

Ouray Planning Commission Regular
Meeting
Tuesday, June 14, 2022 4:00 PM

Massard Auditorium | Zoom:
<https://zoom.us/j/96355554822> Password:
881162
320 6th Ave
Ouray, CO 81427

Agenda

1. ADMINISTRATIVE
 - 1.a. Call to Order
 - 1.b. Roll Call
 - 1.c. Review of Minutes from the Planning Commission regular meeting on May 10, 2022
2. CITIZENS' COMMUNICATION
 - 2.a. Public invited to speak on matters not on the agenda
3. PUBLIC HEARINGS
4. ACTION ITEMS
5. DISCUSSION
 - 5.a. Land Use Code Update & Draft Presentation from SEH
 - 5.b. Future Discussion Items
6. ADJOURNMENT

Ouray Planning Commission Regular Meeting

Tuesday, May 10, 2022 4:00 PM

Massard Auditorium | Zoom: <https://zoom.us/j/96355554822> Password: 881162, 320 6th Ave, Ouray, CO 81427

Glenn Boyd: Present
Gary Dunn: Present
Mike Fedel: Present
Mike Hakola: Present
Jeff Skoloda: Present

1. ADMINISTRATIVE

- a. **Call to Order** – Chairman Skoloda called the meeting to order at 4:00 pm.
- b. **Roll Call**
- c. **Review of minutes from the Planning Commission Special Meeting on April 13, 2022.** Commissioner Boyd moved, and Commissioner Fedel seconded the motion to approve the minutes for the April 13th Planning Commission Special Meeting as written. The motion passed on unanimous vote.

2. CITIZENS' COMMUNICATION

None

3. PUBLIC HEARINGS

- a. **Variance Application for property legally described as: Subd: City of Ouray Lot: 11 Block: 33 Subd: City of Ouray Lot: 12 Block: 33 S: 31 T: 44 R:7; commonly known as 739 5th Street; Parcel No. 451531106003**

Commissioner Fedel recused himself from discussion and voting on this item. He is directly involved in the project.

Applicant Frederick Matthews was present via zoom. The applicant is requesting a variance of coverage maximum from 30% to 33.7%.

At 4:29 pm Chairman Skoloda opened the hearing to public comment. Hearing none, he closed the hearing to public comment at 4:30 pm.

4. ACTION ITEMS

- a. **Consideration of the 739 5th Street Variance Application** (legal description in Public Hearing above).

Commissioner Boyd moved, and Vice Chair Dunn seconded the motion, to approve Resolution 22-03 denying the 739 5th Street Variance Application. The motion passed on unanimous vote.

5. DISCUSSION

- b. Land Use Code Update & Community Survey Responses

6. ADJOURNMENT

At 4:45 pm Commissioner Boyd moved, and Commissioner Hakola seconded the motion to adjourn. The motion passed on unanimous vote.

Jeff Skoloda, Chairman

ATTEST:

Beverly Martensen, Deputy City Clerk

CERTIFICATION

I, Beverly Martensen, do hereby certify that I am the Deputy City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray Planning Commission held on Tuesday, May 10, 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Tuesday, May 10, 2022.

Beverly Martensen, Deputy City Clerk

Discussion Draft

Key: Existing language needs discussion or section reference that will need updating

New Language – needs discussion

CHAPTER 7: Land Use and Development Code

Section 1: General Provisions

7.1.1 Title and effective date

This chapter of the Ouray Municipal Code shall be officially known as the “Ouray Land Use Code” and is referred to throughout this document as “this Land Use Code”, “OLUC” or “OMC”
This Land Use Code shall become effective on _____.

7.1.2 Authority

It is the intention of the City in adopting this Code to fully exercise all relevant powers conferred on it by the laws of the State of Colorado, including, but not limited to, the following:

1. Home Rule Municipality. All of the powers reserved to the City as a home rule municipality under Article XX of the Colorado Constitution.
2. State Enabling Legislation. All of the powers granted to the City by:
 - A. Colorado Revised Statutes, Title 29, Article 20, provisions of the Local Government Land Use Control Enabling Act of 1974.
 - B. Colorado Revised Statutes, Title 31, Article 12, provisions of the Municipal Annexation Act of 1965.
 - C. Colorado Revised Statutes, Title 24, Articles 65, 67, and 68, that provide for the review of areas and activities of state interest, authorize the planned unit development approach to land development and provide for the establishment of vested property rights.
 - D. Colorado Revised Statutes, Title 31, Article 23 that enables municipalities to adopt zoning regulations and subdivision requirements.
 - E. All Other Powers Authorized. All other powers authorized by statute or by common law for the regulation of land uses, land development and subdivision, including, but not limited to, the power to abate nuisances.

7.1.3 Purpose of this Land Use Code

The general purposes of the OLUC are as follows:

- A. Promote and protect the public health, safety, and welfare;
- B. Ensure that new development bears its fair share of the cost of providing new improvements and services;
- C. Establish uniform procedures and standards for all proposed development of land with the City of Ouray;
- D. To facilitate adequate provisions for water, sewage, storm water, fire protection, schools, parks, open space, recreation, public utilities and other public and historical buildings;
- E. To maintain the scenic beauty of the Ouray area;

- F. To manage development that mitigates and minimizes hazards due to erosion, geologic conditions, flood, soil conditions, excessive slopes and other potential dangers to public health, safety and welfare;
- G. Implement the goals, objectives and policies of City's Community Plan;
- H. Preserve the neighborhoods and protect property values in Ouray;
- I. Promote energy conservation, use of alternate energy sources, cluster development and other land use practices that result in reduced energy consumption;
- J. To encourage the development of affordable housing and encourage the development of long-term rental housing;
- K. Protect quality of air, cultural and natural resources;
- L. To protect the City's water resources by maintaining the natural watershed, preventing accelerated erosion, reducing run off and consequent sedimentation, and eliminating pollutants introduced directly or indirectly into the City's streams;
- M. To manage and regulate the density of land use and prevent demands on existing services and infrastructure that cannot be satisfied;
- N. To enhance and provide for safe and efficient flow of vehicles and pedestrians; and
- O. To otherwise plan for and regulate the use of land so as to provide for a planned and orderly use of land and encourage the most appropriate use of land throughout the City.

7.1.4 Applicability and Jurisdiction

The provisions of this Land Use Code shall apply to all land, buildings, structures, and uses thereof located within the City of Ouray, unless an exemption is provided by the terms of this Land Use Code. The provisions of this Land Use Code are the minimum requirements adopted for the promotion of the public health, safety, and welfare.

Jurisdiction: This Code shall be effective throughout the City's corporate boundaries. The City's planning jurisdiction includes all land within the City, and where applicable, the land within three miles of the City's boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the City's corporate boundaries.

A copy of a map showing the boundaries of the City and the area within the three-mile planning jurisdiction shall be available for public inspection in the City offices.

COMPLIANCE REQUIRED

- A. No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this Land Use Code.
- B. No lot of record that did not exist on the effective date of this Land Use Code shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Land Use Code.
- C. No permit or approval may be issued under this Land Use Code unless all structures and uses of land and structures to be authorized by the permit or approval conform to this Land Use Code, regulations promulgated under this Land Use Code, and the terms and conditions of other applicable permits and approvals issued under this Land Use Code. A permit or approval issued in violation of this Land Use Code is void.

APPLICATION TO GOVERNMENTAL AGENCIES

To the extent allowed by law, the provisions of this Land Use Code shall apply to all land, buildings, structures, and uses owned by government agencies. Where the provisions of this Land Use Code do not legally control such land, buildings, structures, and uses owned by government agencies, such agencies are encouraged to meet the provisions of this Land Use Code ____ Applicability and Jurisdiction.

7.1.5 Rules of Interpretation/Conflicting Provisions

For purposes of interpretation of the OLUC, the rules set out in this Section shall be observed, unless such construction would be inconsistent with the manifest intent or purpose of the City as expressed in this Chapter. Words and phrases shall be construed according to the common and approved language, but technical words and phrases as may have acquired a particular meaning shall be understood according to such meaning.

1. Conflicting Provisions:

- A. Whenever the requirements of the OLUC are in conflict with the requirement of another provision of the Ouray Municipal Code or any other rule, regulation, resolution or ordinance of the City, the requirements that are the most restrictive or impose a higher standard or requirements shall govern.
- B. The provisions of the OLUC are in addition to all other City ordinances, the law of the State of Colorado, the law of the United States, and applicable common law. The OLUC shall not supersede any private land use regulations in deeds or covenants that are more restrictive than this Code.

2. Provisions are Minimum Requirements:

The intent and provisions of the OLUC shall be regarded as the minimum required for the protection of the public health, safety and welfare. They shall be liberally construed to further these purposes.

3. Computation of Time:

The time within which an act is to be done shall be computed in accordance with the City's Home Rule Charter.

- A. Day. Day shall mean calendar day, including Saturdays, Sundays and legal holidays. Business day shall mean a day that the City offices are open to the public.
- B. Week. The word "week" shall mean seven (7) days.
- C. Month. The word "month" shall mean thirty (30) days.
- D. Year. The word "year" shall mean 365 days.

4. Singular/Plural and Gender:

The masculine includes the feminine, the singular the plural, and vice versa.

5. Shall/May:

The word "shall" is mandatory. The word "may" is permissive.

6. Tense:

Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

7. Liability:

The OLUC, or any administrative act or failure to act, pursuant to the regulations contained herein, shall not create any liability on the part of the City or any officer or employee thereof.

7.1.6 Enforcement

Administration and Enforcement

- A. The OLUC shall be administered and enforced by a Community Development Department Official, or other such authorized person as designated by the City Administrator.
- B. The City may deny any building permit, occupancy permit, other permit or license, or approval of any property that is in violation of any decision pursuant to the OLUC or the provisions of the OLUC.
- C. The City is empowered and directed to inspect and examine the use, occupation or development of land for which a development permit, license or approval has been issued to determine, from time to time, whether any use, occupation, development or activity is in violation of any of the provisions of this Code or of any permit issued or required pursuant to this or other applicable regulations.
- D. Should access or entry to any land or premises be refused upon request by the Land Use Official or other duly authorized person, the City may seek a search warrant from the Municipal Court permitting entry upon such land or premises for purposes of making inspections or carrying out other duties as authorized under the Ouray Municipal Code.
- E. All provisions of the OLUC must be fulfilled and adhered to by Applicants seeking approval and authorization of the applicable sections of this Code. Failure to fulfill these requirements may result in the denial of building, development or other permits, and the authorization to improve, construct, occupy, subdivide or utilize certain properties, buildings and facilities. Additionally, all conditions specified in development approvals must be adhered to and completed in accordance with the approval conditions. It shall be unlawful for any person to subdivide any land within the City of Ouray whether by sale, conveyance, gift, delivery or recording of a plat, deed, or other legal instrument or by any other means except in accordance with the provisions of this Chapter.
- F. Any action which reduces the area of any site, lot or tract in violation of the minimum dimensional requirements of the OLUC is unlawful.
- G. All violations of the OLUC, including the terms of any approval issued pursuant to this code, and any subdivision plat restrictions, are hereby declared to be a nuisance and may be abated in any lawful manner.
- H. The City may maintain an action in any court of competent jurisdiction to enjoin any violation of the OLUC, including terms and conditions specified in development approvals.
- I. It is unlawful to violate any of the provisions of the OLUC, or the terms of any approval entered pursuant to this code. Any person convicted of such a violation may be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in jail not exceeding ninety (90) days or by both such fine and imprisonment. Each day any violation continues shall constitute a separate offense.

- J. All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.

