 - Commercial Uses
 - Industrial, Utility, Transportation, and Communication Uses
- Uses Not Listed
 - Zoning Administrator makes a determination if proposed use
 - Is a subcategory of a permitted, limited, conditional or prohibited use; or
 - Is functionally similar to a permitted, limited, conditional or prohibited use
 - Zoning Administrator authorizes or deems prohibited
 - Applicant may appeal to the Planning Commission
 - Decision criteria



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ZONING DISTRICTS & LAND USES

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Table 2.02.04
Agricultural, Residential and Commercial Use of the Home by Zoning District

Land Use	Standards Reference	Zoning Districts									
		Residential				Nonresidential					Public and Institutional
		RE	R-1	R-2	MH	CBD	C	NB	BP	I	PI
Legend: P = Permitted L = Limited C = Conditional TL = Temporary Limited TC = Temporary Conditional X = Prohibited											
Commercial Use of the Home											
Adult Day Care	Subchapter 2.03	L	L	L	L	L	L	L	X	X	X
Bed and Breakfast, Home	Subchapter 2.03	L	L	L	X	P	X	X	X	X	X
Bed and Breakfast Inn	Subchapter 2.03	L	C	L	X	P	P	P	X	X	X
Boarding Home	Subchapter 2.03	C	X	C	X	C	X	X	X	X	X
Caretaker or guard, accessory residence	Subchapter 2.03	L	L	L	L	P	P	P	P	P	L
Child Day Care (6 or fewer attendees)	Subchapter 2.03	L	L	L	L	L	P	P	P	X	L
Child Day Care (12 or fewer attendees)	Subchapter 2.03	L	L	L	L	L	P	P	P	X	X
Child Day Care (13+ attendees)	Subchapter 2.03	L	L	L	L	L	P	P	P	X	X
Elder Group Home	Subchapter 2.03	L	L	L	L	P	P	P	X	X	X
Home Occupation	Subchapter 2.03	L	L	L	L	L	X	X	X	X	X
Live-Work Unit	Subchapter 2.03	L	L	L	L	X	X	X	X	X	X
Model Homes and On-Site Real Estate Office	Subchapter 2.04	TL	TL	TL	TL	TL	TL	TL	TL	TL	X
Portable Storage Unit	Subchapter 2.04	TL	TL	TL	TL	TL	TL	TL	TL	TL	TL
Temporary Dumpster	Subchapter 2.04	TL	TL	TL	TL	TL	TL	TL	TL	TL	TL
Work-Live Unit	Subchapter 2.03	L	L	L	L	P	P	P	X	X	X

Added Accessory Uses

Districts

Prohibited Use

Limited Use

Permitted Use

Temporary Limited Use

Limited Use

Each land use is defined

Applicable Cross References

Conditional and Limited Uses

- Purpose
 - Promote compatibility among land uses
 - Pre-establish applicable standards
 - Applicant knows applicable standards in advance
 - Consistency of standards across similar applications
 - Zoning Administrator and Commission do not generate on a case-by-case basis
- Applicability
 - Time of request for individual use
 - Expansion of existing limited/conditional use by 10% or 3,000 sf.
- Standards
 - Only approved if in conformance with standards
 - Some listed in tables have no additional standards
- Limited uses are administratively or P&Z approved, subject to standards
- Conditional uses
 - Require public hearing
 - Approval by P&Z Commission and City Council
 - Additional standards or requirements may be stipulated



ZONING DISTRICTS & LAND USES

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Conditional and Limited Uses

- Includes “special use conditions” of current LUC
- Applies to uses not permitted by right but warrant additional review

Agricultural, Residential, and Commercial Uses of the Home <ul style="list-style-type: none">• Accessory dwelling units• Adult day care• Bed and breakfast• Boarding homes• Child day care• Home occupations	Commercial Uses <ul style="list-style-type: none">• Alcoholic beverage sales• Automobile major repairs and heavy service• Commercial drive-in / drive-through• Gasoline service stations• Heavy retail• Marijuana medical dispensary / retail• Sexually oriented business
Public, Institutional, Recreation, and Amusement Uses <ul style="list-style-type: none">• Assisted living / Congregate care• Funeral home• Indoor commercial amusement• Indoor recreation or personal fitness• Places of assembly	Industrial, Utility, Transportation, and Communication Uses <ul style="list-style-type: none">• Business Parks• Heavy industry• Outdoor storage yards• Recycling collection and processing• Telecommunication facilities

