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AGENDA CITY OF OURAY PLANNING COMMISSION REGULAR MEETING

San Juan Room – Ouray Community Center – 320 6th Avenue
March 10, 2020 - 4:00 pm

ADMINISTRATIVE

1. Call to Order
2. Roll Call
3. Review of Minutes from Planning Commission regular meeting of February 13, 2020

CITIZEN COMMUNICATIONS

ACTION ITEMS

Consideration of recommendation to the City Council on amendments to the Ouray Land Use Code at Section 7-2 and the definition of an Accessory Dwelling Unit (“ADU”) Sections 7-5-J-6 regarding ADU regulations and incentives; 7-5-E-3-d-iii-2, 7-5-E-4-e-iii-2 and Table 7-5-D to not count accessory dwelling unit floor area in the maximum floor area allowed in the R-1 and R-2 zone districts; and Table 7-5-D to not have ADUs count towards the maximum density on a lot.

PUBLIC HEARINGS

None

DISCUSSION

Community Plan Update

ADJOURNMENT

**Minutes of the Ouray Planning Commission
February 13, 2020**

CALL TO ORDER

Chairman Skoloda called the meeting to order at 4:00 p.m.

ROLL CALL

Planning Commissioners present for roll call were Chairman Jeff Skoloda, Vice Chair Gulde, Commissioner Ryan Hein, Commissioner J. Gary Dunn, and Commissioner Josh Smith.

Present on behalf of the City of Ouray staff were Community Development Coordinator Chris Hawkins and Deputy Clerk/Treasurer Beverly Martensen.

APPROVAL OF MINUTES

Vice Chair Gulde moved and Commissioner Hein seconded the motion to approve the minutes of the January 14th Regular Planning Commission meeting as written. The motion passed on unanimous vote.

ACTION ITEMS

- 1. Consideration of an amendment to Ouray Land Use Code Section 7-5-J-6 regarding the zoning requirements for accessory dwelling units.**

Chris Hawkins presented red line recommended changes to City Code regarding accessory dwelling units. The Planning Commission discussed the proposed changes and raised questions.

Chairman Skoloda made a motion and Commissioner Smith seconded the motion to continue this item to the March 10th Regular Planning Commission meeting. The motion passed on unanimous vote.

- 2. Consideration of a recommendation to the Ouray City Council regarding the Planning Commission appointments.**

The Planning Commission discussed that Commissioner Dunn and Commissioner Hein had come to the end of their terms and agreed they would like to recommend reappointment.

Vice Chair Gulde moved and Commissioner Smith seconded the motion to recommend to City Council to reappoint Commissioner Dunn and Commissioner Hein to the Planning Commission. Commissioner Hein and Commissioner Dunn abstained from the vote. The motion passed with the remaining commissioners voting in favor.

**Minutes of the Ouray Planning Commission
February 13, 2020**

DISCUSSION

1. Building Better Places Conference Summary

Vice Chair Gulde gave summary report of Building Better Places Conference.

ADJOURNMENT

At 5:01 p.m. Commissioner Dunn moved and Commissioner Hein seconded the motion to adjourn. A vote was taken and the motion passed unanimously.

DRAFT

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TO: Ouray Planning Commission
FROM: Chris Hawkins, Community Development Coordinator
DATE: March 6, 2020
FOR: March 10, 2020 Planning Commission Meeting
SUBJECT: Consideration of recommendation to the City Council on amendments to the Ouray Land Use Code at Section 7-2 and the definition of an Accessory Dwelling Unit ("ADU") Sections 7-5-J-6 regarding ADU regulations and incentives; 7-5-E-3-d-iii-2, 7-5-E-4-e-iii-2 and Table 7-5-D to not count accessory dwelling unit floor area in the maximum floor area allowed in the R-1 and R-2 zone districts; and Table 7-5-D to not have ADUs count towards the maximum density on a lot.

The impetus for these amendments is City Council direction to the Planning Commission to provide incentives for housing. The Planning Commission has been focusing on Accessory Dwelling Units ("**ADU**") to meet this Council direction. The Planning Commission provided direction on changes to the ADU zoning requirements during the January and February meetings. The direction provided at these meetings has been incorporated into the proposed amendments as shown in Exhibit A. The City Attorney has also reviewed and commented on the draft regulations (Staff will provide additional comments at the meeting).

The Planning Commission has been focused on creating incentives for ADU, including:

1. Increasing the size to allow for up to 1,200 sq. ft. and a three bedroom unit.
2. Removing the owner occupancy requirement of either the primary unit or ADU.
3. Allowing an ADU on any size lot in the city.
4. Not counting the ADU floor area in the maximum floor areas allowed in each zone district.
5. Allowing for on-street parking.

The following sections summarize the key ADU changes as set forth in Exhibit A:

1. **Section 7-2.** The definition of an ADU is changing to allow for up to 1,200 sq. ft., with the current limit at 1,000 sq. ft.