7.1.7 Fees

1. Fees for applications and review processes required by the OLUC will be set by the City Council by resolution. Fees and fee structures may be modified at any meeting of the City Council from time to time.
2. Resolutions establishing application fees will attempt to establish fair and equitable fees to recover the average costs of all expenses, including staff time, associated with the administration of the OLUC.
3. The Applicant will also be required to pay for actual, reasonable costs incurred by the City, for legal fees, postage, notice and publishing costs, map costs, other professional service consultants or review agencies which charge for their review, together with wages and associated payroll costs for contract employees. The City shall send an invoice to the Applicant monthly as such costs are incurred. Each invoice shall be due 30 days after its date. Such invoice sent prior to the next formal decision by the City must be paid prior to that decision. Invoices not paid prior to that decision shall be cause to deny the application or table the decision until the fees are paid. Bills not paid by the due date shall accrue interest at the rate of 1-1/2% per month or part thereof. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the City. Such fees may be certified to the County Treasurer for collection as delinquent charges.
4. Upon positive recommendation of the Planning Commission, the City Council may by motion and without additional notice of hearing authorize refunds or waive development review application fees. Council may authorize refunds or waivers of fees only in cases of hardship to the Applicant or economic benefit to the community or other unique circumstances.

7.1.8 Severability

If any part of the OLUC or the application or enforcement thereof to any person or circumstance is held invalid, the remainder of the OLUC and its application to other person or circumstances shall not be affected thereby.

Section 2: Definitions

7.2 Definitions

The following definitions apply throughout the OLUC, unless the context clearly requires otherwise.

Accessory Building means a detached (separate or disconnected from) subordinate building or structure, the use of which is incidental to that of the principal building or primary dwelling and which is located on the same lot or parcel with the principal building or dwelling.

Accessory Dwelling means a dwelling unit that contains no less than 300 sq. ft. and no more than 1000 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.

Accessory Use means a use on the same lot or parcel with the principal use that is naturally and normally incidental to, subordinate to, necessary for, or devoted exclusively to the main use of the premises.

Affordable Housing means that housing costs represent no more than thirty percent of a household's gross income on an annual basis.

Alley means a public way of more than 10 feet but equal to or less than 16 feet in width permanently dedicated to and owned by the City.

Alteration means a change, addition, modification or rearrangement in the structural parts, or an enlargement or reduction, whether by extending on a side or by increasing or reducing in height, or the moving from one location or position to another, of any building or structure.

Applicant means any Person and the successors or assigns of any such Person applying for development approval pursuant to this Code.

Block means a parcel of land bounded on all four sides by streets or right-of-ways, or some other element such as public property, public easements, or open land.

Block Front means all of the lots whose frontage is on one side of a street between two intersecting streets.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building Frontage means the lineal distance of the facade of a building measured along the lot frontage, which is occupied by a particular land use, measured from the edge of the building to the other edge of the building, or to the centerline of a wall separating uses.

City means the City of Ouray, Colorado, and shall include the Planning Commission, City Council, and an authorized officer or employee.

Commercial Motor Vehicle means any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise, in the furtherance of any commercial enterprise which may have a sleeper unit that is not a primary purpose of the vehicle.

Commercial Use means a business or activity where services, goods or commodities are exchanged for money or are carried out for pecuniary gain.

Common Interest Community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvements of other real estate described in a declaration.

Conditional Use means a use of land within any particular zoning district that is authorized only when and if a conditional use permit is granted therefor in accordance with procedures and requirements as set forth in this Code.

Condominium means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of separate ownership portions.

Condominium Subdivision means the division of real property into individual airspace units and their appurtenant common elements.

Council means the City Council of the City of Ouray, Colorado.

Dedication means the intentional appropriation of land by the owner for some public use.

Density means the number of dwelling units permitted on any parcel of property planned for any development.

Development means any activity or any person-caused change to land or improvements thereon that changes the basic character or intensity of the use of such land or improvements. Development shall include but not be limited to construction, change in intensity or type of use of land, demolition, clearing, excavating, filing, grading, paving, mining, dredging or drilling.

Dwelling means a permanent building or portion thereof that contains a kitchen and is used as the private residence or sleeping place of one or more human beings, but not including temporary structures.

Dwelling Unit (D.U.) means any permanent building or portion thereof, which consists of a room or suite of two (2) or more rooms used as a dwelling by one (1) family.

Duplex means a building having two (2) dwelling units.

Family means eight (8) or fewer natural persons living together in a dwelling unit.

Floor Area means the sum of the horizontal areas of all floors in a building, as measured from the exterior face of exterior walls, or from the centerline of dividing walls, if appropriate. Garages, courts, decks and porches are to be included when covered by a roof. Subterranean basement areas with no exterior access or windows are excluded. For the purposes of calculating floor area, roof does not include any slated covering, pergola, or pervious covering.

Final Plat means the final map, drawn and submitted in accordance with Section [7-7](#) of the OLUC as an instrument for recording of real estate interest with the County Clerk.

Frontage means the front side of a lot abutting upon one (1) side of the street or avenue between two (2) lot lines, measured along the right-of-way line. For lots that do not abut a street or avenue, the frontage of the lot may be an alley if the lot abuts an alley. For lots that do not abut a street, avenue or alley, the frontage of the lot shall be the street or avenue that is in closest proximity to the lot.

Front Lot Line means the property line parallel to the street or avenue. On corner lots the front shall be the line contiguous to a street, as opposed to an avenue. For lots that are not contiguous to a street or avenue, but contiguous to an alley, the front lot line means the property line parallel to the alley. For lots that are not contiguous to a street, avenue or alley, the front lot line means the property line parallel to the street or avenue in closest proximity to the lot.

Geologic Condition means a geologic phenomenon that may be adverse to land use as to constitute a threat to public health and safety or to property. This term includes but is not limited to avalanches, floods, landslides, rock falls, mudflows, debris flows, flooding, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence or presence of hazardous substances.

Government Buildings and Facilities means any building or facility owned and operated by the United States of America, the State of Colorado, the City of Ouray, or any agency or political subdivision thereof.

Ground Floor means the at-grade, ground floor, street-level floor or first floor of a building.

Home Occupation means any commercial use within a dwelling unit, an enclosed garage or accessory building that is carried on by the inhabitants of the property and that meets the standards of Section 7-5-J-2 of the OLUC.

Intermodal Shipping Container means a pre-fabricated, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called cargo containers, transport containers or marine cargo containers. Includes Conex and railroad cars.

Land means real property, including permanent improvements and usable air space.

Landowner means the owner in fee or any undivided interest in a given parcel of land.

Lodging Business means a lodging unit, hotel, motel, lodge, inn, bed and breakfast, or hostel used for temporary occupancy for sleeping purposes, rented on a short-term basis of less than thirty (30) consecutive calendar days, and excludes short-term rental as defined herein.

Lodging Unit (LU) is an individual unit or room, which may or may not include a kitchen, within a lodging business customarily rented on a short-term basis of less than thirty (30) days.

Long Term Rentals means any rental or lease of property, dwelling unit, or part thereof, for thirty days or more.

Lot means a measured portion of a subdivision intended as a unit for transfer of ownership, lease, or for development, or a parcel of real property designated by a separate and distinct number or letter on a plat filed with the Ouray County Clerk and Recorder, or when not platted in a recorded subdivision, a parcel of real property held under separate ownership or capable of being conveyed to a separate owner without being subject to the City's Subdivision Regulations.

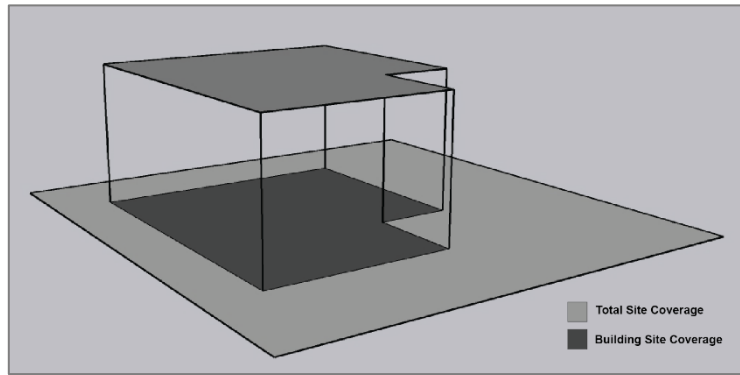
Lot Area means the total horizontal area within the lot lines of a lot.

Lot Side means any property line other than the front or the rear lot line.

Master Plan means the Ouray Community Plan adopted pursuant to C.R.S. [§31-23-206](#), as amended from time to time, also referred to as the Ouray Community Plan, City Community Plan, Community Plan, Comprehensive Plan, or Master Plan – all intended as the same for the purpose of this land use code.

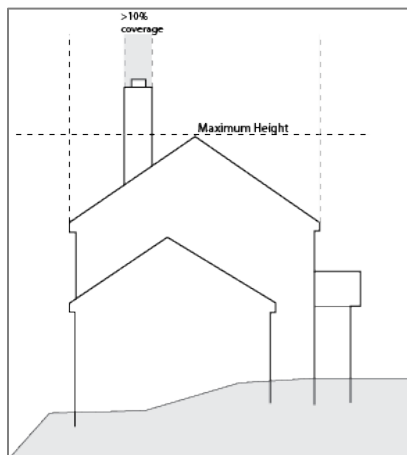
Manufactured Home is a type of prefabricated housing of at least 320 square feet with a permanent chassis to assure the initial and continued transportability of the home; also defined in Chapter [6](#) of the Ouray City Code.

Maximum Building Site Coverage means the area covered by all buildings (including covered or uncovered porches, carports, decks, garages and cantilevered features (not including roof eave overhangs)) divided by the area of the site with both calculated in the horizontal plane as illustrated below.

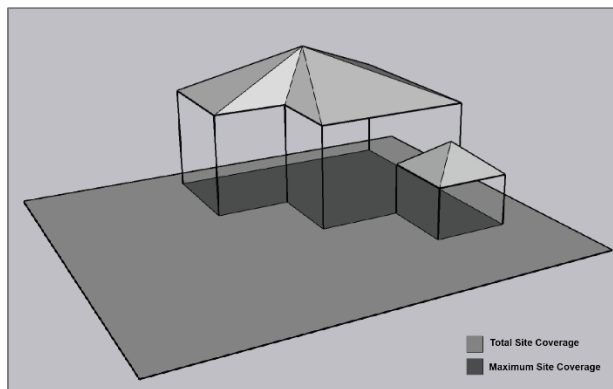


Maximum Building and Impervious Surface Site Coverage means the area covered by buildings including covered or uncovered porches, carports, decks, garages and cantilevered features (not including roof eave overhangs), and impervious surfaces, such as concrete or asphalt pavement, divided by the area of the site, all calculated in the horizontal plane.

Maximum Building Height is measured vertically from the highest point of the building, excluding any chimneys, to the average grade of the building, halfway between the lowest and highest ground elevations of the building as illustrated below.



Maximum Site Coverage means the area covered by all buildings including porches, carports, decks, garages and cantilevered features (not including roof eave overhangs) divided by the area of the site with both calculated in the horizontal plane, see illustration below.



Major Streets are those public streets which collect traffic from minor streets or which permit the relatively rapid and unimpeded movement of traffic from one part of the community to another.

Minor streets are public streets used primarily for direct access to properties abutting the right-of-way. Minor streets carry traffic having a specific origin or destination and do not carry thru traffic.

Mixed Use means a development that contains at least a minimum of 500 square feet of non-residential space in each dwelling unit, in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development. A minimum of 500 square feet of non-residential space must be provide for each dwelling unit.

Mobile Home is a manufactured home that was built before 1976 that may or may not be built to the standards of the HUD Code; also defined in Chapter 6 of the Ouray City Code. means structure designed to be transported after fabrication and exceeding eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built, whether such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities. Mobile homes are different from manufactured homes in that they were either constructed before the adoption of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, or are otherwise not in compliance with said federal law and its implementing regulations. The phrase "mobile home" does not include "recreational vehicle."

Mobile Home Park means a parcel of land under single ownership that has been planned and improved for the placement of two or more mobile homes for dwelling or sleeping purposes, whether or not a fee is charged for use of the property.

Modular Home is a home built offsite, in an indoor factory setting, to a local or state code; also defined in Chapter 6 of the Ouray City Code. means a form of housing that is constructed off-site and built to adopted or accepted local and state building codes. Modular homes are transported from construction facilities to the site in sections or in completed assemblies.