ZONING DISTRICTS & LAND USES

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Temporary Uses

- Purpose
 - Set requirements and standards for “temporary” uses
 - Allowed
 - By right
 - Subject to special review (limited)
 - Subject to special process (conditional)
- General Standards
 - Time of request for individual use
 - Expansion of existing limited/conditional use by 10% or 3,000 sf.
- Standards
 - Only approved if in conformance with standards
 - Some listed in tables have no additional standards
- Limited uses administratively approved, subject to standards
- Limited uses approved subject to P&Z approval
- Conditional uses
 - Require public hearing
 - Approval by P&Z Commission and City Council
 - Additional standards or requirements may be stipulated

Temporary Uses

- Purpose
 - Set requirements and standards for “temporary” uses
 - Allowed
 - By right
 - Subject to special review (TL – Temporary Limited)
 - Subject to special process (TC – Temporary Conditional)
- Exceptions
 - Use of public parks or rights-of-way
 - Pre-approved temporary uses (as part of site plan or use permit)
- Public and Commercial Events
 - Commercial outdoor sales, farm stands, seasonal sales, sidewalk sales, farmers’ market
 - Location
 - Access, circulation and parking
 - Public convenience and litter control
 - Frequency and duration
 - Conditions of approval

ZONING DISTRICTS & LAND USES

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Temporary Uses

- Frequency and duration of Public and Commercial Events

Table 2.04.01.01
Frequency and Duration of Commercial Events

Zoning District	RE		R-1		R-2/MN		CBD		C		NB		BP			
	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y		
Maximum -(E/Y = events / yr.; D/Y = total days / yr.)																
Commercial Outdoor Sales Event	-	-	-	-	-	-	5	20	5	20	3	10	2			
Farmers' Market	-	-	-	-	-	-	16	32	16	32	-	-	-	-	-	-
Farm Stand	NA	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Seasonal or Truckload Sale	NA	90	-	-	-	-	2	60	2	60	3	60	2	45	-	-

Districts

E/Y = Events/Year
D/Y = Days/Year

Table 2.04.01.02
Frequency and Duration of Public Events

Zoning District	RE		R-1		R-2		MN		CBD/C/BP		NB		I			
	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y
Maximum - (E/Y = events / yr.; D/Y = total days / yr.)																
Public Interest or Special Event on Residential Los or Public Rights-of-Way	2	2	2	2	2	2	2	2	8	16	4	8	3	6-	-	-
Public Interest or Special Event on Nonresidential or Mixed-Use Property	2	5	2	5	2	5	2	5	8	16	6	12	3	6	12	24

Districts

ZONING DISTRICTS & LAND USES

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Temporary Uses (Construction, Storage, and Refuse Collection)

Table 2.04.05 Temporary Construction, Storage, and Refuse Collection Uses				
Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use
Temporary Office Trailer	On lot or parcel proposed for development, set back at least 10 feet from all property lines	On construction sites, use is limited to 7:00 A.M. to 10:00 P.M.; unrestricted if located at least 300 feet from a parcel or lot used or zoned for residential purposes	May be used as an office by construction superintendent, contractors, and other construction personnel, and as a security office; but may not be used as a residence	Construction-related facilities to be removed prior to certificate of occupancy for last building; other facilities: 2 years from date of permit
Temporary Construction Yard	Within 1/2 mile of the construction to which the construction yard relates	7:00 A.M. to 7:00 P.M. if any residential use or zoning district is within 300 feet or 6:00 A.M. to 10:00 P.M. in all other locations	The facility shall be used only for a construction site or for an infrastructure project wholly or partially located in Cortez	Established by approval; to coincide with the use of the facility for a specified construction project
Model Homes and On-Site Real Estate Offices	On lot or parcel proposed for development	Not Applicable	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria	On-site office, removed upon completion of model home or suitable permanent floor area on-site; must be removed by issuance of a CO to use the facility as a residence.
Portable Storage Units	On parcel or lot served by portable storage unit. No encroachment onto lawn or sidewalks is permitted. On nonresidential parcels, must be located behind the principal building	Not Applicable	Not Applicable	Three days if located in residential driveway; one year if located behind principal building and screened from view of public rights-of-way.