2. **Section 7-5-J-6 Opening Paragraph.** A purpose statement has been added to the opening section. A reference was also added that ADU have to meet the dimensional standards in Table 7-5-D. Also clarifying that ADU do not count towards the maximum density (It could be argued under the current Land Use Code that a lot has to contain 4,740 sq. ft. to 7,100 sq. ft. in order to have an ADU in the R1 and R2 zone districts).
3. **Section 7-5-J-6-a.** Deleting not needed or redundant requirements. Also clarifying that ADU require a primary unit to already exist or be proposed with the ADU.
4. **Section 7-5-J-6-b.** Establishing standards for allowing on-street parking as an incentive for ADU.
5. **Section 7-5-J-6-c.** Increasing the maximum floor area from 1,000 sq. ft. to 1,200 sq. ft. which should allow for up to a three bedroom unit. Also deleting a requirement that the either the ADU or the primary unit be owner occupied as an incentive to providing an ADU on second home or short-term rental properties.
6. **Section 7-5-J-6-d.** Increasing the occupancy requirement for an ADU from a minimum of 30 days to 90 days or greater to provide long-term housing (Current ADU requires an occupancy of 30 days or greater).
7. **Section 7-5-J-6-e.** Requires a deed restriction for the ADU in exchange for the incentives discussed herein. Deed restrictions will ensure future owners are aware of the ADU requirements which is currently not the case. Assures long-term housing since ADU only deed restriction will ensure. The City will enforce this restriction.
8. **Section 7-5-J-6-f.** Creating ADU provision for existing units and an allowance to realize the incentives only if new ADU regulations are met, including deed restriction.
9. **Section 7-5-J-6-g.** No change.
10. **Section 7-5-J-6-h.** No change.
11. **Section 7-5-J-6-i.** Eliminating an unneeded regulation that is already covered by existing code provisions. Burden of proof of meeting City regulations falls on all applicants.

Staff recommends the Planning Commission review the proposed amendments; provide direction on any needed changes; and pass a motion recommending the City Council approve the proposed amendments. It should be noted that the City Attorney will have to re-review the proposed amendments prior to the City Council considering the first reading of an ordinance.

Proposed Amendments to Ouray Land Use Code

Section 7-2 Definitions

Accessory Dwelling means a dwelling unit that contains no less than 300 sq. ft. and no more than ~~1000~~ 1,200 sq. ft. of floor area and is located on the same site as, but has a separate entrance from, a single-family or duplex dwelling.

Section 7-5-J-6 Accessory Dwelling Units

Accessory Dwelling Units (“ADU”) are intended to provide workforce housing for long-term occupancy. Dwelling units ADU which meet the criteria of this Subsection may be allowed as an accessory use to a principal residential unit in the R-1, R-2, C-1 and C-2 districts provided that such ADU the dwelling units conform to the applicable requirements of said Districts and Table 7-5-D. An ADU can be proposed on any size lot and does not count towards the maximum density as set forth in Table 7-5-D.

- a. The accessory dwelling unit must be constructed in accordance with applicable requirements of Code adopted by the City pursuant to Chapter 6 of Ouray Municipal Code. It An ADU can only be proposed when a primary dwelling unit exists or is proposed as a part of the same building permit. ADUs may be attached or detached to the principal residential unit. Applicable dimensional requirements for a single family dwelling as set out in Table 7-5-D must be met for the premises.
- a.b. One off-street or on-street parking space shall be provided for the accessory unit ADU in addition to any other required off-street parking. Any proposed on-street parking will only be permitted when it is shown on a site plan that (1) two (2) parking spaces measuring 10’ x 20’ exist or will be constructed per City specifications in an adjacent right-of-way; (2) such parking spaces do not obstruct the travelled way; and (3) such parking will comply with all other City laws concerning parking in public rights-of-ways.
- b.c. The accessory dwelling unit ADU may not exceed ~~1,000~~ 1,200 square feet of living area, excluding garage floor area.
 - i. One of the dwelling units on the property must be, and remain, owner occupied. If the other dwelling unit is rented, a minimum of a 30-day rental period shall be required by written lease.
- d. The ADU shall be rented out long-term for a period of 90 days or greater, and be rented out to a person who is working 32 hours or greater in either a business within Ouray County, or be working remotely (telecommuting) for a business that is located outside of the city.
- e.e. Prior to issuing a building permit for a new ADU, the property owner shall enter into a deed restriction with the City that contains the key requirements set forth in this Subsection in form set forth by the City that is recorded in the Ouray County Clerk and Records Office.
- f. Accessory dwelling units that were constructed prior to April ____, 2019 (“Pre-Existing ADU”) are subject to the prior accessory dwelling unit regulations that required owner occupancy of the primary unit; limiting floor areas to 1,000 sq. ft.; counting the accessory dwelling unit floor area in the maximum floor area limit, counting ADUs in the density limitation and requiring on-site parking. If an owner of a Pre-Existing ADU desires to be considered for an allowance under these new ADU standards, then such owner shall have to meet all of the requirements set forth in this Subsection, including but not limited to the need to enter into a deed restriction with the City.

~~e.g.~~ The accessory dwelling unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership.