Multi-Family Dwelling means a building with three (3) or more dwelling units.

~~**Nonconforming lot of record** means a lot or other parcel of land on record with the office of Clerk and Recorder for Ouray County which as the result of the adoption of dimensional regulations contained within this Chapter fails to meet the minimum lot area for the Zoning District in which it is located.~~

Nonconforming lot or parcel means a lot or parcel of land which as the result of the adoption of dimensional regulations contained within this Chapter fails to meet the minimum dimensional requirements for the Zoning District in which it is located.

Nonconforming structure means a structure which was originally constructed in conformity with zoning and building code or ordinances in effect at the time of its development, but which no longer conforms

to the dimensional or other requirements imposed by the Chapter for the Zoning District in which it is located.

Nonconforming use means the use of land or a building or structure which was originally established in conformity with the zoning and building code or ordinances in effect at the time of its development, but which is no longer allowed as a permitted or conditional use under the regulations imposed by this Chapter for the Zoning District in which it is located.

Open Space means land uncovered by structures, streets, parking or driveways and typically maintained in its natural state.

Parcel means Lot, as defined herein.

Parking Space means a surfaced area, enclosed or unenclosed, 10 feet by 20 feet and reserved for the parking or storage of one (1) motor vehicle. Mention EV. Need to reference parking standards and also define "surfaced"

Permitted Use means a use of land within any particular zoning district that is authorized as a matter of right so long as all other requirements of this Code are met.

Person means a natural person, association, firm, partnership, corporation, joint venture, club, trust or other organization acting as a group or unit, or the manager, lessee, agent, servant, officer or employee of any of them.

Planned Unit Development (PUD) means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restrictions in this Code.

Plat means a printed instrument that is a land survey depicting all or a portion of a land area in two dimensions.

Preliminary Plat means the map of a proposed subdivision and supporting materials, drawn and submitted in accordance with Section [7-7](#) of the OLUC to permit review of detailed engineering and design.

Private streets are streets not owned by the City.

Property Line means a line delineating a property, or portion of land, from another property, right-of-way, easement, etc. and documented by a recorded survey or plat.

Public Utility Service Facilities means transmission and storage facilities, including but not limited to pipes, lines, mains, wires, transformers, valves, and other related appurtenances for petroleum products, electricity, water, sewage, drainage, telephone, internet, wireless and cable television which are necessary to provide service to customers, but does not include building, offices, and production or generation facilities.

Rear Lot Line means the property line opposite the lot front.

Recreational Vehicle (RV) means a vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth wheel trailers, camping trailers, or motor homes, but excluding truck campers. A recreational vehicle is not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living quarters for recreational, camping, or travel use.

Recreational Vehicle (RV) Park means a parcel of land on which RVs, either occupied or intended to be occupied on a short-term or seasonal basis for dwelling or sleeping purposes, are located and infrastructure, utilities and facilities are located, regardless of whether or not a charge is made for such accommodations.

Setback means the minimum horizontal distance allowed between a lot line and any exterior part of a building, including decks, covered porches, and other appendages located above ground level other than the roof eave.

Short-Term Rental (STR) means the use of a dwelling unit, or any part thereof, for remuneration, for less than thirty (30) consecutive calendar days.

Single-Family Dwelling is a dwelling unit designed for and occupied exclusively by one (1) family.

Site means the contiguous lots, tracts, and parcels of property associated with any use.

Site Coverage means that portion of a lot or parcel that is covered by buildings, measured where the exterior wall meets the foundation, including cantilevered features, but excluding roof eaves, uncovered decks and patios.

Site Specific Development Improvement Agreement means a written contract between the City and the site specific development application in which the Applicant agrees to pay for curb, gutter and sidewalk associated with a site specific development permit required as necessary to ensure the proper and timely installation of improvements.

Slope means an inclined ground surface which is expressed as a ratio of vertical distance to the horizontal distance, or rise over run.

Street means a public or private way, other than alley, that affords the principal means of access to abutting property.

Structure means anything constructed, installed or erected which requires location on the ground or is attached/supported by something on the ground, inclusive of buildings, signs, roads, walkways, berms, fences and/or walls greater than six feet (6') in height, tennis courts, swimming pools and the like, but excluding poles, lines, cables or similar devices used in the transmission or distribution of public utilities.

Subdivision means the division of any land into two (2) or more lots, parcels, tracts, plats, sites or separate interests, or such other division, for the purpose, whether immediate or future, or sale or transfer of ownership, or for building or other development, or for the creation of streets or other rights-of-way. Subdivision shall also mean the consolidation, aggregation, and reconfiguration of lots. Unless otherwise specified, the term subdivision does not apply to any of the following divisions of land:

- A. Created by order of a court of competent jurisdiction in this state or by operation of law, provided that the City is given notice of and an opportunity to participate in any judicial proceedings prior to the entry of any such court order;
- B. Created separate but undivided interests in a tract of land such as joint tenancy, tenancy in common, tenancy in entirety, trust, lien mortgage, deed of trust or other security interest, unless such separate interests apply to less than all of the tract;
- C. Which create cemetery lots;
- D. Which create an interest in oil, gas, minerals or water which is severed from the surface ownership or real property; or
- E. Which create a utility easement or an easement unrelated to the use of the surface estate.

Subdivision Improvements Agreement means a written contract between the City and a subdivider providing for and describing conditions of approval for the subdivision. It shall, at a minimum, set forth construction specifications for required public improvements, provide dates for completion of the improvements, and identify the terms and conditions for the acceptance of the improvements by the City. It shall also provide for such financial assurance as necessary to insure the proper and timely installation of improvements.

Subdivision Plat means a map of certain described land prepared by a registered land surveyor in accordance with [Section 7-7](#) as an instrument for recording of real estate interest with the County Clerk.

Sketch Plan means a map of a proposed subdivision or other development, drawn and submitted in accordance with [Section 7-7](#) of the OLUC to evaluate feasibility and design characteristics at an early stage in the planning.

Substantial Conformity means there is no variation from preliminary plat, other than minor changes in the size of lots, or location of lot lines, easements or streets. Any change in types or numbers of land uses, any variance in residential density, any change in location of a public right-of-way in excess of five feet (5') or any variation of a dimensional limitation in excess of five percent (5%) shall not be included in the definition of Substantial Conformity.

Subterranean means any portion of the structure or building in which less than one foot of the foundation wall is exposed and does not include required means of ingress/egress or non-walkout, vehicular access garage door.

Time Sharing means interval estate, time share estate, or timespan estate as such are defined in C.R.S. [§38-33-110](#), as may be amended, or any other similar concept of property ownership involving either interval ownership or fractional fee interest as may be determined by the City Council. Time Sharing shall also include time share or time share interest, but not a time share license or use.

Use means a specified activity or purpose for a property, building, residence, facility or other structure for which it is intended, designed, platted, arranged, and occupied.

Variance generally means a grant of relief from the literal requirements of this Code which permits activity in a manner that would otherwise be prohibited by this Code.

Yard means the portion of a lot which does not have a structure located thereon and which is unobstructed from ground to the sky. (Source: Ordinance No. 7, 2021; Ordinance No. 4, 2019; Ordinance No. 7, 2016; Ordinance No. 6, 2015; Ordinance No. 5, 2015; Ordinance No. 3, 2014)

Section 3: Administration

7.3.1 Purpose and Organization of Section

This section outlines the common and specific procedures required for all types of land use review. The Administrator or Planning Commission has the ability to refer any application to the next higher level of decision authority if they deem the project impacts are substantial and necessitate a higher level of review.

7.3.2 Summary Table of Procedures

SUMMARY TABLE of PROCEDURES:

Summary Table of Procedures				
R = Review (Review or Recommend)		D = Decision (Responsible for Final Decision)		
H = Public Hearing Required		A = Appeal (Appeal Authority)		
Procedure	Section	Administrator	PC	City Council
Comprehensive Plan, Adoption and Amendments				
Rezone & Initial Zoning		R	R	D
Annexation		R	R	D
Conditional Use Permits	7-5 (5.C)	R	D - H	A
Variances	7-4 (F)	R	D - H	
Short Term Rental Appeals	7-5 (H)	R		A
Site Development Permit, other than one SFR	4-Jul	D		
Site Development Permit, one single family residence	4-Jul	D		
Site Development Permit – Limited Amendment (minor revisions)	7-4 (G)	D	A	
Sign Permit	3-Aug	D		

Appeals of Administrative Decisions (except STR)	7-4 (C.6)	R	A	
Planned Unit Developments				
Sketch PUD	7-8 €	R		
Preliminary PUD	7-8 (E)	R	R-H	D - H
Final PUD	7-8 (E)	R	R-H	D - H
Subdivisions				
Lot Splits		R	R	D - H
Amended Plat		R	R - H	D - H
Minor Subdivision		R	R - H	D - H
Subdivision Sketch plan	7-7 (C-2)	R		D - H
Subdivision Preliminary Plat		R	R	D - H
Subdivision Final Plat		R	R - H	D - H
Vacation of ROW		R	R	D - H
Replats/Boundary Adjustments		D	A	
Condominium/Townhouse Plat		R	R	D

7.3.3 Common Development Review Procedures

1. PRE-APPLICATION CONFERENCE (OPTIONAL)

A. Purpose:

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the Administrator with the applicable provisions of this Land Use Code, any Comprehensive or other applicable City Plans or Policies, Infrastructure requirements, and any other issues that may affect the applicant's proposal.

B. Pre-Application Conference:

The potential applicant shall request a pre-application conference with the Administrator and pay the required fees, if any. With the request for a pre-application conference, the applicant shall provide to the Administrator a description of the character, location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, site plans or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for the Administrator to make informal recommendations regarding the proposed project. At the conference, the applicant, the Administrator or designee, and any other persons the Administrator deems appropriate to attend shall discuss the proposed development and the applicable requirements of this Land Use Code, based on the information provided by the applicant. The informal evaluation and comments provided by the Administrator at the conference are

not binding upon the applicant or the City but are intended to guide the applicant through the application and submittal process and advise the applicant in advance of issues that may be relevant to the respective board or commission though not exhaustive.

2. APPLICATION

A. Application Requirements:

A uniform application is used for every process under this Code. However, additional information may be required at each level of a multi-level application such as a subdivision. Each and every application under this Code shall include, or be accompanied by, the following information, unless waived by the Administrator:

- a. The name, mailing address, and telephone number(s) of the applicant for the permit.
- b. The owner(s) of the property upon which the improvement or use is to take place.
- c. Any agents authorized to act on behalf of the owner or the applicant.
- d. Any contractor retained or to be retained to accomplish any portion of the improvement.
- e. Proof of ownership of the property in question and concurrence in the purpose of the application by the owner.
- f. Legal description of the property in question, to include: legal address, account number, or other recorded identifying parcel number.
- g. Current zoning classification of the parcel.
- h. A copy of a certified survey plat may be required or a sketch plan which shows the relative location of existing and proposed improvements, buildings, structures, roads, driveways, parking, ditches, utilities, fences, and other significant features present on the site.
- i. A written description of the nature of the improvement planned, if any.
- j. Architect or engineer drawings, floor plans, and diagrams as may be required by the Administrator.
- k. Proof that a request for a driveway permit has been submitted to the Colorado Department of Transportation, if a new access road or driveway to the property intersects with the state highway.

B. AUTHORITY to FILE APPLICATIONS

Unless otherwise specified in this Land Use Code, applications for review and approval may be initiated by the owner of the property that is the subject of the application or the owner's authorized agent. When an authorized agent files an application under this Land Use Code on behalf of a property owner, the agent shall provide the City with written, documentation that the owner has authorized the filing.

a. SUBMITTAL REQUIREMENT WAIVER

The Administrator may waive certain submittal requirements if it is deemed unnecessary for the review of the project and associated development impacts. The Administrator will provide a report detailing the exact waivers and explanation on why they are not necessary, and the report will become part of the application and project file.

b. ADDITIONAL INFORMATION

Additional application-specific information, beyond that specified, may be required by the Administrator, Planning Commission, and/or City Council, as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Land Use Code.

c. INACTIVE FILES

If an applicant fails to submit required information or request a hearing date within six (6) months from the application date, the file may become void and the re-submittal of a new application and fees may be required. The Administrator may grant extensions of time to this provision, upon a written request by the applicant if the extension request is received within 6-month of the original application termination date.

d. DETERMINATION OF APPLICATION COMPLETENESS

The Administrator shall only initiate the review and processing of complete applications. The Administrator will decide application completeness within 15 days of receipt of the application by the Administrator. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Land Use Code. If an application is determined to be incomplete, the Administrator shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal.