Established Neighborhoods

- Application:
 - Development of vacant, platted lots
 - Development of infill tracts < 5 acres that are within or abut other existing platted and developed neighborhoods
 - Redevelopment or expansion of existing buildings
- Alternate Standards
 - Apply to expansion or reconfiguration of existing buildings when not in compliance with typical standards
 - Avenue to avoid variances and allow for reinvestment in properties
 - Promote infill development
 - Maintain existing Neighborhood character
 - Address car ports and other car covers (porte cocheres)
 - Provide clearly defined and specific alternative setback standards

ZONING DISTRICTS & LAND USES

CORTEZ

Neighborhood Conservation Standards

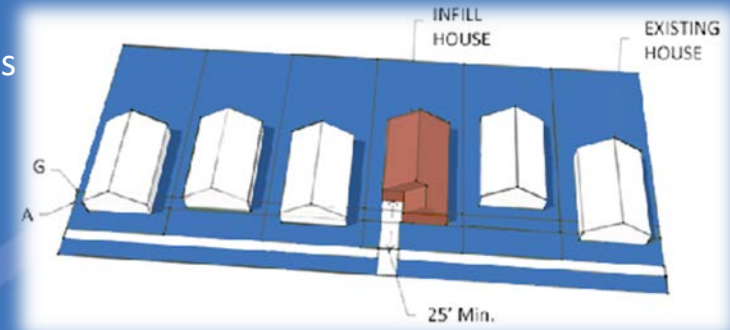
Table 3.02.03.01
Conservation Lot and Building Standards

District	Predominant Housing Type ¹	Minimum			Minimum Setback			Maximum	
		Lot Width ²	Lot Area ²	Floor Area of Principal Building	Front	Side	Rear	Building Height	Lot Coverage
RE	Single Family Detached Dwellings	0'	1.0 ac.	NA	50'	50'	25'	35'	20%
R-1	Single Family Detached Dwellings	50'	7,000 sf.	NA	20'	7'	7'	35'	40%
R-2	Single Family Detached Dwellings	50'	6,000 sf.	NA	20'	7'	7'	35'	50%
	Duplex	50'	3,500 sf.	800 sf.	20'	7'	7'	35'	50%
	Single Family Attached (Triplex, Quadraplex, Townhome)	60'	3,000 sf.	800 sf.	20'	7'	7'	35'	50%
	Apartment - Studio - One bedroom - Two bedroom - Three bedroom	60'	3,000 sf.	450 sf. 500 sf. 700 sf. 800 sf.	20'	7'	7'	35'	50%
MH	Manufactured Home Dwelling	50'	6,000 sf.	700 sf.	20'	7'	7'	35'	50%

- Consistent with existing standards of the LUC to avoid:
 - Nonconformities
 - Need for variances
 - Maintain neighborhood character
- Based on predominant housing type
- Carry through to new LUC since district standards for new development have changed

Established Neighborhoods

- Alternate Standards
 - Application: Modifications to existing buildings
 - Variances not necessary
 - Equivalent to compliance with conservation standards
 - Approvals are not considered variances
- Alternate Setbacks and Coverage
 - Front
 - Enclosure of existing or addition of new front porch
 - Setback averaging
 - Street Side
 - Subdivision fencing along arterial or collector street (reduced to 5')
 - Interior Side
 - Reduced to 3' when abutting open space or easement
 - Rear
 - Abutting permanent open space



New Neighborhoods

- Development Standards
 - Minimum or average (new) lot size
 - Minimum open space ratio (new)
 - Maximum gross density (new)
 - Minimum area of development (new)
 - Applicable to planned development
 - Necessary to achieve benefits of clustering
- Lot and Building Standards
 - Minimum lot width
 - Impervious cover (vs. maximum lot coverage)
 - Minimum front, interior and street side (new), and rear setbacks
 - Maximum building height
- Standards Development
 - Comparable to current district standards
 - Results in conventional development

New Neighborhoods

- Planned Development (an option to Standard Development)
 - Why?
 - Allow for innovative development with mixed housing types
 - Reward resource protection and accommodation of open space
 - Allowed by-right, subject to development standards and site plan approval
 - Requires demonstration of higher quality
 - Variable lots sizes and increased open spaces and densities
 - Open space for resource protection, recreation area or amenities
 - Requires a minimum area of development
 - Lot sizes based on average area and width vs. minimum
 - Mixed housing types allowed to maximize density yields
 - Meet market demands
 - Provide for development flexibility