~~e.h.~~ The accessory dwelling unit may be served off of the water and sewer taps for the principal residence, in which case it shall not be subject to additional investment fees, and the primary residence and accessory dwelling unit shall be charged as a duplex for water and sewer service rates.

~~f.i.~~ ~~The burden shall be upon the owner of any accessory dwelling unit to provide adequate proof to the City that the criteria of this Section are met. In the event that the City determines that the criteria have not been shown to be satisfied the unit may not be occupied as a residence.~~

~~g.i.~~ A dwelling unit constructed as a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit.

7-5-E-3 Residential District R1

7-5-E-3-d-iii-2 Maximum Floor Area

A. On properties within the boundaries of the Ouray Local and National Historic District as shown on Official Zoning Map, the maximum floor area gross shall not be more than 10% greater than the average floor area of primary structures on lots located on the block front or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.

B. On properties not within the boundaries of the Ouray Local and National Historic District, maximum floor area gross shall be 4,260 sq. ft.

B.C. Accessory dwelling unit floor area shall not be included in the maximum floor area limit as an incentive to constructing and providing such units.

7-5-E-4 Residential District – High Density – R2

7-5-E-4-e-iii-2 Maximum Floor Area

A. On properties within the boundaries of the Ouray Local and National Historic District, as shown on Official Zoning Map, the maximum floor area gross shall not be more than 10% greater than the average floor area of primary structures, on lots located on the block front, or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.

B. For all other properties not within the boundaries of the Ouray Local and National Historic District, the maximum floor area shall be 10,650 sq. ft.

C. Accessory dwelling unit floor area shall not be included in the maximum floor area limit as an incentive to constructing and providing such units.

Table 7-5-D Dimensional Requirements (Please refer to following pages)

	Parks Developed (P1)	Park Conservation (P2)	Residential (R1)	Residential High Density (R2) South of Skyrocket	Residential High Density (R2) North of Skyrocket	Commercial District (C1)	Commercial District – Industrial (C2) South of Skyrocket	Commercial District – Industrial (C2) North of Skyrocket
Minimum Lot Area	Not applicable	Not applicable	7,100 s.f.	7,100 s.f.	7,100 s.f.	3,500 s.f.	7,100 s.f.	7,100 s.f. for any use
Maximum Density	Not applicable	Not applicable	3,500 s.f./D.U.*	2,370 s.f./D.U.* 790 s.f./L.U.	3,550 s.f./D.U.* 1,183 s.f./L.U.	Not applicable	3,550 s.f./D.U.* 1,183 s.f./L.U.	3,550 s.f./D.U.* 1,183 s.f./L.U.
Minimum Front Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	Average of the existing building front setbacks or 5 ft. whichever is less, except: No minimum setback for lots on or within the Ouray Commercial Historic District and for lots on U.S. Highway 550, between 9th Avenue and south boundary of Sampler Mill site, the front setback equal to the average of the existing building front setbacks along the same block or 10 feet, whichever is less.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.
Minimum Side Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	5 ft.	5 ft.	5 ft.	5 ft., except: No minimum setback for lots on or within the Ouray Commercial Historic District	5 ft.	5 ft.
Minimum Rear Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum Roof Eaves	Not applicable	Not applicable	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the

*Does not apply to accessory dwelling units. An ADU can be proposed on any size lot and does not count towards the maximum density.

	Parks Developed (P1)	Park Conservation (P2)	Residential (R1)	Residential High Density (R2) South of Skyrocket	Residential High Density (R2) North of Skyrocket	Commercial District (C1)	Commercial District – Industrial (C2) South of Skyrocket	Commercial District – Industrial (C2) North of Skyrocket
			required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line
Minimum Floor Area	Not applicable	Not applicable	Must comply with current Building Code adopted by City	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.
Maximum Floor Area	Not applicable	Not applicable	Ouray Local and National Historic District: 10% greater than the average of other structures on the block front or 4,260 sq. ft., whichever is less All other properties: 4,260 sq. ft. <u>Accessory dwelling floor area shall not count towards the maximum floor area.</u>	Ouray Local and National Historic District: 10% greater than the average of the primary structures on the block front or 4,260 sq. ft., whichever is less All other properties: 10,650 sq. ft. <u>Accessory dwelling floor area shall not count towards the maximum floor area.</u>	10,650 s.f. <u>Accessory dwelling floor area shall not count towards the maximum floor area.</u>	Ouray Commercial Historic District and Fronting Highway 550: 9,585 s.f. per 25 feet of frontage on Highway 550 of the lot on which the building is located. All other properties: 9,585 sq. ft.	15,000 sq. ft.	15,000 sq. ft.
Maximum Site Coverage	5%	5%	30%	50%	40%	90%	50%	40% for residential use 50% for mixed use 60% for commercial use
Maximum Building Impervious Surface Site Coverage	Not applicable	Not applicable	80%	80%	80%	100%	80%	80% for any use
Maximum Height	20	10	30	35	35	35	35	35
Maximum Size for Accessory Buildings	Not applicable	Not applicable	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Not applicable	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.