- A. An application will be considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials, and is accompanied by the applicable fee. Information shown must clearly indicate compliance with applicable development standards, or in the case of a request for a variance or modification to certain standards, the degree to which the application will be non-compliant.
- B. Any supplemental technical reports and special studies that are submitted following the original application must be received at least 30 days prior to the first hearing to be held on the application. The City may postpone and reschedule a hearing or approval deadline if such reports and studies are submitted less than 30 days prior to a hearing. Copies of such additional materials shall be delivered to all reviewers who received the original application packet.

e. ADMINISTRATOR REVIEWS APPLICATION AND PREPARES STAFF REPORT

After determining that a development application is complete, the Administrator shall refer the development application to the appropriate board or commission, ensure all required notices are completed, review the development application, and prepare a Staff Report. The Staff Report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The Staff Report shall indicate whether, in the opinion of the Administrator, the development application complies with all applicable standards of this Land Use Code.

f. NOTICE OF PUBLIC HEARING(S)

A. Content of Notices

Notice of all [public hearings](#) required under this Land Use Code shall: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address or by legal description; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained.

B. Summary of Notice Requirements

Table _____ lists the notice requirements for all procedures in this Chapter.

a. Published Notice

When Table _____ requires that notice be published, the City Clerk shall publish notice of a public hearing in a newspaper of general circulation at least 15 days prior to the scheduled hearing date.

b. Mailed Notice

When Table _____ requires that written notice be provided, such notice shall be mailed by the City no less than 15 days before the public hearing, by certified mail, to the applicant, appellant, or landowners subject to a land use application, subject property, neighboring property owners whose properties are within 200 feet of the lot that is the subject of the application or appeal (based on information found in the Ouray County tax records), and any other person who makes a written request for such notice.

c. Posted Notice

When Table _____ requires a posted notice, the applicant shall post at least one sign on the lot, parcel, or tract of land, and such sign shall remain on the property for a period of at least 15 days prior to the public hearing. The sign shall be posted in a prominent place, clearly visible from the most heavily traveled adjacent street or public way. The Administrator may require that additional signs be posted depending on the access and configuration of the property.

d. Notice to Mineral Estate Owners and Lessees

When Table _____ requires that notice be provided to mineral estate owners and lessees, the applicant shall provide notice of the application by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property in accordance with C.R.S. Section 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. It shall be the applicant's responsibility to conduct the necessary research to determine mineral estate owners and lessees on the subject property.

e. Constructive Notice

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Land Use Code

f. Table _____ Notice Requirements

X - Denotes Required Notice					
PLANNING AND ZONING					
Procedure	Section	Published	Mailed	Posted	Mineral
Rezone and Initial Zoning		X	X	X	
Annexations		X	X	X	
Code Interpretation		X			
Conditional Use Permits		X	X	X	
Variances		X	X	X	
Site Development Permit		X	X	X	
SUBDIVISIONS					
Lot Splits – need		X	X	X	X
Amended Plat					
Minor Sub					
Major Subdivision Sketch Plan		X	X	X	
Major Subdivision Preliminary Plat		X	X	X	X
Major Subdivision Final Plat					
Vacation of ROW		X	X	X	
Amended Plats/Boundary Adjustments					
Condominium/Townhouse Plat					
Vested Rights					

g. DECISION AND FINDINGS

A. Approval Criteria

To approve a development application, the respective board, commission, or Administrator shall find that the development application has satisfied and followed the applicable requirements of this section and all the approval criteria required for the applicable development application.

B. Decision

After consideration of the development application, the Staff Report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker designated in Table ____ shall approve, approve with conditions, or deny the application based on the applicable approval criteria. The Administrator shall provide written notification of the decision to the applicant within seven (7) days after the decision.

C. Conditions of Approval

Unless otherwise specified in this Land Use Code, the respective board or commission may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the adopted [Comprehensive Plan](#), other adopted City plans, and this Land Use Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Land Use Code, except where the Land Use Code allows deviations from the express requirements of the Land Use Code.

h. Findings

All decisions shall include at the least the following elements:

- A. A clear written statement of approval, approval with conditions, or denial, whichever is appropriate; and
- B. A clear statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Land Use Code.

i. Record of Proceedings

A. Recording of Public Hearing

The respective board or commission conducting the [public hearing](#) shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired by any person upon application to the Administrator, and payment of a fee to cover the cost of duplication of the record.

B. The Record

The record shall consist of the following, all of which shall be kept by the City for a length of time prescribed in the City's adopted records retention schedule:

- a. All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs, and other tangible items received or viewed during the proceedings;
- b. All minutes of the proceedings; and
- c. If available, a transcript and/or videotape recording of the proceedings.

C. Recording of Decisions

Once approved, and after the appeal period has expired, the decision shall be filed with the City Clerk.

j. AMENDMENTS to PERMITS or OTHER FORMS of APPROVAL

A. Minor Amendments

Unless otherwise specified in this Section, minor amendments to any permit or other form of approval issued by the Administrator, the Planning Commission, or the City Council may be approved, approved with conditions, or denied administratively by the Administrator and may be authorized without additional public hearings. Such minor amendments may be authorized by the Administrator if the development approval, as so amended, continues to comply with the standards of this Land Use Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the

standards of this Land Use Code by reason of such amendments). Minor amendments shall consist of any of the following:

- a. Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Administrator, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided that the minor amendment does not result in an increase of more than ten percent in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.
- b. Any change to any permit or other form of approval that was originally subject to final review by and was approved by the Planning Commission, provided that:
 1. The amendment maintains the design intent or purpose of the original proposal;
 2. The amendment does not change vehicular access points or increase anticipated peak hour vehicle trips by more than five percent;
 3. The site area is not expanded and gross floor area is not increased by more than five percent;
 4. The amendment results in no major adverse environmental or land use impacts;
 5. All conditions of the prior approval are met.

B. Major Amendments

Amendments to any permit or other form of approval that are not determined by the Administrator to be minor amendments under Section _____ shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which the amendment is sought.

k. LAPSE of APPROVAL

If applicable, the lapse of approval time frames established in Section _____ may be extended only when all the following conditions exist:

- A. The provisions of this Land Use Code must expressly allow the extension;
- B. An extension request must be filed prior to the applicable lapse-of-approval deadline;
- C. The extension request must be in writing and include justification; and
- D. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval being extended.

I. SUBSEQUENT APPLICATIONS

Following denial of an application, the respective Board or Commission shall not consider the same or substantially the same application within one year of the date of denial. The respective Board, Commission, or Administrator may waive the one year waiting period if, after review of a written request, shows good cause. The respective Board or Commission must approve this waiver by an affirmative vote of the majority of its members.

m. APPEALS

A. Purpose

This Section sets forth the process for appealing final decisions made under this Land Use Code. Appeals of land use decisions are available at each step of review and decision-making process. Administrative decisions may be appealed to the City Council, except for administrative approvals of minor [site plans](#), [temporary use](#) permits, sign

permits, and final [subdivision](#) plats. Decisions of the Planning Commission may be appealed to the City Council, as further set forth in this Section.

B. Types of Appeals

a. Appeals from Final Decisions by the Administrator:

A party-in-interest may appeal a final decision made by the Administrator in administrating or interpreting this Code. All such appeals shall be taken to the Planning Commission, except that appeals from the Administrators decisions on temporary use permits, minor [site plans](#), sign permits, and final subdivision plats shall be taken to either the Planning Commission or City Council, as applicable.

b. Appeals from Final Decisions by the Planning Commission

A party-in-interest may appeal a final decision made by the Planning Commission to the City Council.

c. Appeals from Final Decisions by the City Council

A party-in-interest may appeal a final decision made by the City Council to a Colorado court of competent jurisdiction.

d. Appeals from Enforcement Actions

Appeals from issuance of a notice of violation or stop work order shall be taken to a Colorado court of competent jurisdiction.

C. Grounds for Appeal

The permissible grounds for appeal shall be limited to allegations that the Approval Authority committed one (1) or more of the following errors:

- a. Failed to properly interpret and apply relevant provisions of this Code.
- b. Failed to conduct a fair hearing in that:
 - i. The Original or Appellate Approval Authority abused its discretion as contained in this Code;
 - ii. The Original or Appellate Approval Authority substantially ignored its formally established rules of procedure resulting in a denial of procedural due process; or
 - iii. The Original or Appellate Approval Authority based its decision on evidence which was substantially false or grossly misleading.

D. Notice of Appeal

Appeals shall be made within ten (10) days of the final decision which is the subject of the appeal. All appeals shall be filed in writing with City Clerk and shall include the reasons for the appeal.

E. Burden of Proof

Any final decisions of the Approval Authority shall be presumed to be correct. The appellant has the burden of proof to show that a preponderance of the evidence introduced before the Approval Authority supports the conclusion that the decision should be overturned.

F. Appeal Hearing

The Administrator shall schedule a [public hearing](#) on the appeal no later than sixty (60) days after the date the appeal was filed with the City Clerk. The appeal hearing may be extended up to ninety (90) days after the filing of the appeal if agreed to by both the

Administrator and the appellant. Notice of the public hearing shall be published as required for the original decision.

G. Appeal Criteria

The City Council shall reverse, amend, or remand a decision upon a finding that at least one of the grounds for appeal set forth in Section _____ occurred, and that the final decision being appealed was materially affected thereby.

H. Decision

Following the public hearing, the City Council may, in whole or in part, affirm, reverse, or amend the decision being appealed based on the appeal criteria set forth in Section _____ herein, and to that end the City Council shall have all the powers of the Approval Authority. The City Council may also remand the matter back to the Approval Authority, as deemed appropriate, for further proceedings consistent with the Land Use Code. The final decision shall be stated in writing in the body's minutes as well as in a written order to be delivered to the appellant and shall include specific findings of fact with specific reference to relevant standards as set forth in this Land Use Code.

I. Notification to Applicant

The Administrator shall provide notification of the final decision to the parties in the appeal within ten (10) days of the decision.

n. VESTED RIGHTS

A. Purpose

The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

B. Definition

For purposes of Article 68 of Title 24, C.R.S., a [site specific development plan](#) means a document that complies with all requirements of this Section ____ and consists of one of the following:

- a. A final **subdivision** plat approved pursuant to Section _____; or
- b. A site plan approved pursuant to Section _____.

o. Notice and Hearing

To obtain a [site specific development plan](#), the developer must seek from the City Council approval of the project at a public hearing conducted at the request of the [landowner](#), which hearing follows the successful approval of the development at all other required stages of the development review process. The public hearing shall be preceded by written notice of such public hearing pursuant to Section _____. Such notice may, at the City's option, be combined with the notice required for any other required notice. At such public hearing, interested persons shall have an opportunity to be heard. Failure of the landowner to request such a hearing renders the approval not a "site specific development plan," and no [vested rights](#) shall be deemed to have been created.

p. Approval, Effective Date and Amendments

A [site specific development plan](#) shall be deemed approved upon the effective date of the approved plan. In the event amendments to a site-specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the City Council specifically finds to the contrary and incorporates such finding in its approval of the amendment. The City Council may, by agreement with the [developer](#),

designate an approval other than the final development plan or final [plat](#) to serve as the site-specific development plan approval for a specific project.

q. Notice of Approval

Each map, plat, [site plan](#), or other document constituting a site-specific development plan shall contain the following language: “Approval of this Plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S.” Failure of the map, plat, or site plan to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created, shall be published once, not more than 14 days after approval of the site-specific development plan, in a newspaper of general circulation within the City.

r. Duration

A vested property right approved pursuant to this Section shall last a period of three (3) years, unless otherwise agreed upon by the City and the applicant.

s. Payment of Costs

In addition to any and all other fees and charges imposed by the City, the applicant for approval of a site-specific development plan shall pay all costs incurred by the City as a result of the site-specific development plan review, including publication of notices, public hearing, and review costs.

t. Other Provisions Unaffected

Approval of a site-specific development plan shall not constitute an exemption from, or waiver of, any other provisions of the Code pertaining to the development and use of property.

u. Limitations

Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said state law or a judicial determination that said law is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

7.3.4 Specific Procedures and Approval Criteria

1. Purpose

The purpose of this Section is to establish site development standards applicable to site permits. All development subject to this Section shall comply with the standards of this Section and with the City’s construction standards. Site planning is required to ensure that all sites within the community are designed, arranged and developed in a safe, consistent and efficient manner. The arrangement of functions, uses and improvements should reflect the natural capabilities and limitations of the site, as well as the characteristics and limitations of the adjacent property or properties. These standards are developed so every project consistently adheres to the same standards.