ZONING DISTRICTS & LAND USES

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Table 3.03.01.01
Residential Development Standards

District / Neighborhood Type	Minimum Lot Area ¹	Minimum Open Space Ratio (OSR) ²	Maximum Gross Density ³	Minimum Area of Development ⁴
Residential Estate (RE)				
Standard	1 ac.	5%	0.85	NA
Planned	30,000 sf.	15%	1.10	20 ac.
Residential Single Family (R-1)				
Standard	7,000 sf.	5%	4.70	NA
Planned ⁵	6,000 sf.	12%	5.05	10 ac.
Residential Multi-Family (R-2)				
Standard (Single Family Detached, Duplex, and Twin Home)	6,000 sf.	5%	5.50	NA
Planned ⁶ (see applicable housing types in Table 3.03.03)	2,500 sf.	15%	14.25	5 ac.
Manufactured Home Park (MH)				
Manufactured Home Park ⁷	5,000 sf.	8%	6.40	10 ac. maximum
Recreational Vehicle Park (see Sec. 2.03.03, Subsection D)	3,500 sf.	10%	9.14	5 ac. maximum



DEVELOPMENT & DESIGN STANDARDS

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Nonresidential Development

**Table 3.04.03.01
Nonresidential and Mixed Use Standards**

Standard	Stories	Zoning Districts					
		Public Institutional	Commercial			Industrial	
		PI ¹	NB ²	C	CBD ³	BP	I
Minimum Landscape Surface Ratio (LSR)	NA	20%	25%	15%	0%	18%	15%
Maximum Floor Area Ratio (FAR) ⁴	1	0.392	0.316	0.280	0.942	0.366	0.417
	2	0.519	0.401	0.335	1.815	0.471	0.552
	3	0.583	NA	0.358	2.625	0.521	NA
Maximum Building Coverage Ratio (BCR)	1	0.39	0.32	0.28	0.94	0.37	0.42
	2	0.26	0.20	0.17	0.91	0.24	0.28
	3	0.19	NA	0.12	0.88	0.17	NA
Density ⁵	NA	NA	NA	17.00	34.00	NA	NA
Minimum Lot Area	NA	1 ac.	6,000 sf.	15,000 s.f.	2,500 sf.	10,000 s.f.	10,000 s.f.
Minimum Street Frontage	NA	150'	60'	100'	25'	50'	50'
Maximum Building Height ⁶	NA	45'	35'	50'	50'	50'	28'
Building Setbacks⁷							
- Front	See Table Note 6	35'	25'	35'	0'	30'	20'
- Interior Side		15'	10'	15'	0'	20'	20'
- Street Side		25'	25'	20'	0'	30'	20'
- Rear		50'	20'	35'	0'	30'	20'
- Residential District Boundary ⁸		25'	25'	35'	NA	50'	75'
Parking Lot Setbacks							
Front	NA	15'	15'	15'	5'	15'	10'
Street Side	NA	15'	10'	15'	5'	15'	10'

Landscape Surface Area

Floor Area Ratio (FAR)

Parking Setbacks (New)

Central Business District (CBD)

- Setbacks (North, Main & First Streets)
 - Build-to line, except:
 - Existing dwellings
 - Existing building, which may:
 - Remain using the front yard as a courtyard, plaza, or parking (if existing)
 - Be extended to the build-to line
 - Average setback applies
 - Setback up to 20' for a plaza or outdoor service area
- Encroachments
 - Up to 18" below 8' if no impact on sidewalk
 - Up to 4' above 8' if:
 - At least 1' from face of curb
 - No unsafe clearances



What is it and why is it important?

- Annexation Master Plan (State Mandated)
- Does not propose any eminent or specific annexation
- Identifies Community Assets
- Identifies Potential Growth Areas
- Identifies areas the City has the ability to serve and where constraints are located
- Facilitates City / County Coordination
- Mandated Annual Process

QUESTIONS



THANK YOU

Cortez, CO

Land Use Code Update (and Three-Mile Plan)

Citizens' Advisory Committee (CAC) Meeting
February 29, 2016