2. Site Activities Requiring Permit

A permit is required for the following activities:

- A. Non-residential construction.

- B. Addition to an existing residential building that increases the gross floor area by more than 25%.
- C. New Residential construction.
- D. Grading, fill or excavation involving 300 cubic yards or more.

Construction for one single-family residence will be reviewed through the building permit process and shall comply with provisions in §7-4-D.

Single Family and Duplex Dwelling Units

Multi-family Dwelling Units, Lodging and Non-Residential Uses

Section 4: Zoning Districts

7.4.1 Purpose

This Section divides the City into Zoning Districts of such number, shape and area, of such common unity of purpose or use as are deemed most suitable to effectively accomplish the intent of the City's Community Plan. To manage land development, each Zoning District has a stated purpose, uses permitted by right, uses permitted by conditional use permits, dimensional limitations, and off-street parking requirements. All development within each Zoning District shall be consistent with the stated purpose for the Zoning District.

7.4.1 Zoning Map

1. The boundaries of the districts set out in this Section are shown on the 2021 Revised Zoning Map of the City, as adopted by Ordinance No.12 (Series 2021), as may be amended from time to time and is made part of this Code.
2. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the City Clerk's office available for public inspection.
3. Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the description of the property to be rezoned. Amendments to the Official Zoning Maps shall be governed by the procedures in **Section 7-5-l.**
4. The regulations for the various districts provided for in this Section shall apply within the boundaries of each, as such district is indicated on the Official Zoning Map.
5. The district boundaries, as shown on the Official Zoning Map, shall be construed to follow the center lines of streets or alleys, to follow platted lot lines or the lines of undivided parcels of property, or to follow the city limits, whenever a boundary is shown as approximately in the vicinity of such lines. The scale of the map may determine distances.

7.4.3 Establishment of Districts

This Section establishes the zoning districts and contains basic information pertaining to the districts, including statements of purpose. Section __ , Use Regulations, and Section __ , Dimensional Standards, identify the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively. Section __ , Development Standards, identifies any district-specific development standards applying to development in the districts. The following zoning districts are established:

District	Abbreviation
Parks - Developed	P-1
Parks - Conservation	P-2
Residential	R-1
Residential – High Density n/s of Skyrocket	R-2
Commercial	C-1
Commercial – Industrial n/s of Skyrocket	C-2

1) PURPOSE and INTENT of EACH ZONING DISTRICT

a) PARKS DEVELOPED – P-1

The purpose of the Parks-Developed District (P-1) is to utilize and preserve open space.

b) PARKS CONSERVATION - P-2

The purpose of Parks-Conservation District (P2) is to preserve, in its natural state, certain designated park areas that have not been developed, except to allow parking or public water facilities.

c) RESIDENTIAL – R-1

The purpose of Residential District (R-1) is to accommodate non-transient residential development in single family dwellings and duplexes.

d) RESIDENTIAL – HIGH DENSITY – R-2

The purpose of the Residential District – High Density (R-2) is to accommodate transient, part-time or permanent residential development in a density greater than envisioned for R-1.

e) COMMERCIAL – C-1

The purpose of the Commercial District (C-1) is to encompass the commercial business district of Ouray. It is intended to accommodate retail, office, service-based businesses, residential and institutional uses consistent with a conventional business district.

f) **COMMERCIAL - INDUSTRIAL – C-2**

This district encompasses lands along the Uncompahgre River and Highway 550 in the northern portion of the City of Ouray. It creates areas for housing, retail and wholesale businesses, tourist and auto oriented uses, storage, light manufacturing, and industrial activities. Each use will be required to mitigate its particular negative impacts determined to exist so as to provide for the reasonable enjoyment of adjacent properties

Overlay Districts

Historic District (National and local)

Planned Development

Floodplain

Area of Joint Review

Section 5: Use Regulations

5.1 Table of Allowed Uses

Use Chart by District		Residential Districts			Commercial Districts	Other Districts		Use-Specific Standards
P = Permitted Use C = Conditional Use	S=Short Term Rental License A= Permitted as Accessory Blank Cell = Prohibited Use	R-1	R-2	C-1	C-2	P-1	P-2	
RESIDENTIAL USES								
Household Living	Dwelling, duplex	P	P		C			
	Dwelling, live/work				P			
	Dwelling, manufactured/modular/mobile home installed on a temporary foundation			P				
	Dwelling, manufactured/modular/mobile home installed on a permanent foundation	P	P	P	C			
	Dwelling, multi-family		P		C			
	Dwelling, single-family attached		P	P	C			
	Dwelling, single-family detached	P	P	P	C			
	Short Term Rental	S	S	S	P			
	Mobile home park			P				
Group Living	Adult day care	C	C	C				
	Assisted living facility	C	C	C				
	Group home	C	C	C				
	Nursing home	C	C	C				
COMMERCIAL USES								
Retail Sales	Building materials, feed, supply store							
	Convenience store, without fuel							
	Handicraft Shops with On-Premises Sales				P			
	Food and Beverage Production with On-Premises Consumption				P			
	Grocery store				P			
	Liquor store				P			
	LPG storage or sale - less than 2000 gallons				C			
	Retail, general				P			
	Wholesale material sales				C			
Arts	Art gallery with associated retail				P			
	Instructional or performing arts studio				P			

Parking Lots	Commercial parking lot (surface or structured)				P				
Food and Beverage Services	Bar, tavern, or lounge				P				
	Microbrewery, distillery, and/or tasting room				P				
	Restaurant				P				
	Restaurant, with outdoor dining				P				
Lodging Facilities	Bed and breakfast		P	C					
	Vacation rental		P	C	P				
	Boardinghouse		P		P				
	Hotel/Motel		P		P				
	Hostel		P		P				
Offices, Business, Professional Services	Bank, financial institution				P				
	Mail or package delivery service				P				
	Printing shop, blueprinting, and copies				P				
	Professional, government, or administrative office				P				
Maintenance and Repair Services	Repair establishment				P				
Adult Entertainment	Adult Entertainment Establishments								
Personal Services	Commercial laundry and dry cleaning				P				
	Dry cleaning pick-up				P				
	Personal service, general				P				
	Self-service laundromat				P				
Recreation and Entertainment, Indoor	Health club				P				
	Indoor recreational facility				P	P			
	Theater				P				
Recreation and Entertainment, Outdoor	Campground and RV park				C	C			
	Commercial outdoor facility				C	C			
Vehicles and Equipment	Automotive fuel sales				C				
	Automotive parts and accessory sales				P				
	Automotive repair shop				P				
	Automotive sales or leasing				P				
	Auto wash				P				
	Equipment sales and leasing				P				
	Small engine repair				C				
Marijuana – Retail and Cultivation									
Use Chart by District									
P = Permitted Use C = Conditional Use	A= Permitted as Accessory Blank Cell = Prohibited Use	Residential Districts	Commercial Districts					Use-Specific Standards	

Use Category	Use Type	R-1	R-2	C-1	C-2	P-1	P-2		
PUBLIC, INSTITUTIONAL, AND CIVIC USES									
Community and Cultural Facilities	Business Incubator				P				
	Civic building				P	P			
	Club or lodge				P	P			
	Community center					P			
	Convention hall					P			
	Police Station/Fire Station				P	P			
	Library				P	P			
	Museum				P	P			
	Religious use	P	C	C	P				
Transit Uses	Transit Stop	P	P	P	P	P			
	Transit terminal or station		P		P	P			
Child Care Facilities	Day care - fewer than seven children	P	P	P	P				
	Day care - seven children or more	P	C	C	C				
Health Care Facilities	Hospital				P				
	Medical or dental clinic				P				
Educational Facilities	School, public or private	P	P	P	P	P			
	Vocation School or training center		P		P				
Parks and Open Space	Park, playground, open space	P	P	P	P	P	P		
Use Chart by District		Residential Districts			Commercial Districts				Use-Specific Standards
P = Permitted Use C = Conditional Use		A= Permitted as Accessory Blank Cell = Prohibited Use							
Use Category	Use Type	R-1	R-2	C-1	C-2	P-1	P-2		
INDUSTRIAL USES									
Industrial Services	Asphalt and concrete batch plant operation				C				
	Bulk storage of LPG - 2,000 gallons or more								
	Contractor construction yard or facility								
	Gravel and mineral extraction and processing				P				
	Printing and publishing facility				P				
Manufacturing and Production	Assembly, fabrication, manufacturing, testing								
	Brewery, bottling plant				P				

	Food processing plant - over 2500 sf building				P			
	Food processing plant - up to 2500 sf building							
Storage and Warehousing	Outdoor storage							
	Self-storage facility (mini storage)							
	Shipping, receiving, and distribution facility				P			
	Warehousing				P			
Waste and Salvage	Automotive salvage yard							
	Construction waste recycling and compacting facility							
	Recycling of metals, paper, plastic or automotive oil							
Utilities	Radio or television tower	C	C	C	C	C	C	
	Solar energy production, primary use					C	C	
	Substation, receiving station, or switching station	C	C	C	C	C	P	
	Water and wastewater treatment facility					C	C	
	Water reservoir					C		
	Water storage tank	C	C	C	C	C	C	

Use Chart by District		Residential Districts			Commercial Districts				Use-Specific Standards
P = Permitted Use C = Conditional Use	A = Permitted as Accessory Blank Cell = Prohibited Use								

Use Category	Use Type	R-1	R-2	C-1	C-2	P-1	P-2		
ACCESSORY USES									
	Accessory dwelling unit	P	P	P	P				
	Automatic teller machine (ATM)				P				
	Garage, carport, or utility shed	A	A	A	A				
	Home occupation (commercial)	A	A	A	P				
	Home occupation, no employees or customers	A	A	A	A				
	Outdoor storage, accessory storage container	C	C	C	C				
	Solar energy device, accessory use	P	P	P	P				
	Wind energy conversion system (WECS)								
	Other accessory uses determined by the Administrator to comply with associated code sections	A	A	A	A				

Use Chart by District		Residential			Mixed-Use				Use-Specific
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P = Permitted Use C = Conditional Use	A= Permitted as Accessory Blank Cell = Prohibited Use	Districts			Districts			Standards
		R1	R2	C1	C2	P1	P2	
Use Category	Use Type							
TEMPORARY USES								
	Mobile vendor			P	P			
	Regularly operated open-air and/or farmer's market			P	P			
	Temporary office space and equipment storage							
	Temporary special event							

5.2 Use Specific Standards

5.2.1 Home Occupations

1. Purpose

The intent of this Subsection is to allow a home occupation as an accessory use to a residence when it is operated and designed in a manner such that it blends into the neighborhood and would not be obvious to the casual passer-by that the site is other than a residence. The home occupation shall not be carried out in a way that disturbs the life-style of other residents in the neighborhood. The home occupation may not be operated in a way that creates an unhealthy, unsafe or unwholesome environment for the operators, customers, neighbors, or the general public

2. Criteria for Operation of Home Occupation

Home occupations may be conducted within a dwelling unit or accessory building in any district as an accessory use to a residence only if the following criteria are met:

- A. City and state sales tax licenses must be obtained if sales taxable by the city or state sales taxes are to be made;
- B. Only the residents of the dwelling unit and one employee may be engaged in the home occupation;
- C. The home occupation does not change the essential residential character of dwelling unit or accessory building;
- D. No more than 50% of the total floor area of the main level floor of the dwelling unit is devoted to the home occupation;
- E. No equipment or materials used in the home occupation may be stored outside the building;
- F. Sales of goods or items to customers on the premises is prohibited, except for items made or created on the premises. Services may be provided on the premises but shall not involve objects which are too large to be carried by an individual;
- G. Except in the R-1 zoning district, signs shall comply with applicable sign regulations; and
- H. In the R-1 district, the following criteria must be followed:
 - a. No mechanical, electrical or other equipment or items that produce noise, light, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building or accessory building or structure may be used;
 - b. No more than 8 customers, or in the case of day care or schools, 8 children including children of the family living in the residence, may be present on the premises at any one time.

5.2.2 Manufactured Home and Recreation Vehicle (RV) Park Standards (add tiny homes?)

1. Application and Permit

- A. It shall be unlawful to commence the construction of any manufactured home or RV park, or the enlargement of an existing park until a site development permit has been approved by the City

Council as meeting the criteria and requirements of this Subsection and other applicable city and state regulations.

- B. Application for a site development permit shall be made by submitting a site plan of the proposed park, accompanied by any supporting documents, plans or drawings, as necessary, to show that the requirements of Subsections 7-5-J-3-b or 7-5-J-3-c will be met.
- C. Staff Review. The City staff shall review the application to determine whether it is complete. If the application is not complete, City Staff shall notify the Applicant in writing and shall take no further action on the application until the deficiencies are remedied. If the application is complete, then City staff shall affix the date of acceptance and assign the application an agenda date with the Planning Commission which shall be no less than thirty days from the date of acceptance. The Applicant will submit 14 copies of the original Land Use Application, Site Plan, proof of mailing, and any other supporting documents on 3-hole punched paper to City Staff no later than 15 days prior to the date of the Planning Commission meeting at which the application is scheduled to be considered.
- D. Planning Commission shall recommend approval, approval with conditions or denial of the application to City Council. Planning Commission and City Council shall review the application's consistency with the requirements of Subsections 7-5-J-3-b or 7-5-J-3-c, as applicable.
- E. Following approval of the site development permit, the park shall be developed and no homes may be placed in the park until the improvements are properly completed and occupancy permit issued.

2. **Manufactured Home Park Design Requirements**

- A. Manufactured home parks may be located only where allowed by City zoning regulations and shall be a **minimum of two (2) acres.**
- B. All manufactured home parks shall, as a minimum, comply with the regulations for manufactured home parks issued by the State of Colorado and the requirements of this Subsection (b). In the event of any conflict between the State regulations and the requirements of this Subsection or other ordinances and regulations of the City, those regulations, which are more stringent, shall apply.
- C. Each space may have only one (1) manufactured or mobile home located on it and shall comply with the dimensional requirements of this subsection. All spaces shall be adequately identified by a number or letter.
- D. Minimum space area shall be 2500 square feet.
- E. Minimum setbacks within each space:
 - a. Front setback shall be 12 feet
 - b. Rear setback shall be 8 feet
 - c. Side on Corner Space setback shall be 7.5 feet
 - d. Side setback shall be 5 feet
- F. Accessory structures which are not attached to the manufactured home are not subject to the rear and side yard setbacks, but shall be set back a minimum of two (2) feet.
- G. The manufactured home park developer shall provide improvements developed to the standards required in this Subsection of the OLUC and shall provide the following:

- a. A park or playground occupying at least 5% of the area of the manufactured home park to be maintained by the manufactured home park owner.
- b. Refuse collection for each manufactured home space shall be provided.

3. Recreational Vehicle (RV) Home Park Design Requirements

- A. Size and location. RV parks may be located only where allowed by City zoning regulations and shall be a minimum of **two (2) acres in area**.
- B. All RV parks shall, at a minimum, comply with applicable State of Colorado Regulations for campgrounds and recreation areas and the requirements of this subsection. In the event of any conflict between state regulations and the requirements of this subsection or other city ordinances or regulations, those regulations which are more stringent shall apply.
- C. Dimensional Requirements:
 - a. All RVs and any accessory structures shall be at least ten (10) feet from any other RV and accessory structure.
 - b. The number of RVs in the park shall not exceed 25 RVs per acre.
- D. Five percent (5%) of the gross area of the RV park shall be developed and maintained as a park or playground by the park owner.
- E. The RV park developer shall provide the following improvements:
 - a. A water system, including fire hydrants and fire mains.
 - b. A sanitary sewer system.
 - c. Streets with a minimum width as follows:
 - i. One-way/no parking – 11 feet;
 - ii. One-way/parking on one side – 18 feet;
 - iii. Two-way/no parking – 24 feet;
 - iv. Two-way/parking on one side – 27 feet;
 - v. Two-way/parking on both sides – 34 feet.
 - d. A storm drainage system.
 - e. Street signs to include traffic circulation and security lights.
 - f. A service building meeting the requirements of applicable state and city regulations.
 - g. The City may require reasonable utility easements to be dedicated to the public for the purpose of public and city utilities.
 - h. Designs for dump stations, when provided, shall be approved by the city.

4. Maintenance of Manufactured Home and Recreational Vehicle (RV) Parks

- A. All manufactured home and RV parks shall be maintained in accordance with the requirements of this Section, applicable State of Colorado Department of Health Regulations, and other applicable regulations of the city or state.
- B. The City Building Official, or his designated representative, shall have the right to enter upon any manufactured home or RV park at any reasonable time for the purpose of inspecting the premises to determine compliance with this Section or other applicable ordinances and City and State regulations.

5.2.3 Telecommunications Antenna and Tower Standards

1. Telecommunication towers and antennas shall be located, and comply with the following provisions:
 - A. Noncommercial television and telecommunications receivers, and amateur radio antennas which qualify as an accessory use to the main use on the premises, may be located on such premises.
 - B. Antennas for "personal wireless services" as defined in 47 USC 332(c)(7)(c)(i) shall be limited to the C-1 and C-2 Zoning Districts, or upon City-owned property in other zoning districts pursuant to leases or permits with the City, with terms and conditions adequate to insure safety and reasonable compatibility with the neighborhood in which they are located, including requirements for camouflaging where appropriate.
 - C. Commercial radio, television and other telecommunications transmitters and receivers shall be restricted to commercial zoning districts.
 - D. Additional receivers or transmitters may be installed on existing telecommunication towers regardless of the zoning district.

2. All telecommunication antennas and towers shall be limited to the maximum height set out in Table 7-5-D, with the following exceptions:
 - A. Telecommunication antennas, receivers and transmitters may be located on existing towers and structures, or on an extension of an existing tower or structure of no more than 20 feet.
 - B. A variance to the height limitations otherwise applicable may be obtained for an amateur radio antenna for noncommercial use pursuant to the review procedures of **Section 7-4-F**, if the Planning Commission determines that the following criteria are met:
 - a. A higher tower is necessary to be reasonably adequate for the domestic communications purposes;
 - b. No reasonable alternative exists; and
 - c. No adverse impacts will be created with respect to other property in the area.
 - C. A variance to the height limitations otherwise applicable may be obtained for personal wireless service antennas if the Planning Commission determines pursuant to the review procedure of **Subsection 7-4-F** that the following criteria are met:
 - a. Space is not available at a commercially reasonable price on an existing tower or structure located in a technically feasible location, and no other location is available which will provide reasonably adequate service in compliance with the height limitations set out above;
 - b. No adverse effect on property values in the area will be caused and no safety hazard will be created; and
 - c. The design and color of the tower and appurtenances shall be reasonably compatible with the site and surrounding area.
 - D. A final decision to deny a variance shall be in writing and supported by a substantial written record.

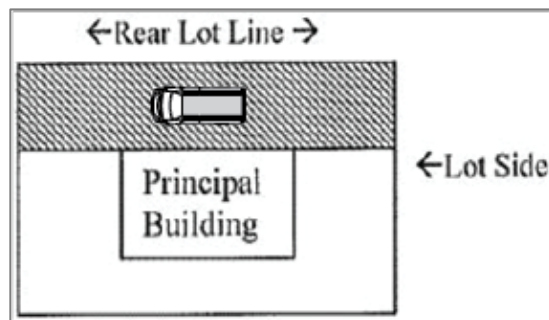
- E. All towers and structures shall be subject to the building setback requirements of Table 7-5-D, and applicable provisions of City building code and other ordinances and regulations.

5.2.4 **Recreational Vehicle** Parking *add workforce permissions?*

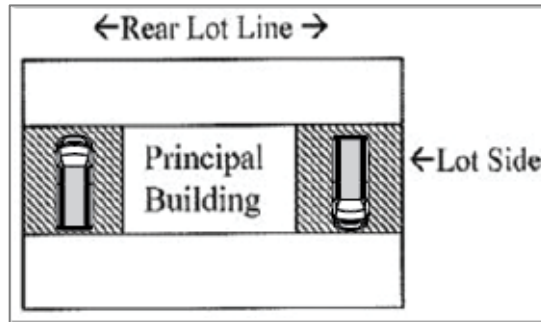
- 1. In the R-1, R-2, C-1, and C-2 districts, RVs may be parked as follows:
 - A. Occupied as temporary dwellings only within a licensed RV Park in a designated space or with a permit issued by the City.

Let's talk about the 7/14 day stay license and perhaps permissions for longer stays for workforce or home/site construction.

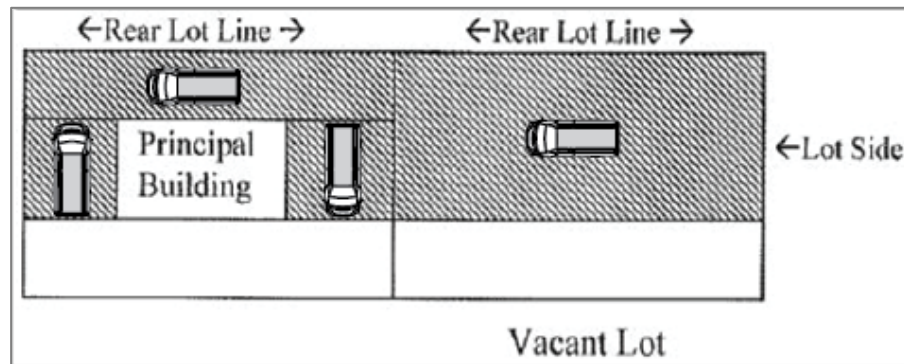
- B. RVs less than twenty (20) feet long may be parked, if unoccupied, in compliance with any of the following:
 - a. Upon the public rights of way or other designated public parking area, if registered under state law and lawfully parked in compliance with Section 14-8; provided, however, they may not be parked to create a traffic hazard. An RV parked pursuant to this subsection may only be parked for a period less than 72 hours. The facts that the position of such an RV is moved along any person's premises, the RV is moved for the primary purpose of avoiding the 72 hour limitation, or the vehicle is moved away for any period of fewer than twenty-four (24) hours, shall be ignored in determining whether or not a vehicle has remained parked in front of any premises for 72 hours. Provided, however, this shall not apply to a vehicle owned or leased by the owner or occupant of the abutting property.
 - b. Upon a lawful RV sales lot.
 - c. In a licensed RV Park.
 - d. In a garage.
 - e. As a temporary construction office at the construction site pursuant to a permit issued by the City. Such use shall not include sleeping or cooking.
- C. One RV may be parked either:
 - a. On a lot as an accessory use to a principal building, in the open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the principal building, and in compliance with building setback regulations as illustrated below;



- b. On a lot as an accessory use to a principal building, in the open space between the principal building and the lot side, the width of which is the horizontal distance from the lot side to the principal building, and in compliance with building setback regulations as illustrated below; or



- c. On a vacant lot, in the open space between the principal building and the farthest lot side of the vacant lot and extending to the rear lot line of the vacant lot, as long as the following criteria are also met:
 - i. The lot with the principal building, the vacant lot, and the RV are owned by the same owner.
 - ii. The vacant lot is contiguous to the lot on which the principal building is located.
 - iii. Parked in compliance with building setback regulations as illustrated:



- iv. In the parking lot of a lodging business. The owner of a lodging business may park one (1) RV and a guest of the lodging business may park one (1) RV during their stay.
- d. RVs twenty (20) feet or longer may be parked, if unoccupied, in compliance with any of the following:
 - i. Upon the public right of way or other designated public parking area, if registered under state law and lawfully parked in compliance with Section 14-8; provided, however, they may not be parked to create a

traffic hazard. An RV parked pursuant to this subsection may only be parked for a period less than 72 hours. The facts that the position of such an RV is moved along any person's premises, the RV is moved for the primary purpose of avoiding the 72 hour limitation, or the vehicle is moved away for any period of fewer than twenty-four (24) hours, shall be ignored in determining whether or not a vehicle has remained parked in front of any premises for 72 hours.

- ii. Upon a lawful RV sales lot.
- iii. In a licensed RV Park.
- iv. In a garage.
- v. As a temporary construction office at the construction site pursuant to a permit issued by the City. Such use shall not include sleeping or cooking.

5.2.5 Accessory Dwelling Units – Check for current code compliance

1. Dwelling units 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 the dwelling units conform to the applicable requirements of said Districts.
2. 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 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.
3. One off-street parking space shall be provided for the accessory unit in addition to any other required off-street parking.
4. The accessory dwelling unit may not exceed 1,000 square feet of living area.
5. If any of the dwelling units are rented, a minimum of a 30-day rental period shall be required by written lease.
6. The accessory dwelling unit must be owned together with the principal residential unit in undivided ownership.
7. 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.
8. 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.
9. 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.

5.2.6 Medical/Retail Marijuana

1. Medical Marijuana Centers, Medical Marijuana-Infused Products Manufacturers, Retail sales, grows and Optional Cultivation Premises Operations are prohibited uses in all zoning districts within the City of Ouray.

5.2.7 Short Term Rentals

1. **Purpose:** To prevent adverse impacts attributable to short-term rentals in dwelling units; preserve the current character and ambience of City neighborhoods; protect public health, safety, and welfare; and ensure compatibility with surrounding land uses.
2. **Applicability:** These regulations apply to any owner of real property with dwelling unit(s) used as an STR, whether directly or indirectly, in R-2, C-1, and C-2 Zone Districts, for less than thirty (30) consecutive days.
3. **Prohibitions and Conditions**
 - A. STRs are prohibited in the R-1 Zone District.
 - B. STRs are prohibited in accessory dwelling units.
 - C. A maximum number of STR licenses, also known as a Cap, may be adopted by City Council from time to time.
 - D. Dwelling units with an STR license must use the dwelling unit as a STR rental for thirty (30) or more days each annual license period.
4. **Exemptions**
 - A. Any STR within the R-1 Zone District in existence and use as an STR prior to July 17, 2019, must obtain an STR license and upon the granting of a license such use shall be deemed as legal non-conforming. Upon non-renewal, or transfer in ownership of the real property of any kind, such license and use shall cease.
 - B. Dwelling units located within a lodging business premises are exempt but those located outside the lodging business premises must have an STR license.
 - C. Any real property owner who provides three (3) new dwelling units for rent for more than 30 consecutive days on the same parcel, after adoption of this Ordinance, may obtain one (1) STR license for a fourth dwelling unit on the same parcel and shall be considered exempt from any STR license cap, so long as the policies concerning this exemption are met, as determined by City Council from time to time. This program shall be known as the STR Cap and Trade. When using the STR Cap and Trade program, a real property owner may use one (1) of the three (3) dwelling units as their primary residence and be excluded from the cap. The real property owner shall execute an affidavit when the STR license is issued stating that three (3) dwelling units are being utilized as rentals with a minimum lease agreement of six (6) months, excluding, if applicable, the real property owner's primary residence and shall provide the City, upon request, proof of lease agreements. All other requirements of these regulations apply, including policies and procedures, adopted by City Council from time to time.
5. **Registration, Licensing, and Renewals**
 - A. An application is required to be submitted in accordance with the STR administrative policies and fee schedules, as City Council may adopt from time to time.
 - B. The City Administrator, or any authorized staff, may issue and regulate short-term rental licenses, administratively.
 - C. Upon submittal of a new STR application, a site inspection will be conducted to ensure the dwelling unit meets the City's adopted building codes.
 - D. License renewals may require an additional inspection if substantial changes to the premises were made or complaints arose during the previous licensing period, as determined administratively.

- E. An STR license is issued to the real property owner and is not transferable, except if the real property for which a valid STR license has been issued is transferred pursuant to a deed meeting any of the following conditions (these exceptions do not apply to any STRs within R-1):
 - a. The transfer of title to real property if the grantee is a member of the grantor's family.
 - b. The transfer of title to real property from a grantor to a trust established by the grantor.
 - c. The transfer of title to real property from a grantor to a limited liability company or another form of business entity recognized by Colorado law so long as the grantor has a controlling interest in such limited liability company or other business entity.
 - d. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
 - e. The transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.
 - f. The transfer of title to make effective any plan confirmed or ordered by a court of competent jurisdiction under the bankruptcy code or in an equity receivership proceeding.
 - g. The transfer of title without consideration for the purpose of confirming, correcting, modifying, or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights of way, easements, or licenses.
 - h. The transfer of title pursuant to any decree or order of a court of record quieting, determining, or vesting title, including a final order awarding title pursuant to a condemnation proceeding.
 - i. The transfer of title between spouses or former spouses made pursuant to a separation agreement, decree of legal separation, or dissolution of marriage.
- F. The real property owner remains solely responsible for compliance with these regulations and any policies adopted by City Council from time to time.
- G. Licenses are valid for one (1) year; and all license renewals shall be due on or before February 28 of each year.
- H. Real property owners who have an STR license must maintain liability insurance during the licensing period, as set forth in the administrative policies adopted by City Council from time to time.

6. Signs and Advertising Standards

- A. External signs are prohibited for short-term rentals in the R-2 zone district and within the R-1 zone district on any non-conforming STRs.
- B. One (1) internal sign no larger than 8 1/2" x 11" is allowed in R-1 and R-2 to identify a particular dwelling unit.
- C. Signs in the C-1 and C-2 zone districts shall comply with the City Sign Code.
- D. All short-term rentals shall clearly post the correct address on the exterior of the building in accordance with City addressing and street numbering requirements.

7. Rules

- A. The maximum number of persons per short-term rental shall be two (2) per bedroom, plus two (2) additional persons.
- B. Noise Ordinance shall be followed.
- C. The real property owner is responsible to remit all applicable local, state, and federal taxes, along with applicable Lodging Occupation Tax, Sales Tax, or any other applicable local tax, unless exempt.
- D. Real property owner shall designate a responsible party who is located within a forty-five (45) minute drive of the City and available for immediate response to issues or emergencies that arise from the short-term rental.

8. Parking Standards

Parking shall meet any applicable provisions of the Ouray Municipal Code and any specific parking requirements of the underlying zone district.

9. Snow Removal

Real property owner shall comply with all City requirements for snow removal on public sidewalks, in addition to the requirement to remove snow from STR parking spaces, walkways, and the entrance to the short-term rental.

10. Building Code Requirements

- A. An STR shall only be used for one party that occupies the entire dwelling unit. Individual rooms within a single-family dwelling short-term rental shall not be rented out unless (a) the dwelling unit is separate, attached, or detached and it complies with the City of Ouray Municipal Code requirements; or (b) the short-term rental has a separate entrance from the primary dwelling, the bedroom areas have been constructed in accordance with the City's adopted building codes, no more than one short-term rental bedroom is provided on the property, and the building use and design complies with the underlying zone district requirements.
- B. The short-term rental shall meet all applicable local, state, and federal regulations, including the requirement for carbon monoxide detectors under C.R.S. § 38-45-101 et seq.; lighting; one (1) wall mounted, certified, five (5) lb. ABC Fire Extinguisher within the short-term rental kitchen area; smoke detector requirements; and, all other life-safety requirements, such as egress from sleeping areas.

11. Refuse

- A. The real property owner is responsible for proper disposal of garbage, refuse and trash collection in accordance with the Ouray Municipal Code.
- B. STRs will be charged the residential rate for trash removal unless there are two or more trash violations within a six (6) month period and then the real property owner may be required to provide for two residential trash services at the same address to manage trash (paying for two cans at the residence), or to provide for a commercial trash pickup of trash if two residential service pickups do not resolve the trash complaints.
- C. All trash shall be properly stored within containers that are not visible from any public street or sidewalk.

12. Other General Requirements

- A. Short-term rentals must replace any exterior open light fixtures with dark sky compliant lighting.
- B. Real property owner must abide by all other applicable local, state, and federal laws and regulations.

13. License Posting Requirements

- A. The STR License must be posted in a conspicuous place and contain the following items.
 - a. Contact information for the owner or responsible party.
 - b. The STR address and license number.
 - c. Maximum number of guests.
 - d. Location of fire extinguishers.
 - e. A copy of the noise ordinance.
 - f. Parking and snow storage rules.
 - g. Trash disposal information.
 - h. How to sign up for emergency notifications.
 - i. Information on any City fire bans, or water use restrictions.
 - j. Map showing locations where trailer and large vehicle parking is allowed.

14. Revocation or Suspension of License

- A. A license may be revoked after notice to the real property owner and opportunity to be heard for violations which result in more than two suspensions or serious violations which affect the health, safety, and welfare of the public.
- B. An STR license in the R-1 Zone District is a legal non-conforming use and upon the nonrenewal, suspension, revocation, abandonment of use or any transfer of ownership interest in the real property containing the dwelling unit with the STR license, the STR license is revoked immediately. There are no exceptions, and no affirmative or other defenses of any kind.
- C. A license may be suspended after notice to the real property owner for:
 - a. One or more violations of any condition of the license or of any provision of these regulations during the licensing period.
 - b. Written notice of any violation shall be mailed to real property owner at the address provided in the most recent application.
 - c. The suspension is effective seven (7) days after the date of the notice.
 - d. This suspension procedure does not apply when an emergency arises which affects the health, safety, and welfare of the public under the City's police powers.

15. Violations and Penalties

- A. It shall be unlawful to operate a short-term rental without a valid license or to violate any provision in these short-term rental regulations or any other City ordinance, resolution or official policy regarding short-term rentals or any state law or federal law.
- B. Violations are declared to be a nuisance, which may be abated in any lawful manner, including Section 10-4 of the Ouray Municipal Code (OMC).
- C. Enforcement and penalties for violations of these Short-term Rental regulations shall be as provided for in OMC, Section 7-3.

16. Appeals

Appeals of administrative decisions under these regulations shall be pursuant to **OMC Section 7-5-H**, except an appeal will be heard by City Council and not the Planning Commission.

5.2.8 Outdoor Displays of Merchandise

1. Outdoor displays of merchandise on private property are subject to the following:
 - A. Merchandise shall not be stacked or stored, but displayed for sale;
 - B. The area used for outdoor display does not exceed the aggregate area of the footprint of the interior retail area;
 - C. The merchandise shall not cover more than 30% of an area used for parking;
 - D. Additional outdoor display area may be permitted with approval of a conditional use permit

5.2.9 Intermodal Shipping Containers

1. Intermodal Shipping Containers. Intermodal shipping containers are allowed for temporary construction storage in all zoning districts in association with permitted construction provided:
 - A. The maximum length of time is one (1) year from the date of building permit issuance;
 - B. A refundable cash financial guarantee in the amount of \$750.00 per container is provided to the City to cover the cost of removal. A written extension of the initial period not to exceed one-hundred-eighty (180) days may be granted by the Building Official;
 - C. Shipping containers will not be stacked; and
 - D. The shipping container is located on private property to the extent practicable, or the City has issued an encroachment permit for it in a right-of-way adjoining the construction site.

Workforce/affordable housing

Temporary Uses (180 days)

Section 6: Dimensional Requirements or Development Standards

6.1 Table of Dimensional Standards

All primary and accessory structures are subject to the dimensional standards set forth in table 6.1. These general standards may be further limited or modified by other applicable sections of this Land Use Code. General rules for measurement and exceptions are in **Section .**

	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	NA	NA	7,100 sf	7,100 sf	7,100 sf	3,500 sf	7,100 sf	7,100 sf for any use
Maximum Density	NA	NA	3,500 sf/DU	2,370 sf/DU 790 sf/LU	3,550 sf/DU 1,183 sf/LU	NA	3,550 sf/DU 1,183 sf/LU	3,550 sf/DU 1,183 sf/LU
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	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.

	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
						the existing building front setbacks along the same block or 10 feet, whichever is less.		
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	NA	NA	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line
Minimum Floor Area	NA	NA	Must comply with current Building Code	Must comply with current Building code adopted by	Must comply with current Building code	Must comply with current Building code adopted by	Must comply with current Building code adopted by	Must comply with current Building code adopted by

	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
			adopted by City	City.	adopted by City.	City.	City.	City.
Maximum Floor Area	NA	NA	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.	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.	10,650 sf	Ouray Commercial Historic District and Fronting Highway 550: 9,585 sf 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	NA	NA	80%	80%	80%	100%	80%	80% for any use
Maximum Height	20	10	30	35	35	35	35	35

	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
Maximum Size for Accessory Buildings	NA	NA	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.	NA	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.

6.2 Maximum Density/Minimum Lot Area:

Maximum density is the maximum number of dwelling units allowed (D.U.) or lodging units (L.U.) per sq. ft. of gross lot area listed. The density is determined by dividing the number of units on a site by the gross acreage of the site, including any land area required to be dedicated for right-of-way. In the determination of the number of units to be allowed on a specific parcel of land, a fractional unit equal to or greater than one-half of a unit shall be rounded up to equal a full unit; a fractional unit less than one-half of a unit shall be rounded down.

6.3 Setbacks

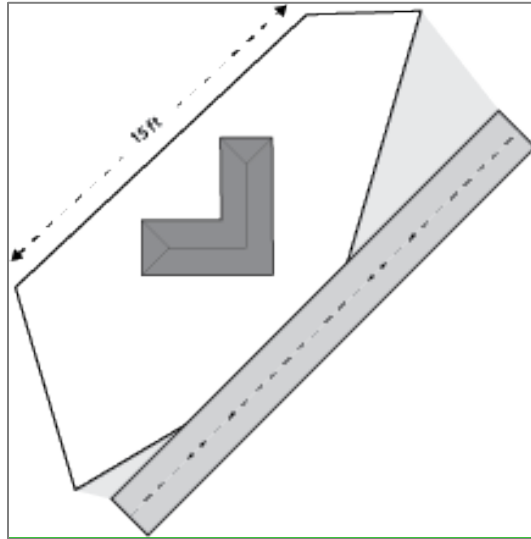
1. Except as provided in this Land Use Code, every required front, side, and rear setback space shall be open and unobstructed from the ground to the sky.

A. **SETBACKS on CORNER LOTS:** A corner lot abutting upon two (2) streets in a residential zone shall have the front setback determined by where the home fronts. The remaining street frontage will be a side setback.

B. **SETBACKS MEASURED from PROPERTY LINES:** Verification of boundaries is the responsibility of the owner. In all zones, which require front, side, and/or rear yards, the required depth of said yards shall be measured from the property line along a line perpendicular to the property line.

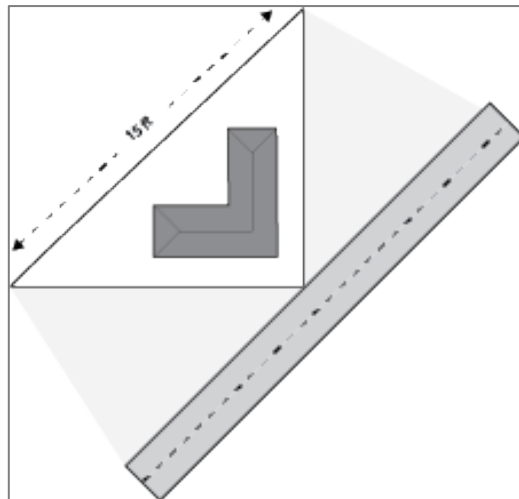
C. **IRREGULARLY SHAPED LOTS**

- a. In the case of lots having more than four (4) lot lines or lots which vary considerably from a rectilinear or trapezoidal shape, the rear lot line shall be



considered as the line most nearly opposite from and parallel with the street line on which the lot abuts as illustrated below.

- b. In the case of a triangular shaped lot, the rear lot line shall be considered as a straight line fifteen feet (15) in length which:
- Is parallel to the front lot line or its chord; and
 - Intersect the two (2) side lot lines at points most distant from the front lot line as illustrated below.



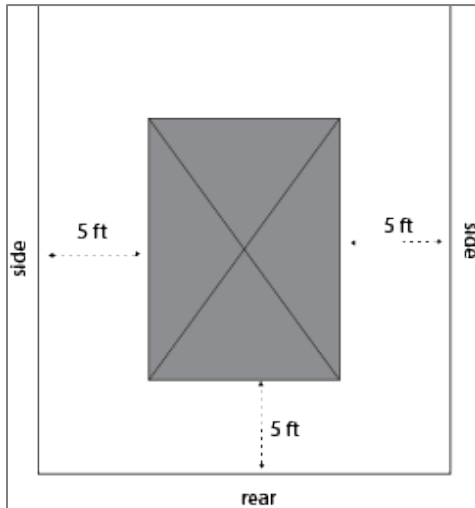
2. Building Setback Requirements

- A. Front Setback. The minimum front setback shall be equal to the average of the existing building front setbacks on the block front, or fifteen (15) feet, whichever is less. In

calculating the average of the existing building front setbacks, staff shall exclude buildings in which the setback distance was determined erroneously, and staff may exclude buildings if they determine inconsistencies exist.

B. Side setback shall be five (5) feet as illustrated below.

C. Rear setback shall be five (5) feet as illustrated below.



D. Exceptions: STRUCTURES PERMITTED to INTRUDE INTO REQUIRED YARD SETBACK AREA.

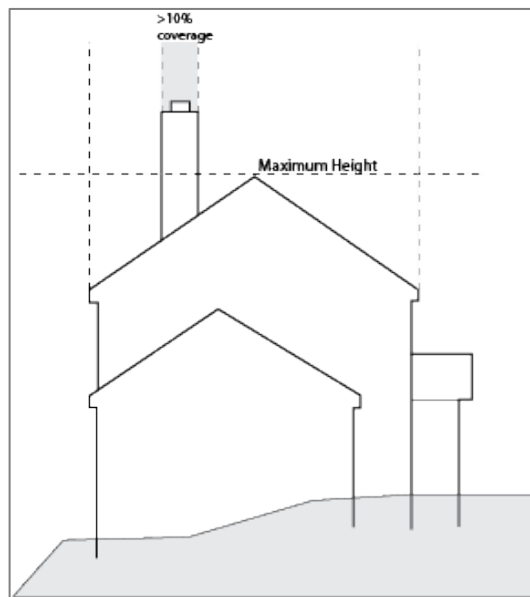
The following structures may intrude into any required yard which is five (5) feet or greater in width or depth, provided however, that no such structure shall intrude into the required yard a distance greater than is permitted in this Section:

- a. Cornices, eaves, vigas, sills, buttresses, or other similar architectural features – one foot.
- b. Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is part – one foot.
- c. Open stairways, balconies, and fire escapes -- one foot.
- d. Uncovered porches and platforms which do not extend above the floor level of the first floor – one foot into required side and rear yards and six feet (6) into required front yards.
- e. Permanent planters not exceeding forty-two inches in height – one foot.
- f. Portable sheds or small storage units 120 sq. ft. or less in size and not on a permanent foundation are allowed to encroach on rear and side setbacks. They may not be located in the front setback or create snow shed, drainage or other issues for neighbors.
- g. Little free libraries, other similar free boxes, and temporary uses such as lemonade stands are permitted in the front setback area as long as they do not obstruct the public right of way.
- h. Eaves shall not extend more than one (1) foot into the required setback, and shall never extend beyond the property line.

6.4 Building Height:

1. No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided for below or elsewhere in this Land Use Code.

- A. The following building elements and appurtenances may exceed the height limits, but only to the minimum degree necessary to achieve compliance with applicable building codes, or if not regulated by building codes, to provide for appropriate function:
- a. Chimneys, vents, attic fans, cupola vents, plumbing vents, solar panels, and light collection domes for daylighting systems.
- B. The following may extend up to 10 feet above the height plane, provided that, collectively, they do not occupy more than 10 percent of the area of the roof (measured horizontally):
- a. Non-habitable towers, spires, belfries, and domes;
 - b. Screened mechanical equipment;
 - c. Green roof vegetation;
 - d. Roof access, elevator, and stair towers; and
 - e. Clock towers or other similar structures.



6.5 Parking

1. Two off-street parking spaces per Dwelling Unit.
2. For churches, one parking space per every 8 seats.
3. For schools, one parking space per classroom.
4. For Lodging Businesses, one parking space shall be required for each room available for sleeping purposes.
5. For Multi-Family Dwellings, two spaces for each dwelling unit.
6. All retail or service businesses shall provide two (2) square feet of off-street parking for each square foot of floor area dedicated to the use.
7. All manufacturing or warehousing businesses shall provide one (1) parking space per employee.
8. Lodging Businesses and residential uses shall provide one (1) parking space per lodging unit or two spaces per dwelling unit.

9. One of the required off-street parking spaces may be satisfied by utilizing that portion of the public right-of-way adjacent to the subject property not utilized for roadway or pedestrian purposes.
10. No off-street parking is required for buildings that front U.S. Highway 550 between 4th and 9th Avenues, and those lots that front 4th through 9th Avenues within one-half block of U.S. Highway 550, except Lodging Businesses and residences that must provide one space for each lodging or dwelling unit.
11. If necessary to preserve historic buildings, off-street parking requirements may be considered by the Planning Commission. Dedicated on-street parking may be authorized by City Council within the C-1 District, pursuant to Section 13-1 of the Ouray Code, for Lodging Businesses in historic buildings, which are listed in the National Register of Historic Places or as a contributing structure to the Ouray Historic District and located on lots that front U.S. Highway 550 or on the intersecting Avenues within one-half block of U.S. Highway 550. Planning Commission shall make a recommendation to City Council regarding an application to waive off-street parking requirements or dedicate on-street parking.
12. As a condition of either waiving off-street parking requirements, or of providing designated on-street parking, the property owner must properly execute, on forms approved by the City, a recordable covenant providing that any repairs or modifications to the building will comply with the United States Secretary of the Interior’s Standard for Historic Preservation Projects and detailing any required maintenance of the parking spaces.

Use	Number of Parking Spaces Required
Dwelling Unit – Single Family	2 per dwelling unit
Dwelling Unit – Multi-Family	2 per dwelling unit Or: 1 bedroom/studio – 1 per dwelling unit 2 bedrooms and up – 1.5 per dwelling unit
Lodging Unit	1 per lodging unit
Schools	1 per classroom
Churches	1 per 8 seats
Retail/Service Business	2 sq. ft. for each sq.ft. of floor space
Accessory Dwelling Units	1 additional space (allow tandem?? – yes?)

ADD STANDARDS HERE (Design/Dimensions)

6.6 Landscaping

6.7 Street Numbering

All development is required to number and display street addresses at all times consistent with the adopted City policy. All numbers must be approved by City staff prior to posting.

1. In all cases where the numbers on such dwellings or business houses shall hereafter be changed, the same shall be numbered in the manner provided by this section.
2. For the purposes of this section, each twelve feet and six inches (12' 6") of frontage on all streets, avenues and alleys shall be allotted one number consecutively, and each dwelling or business house thereon shall be numbered in accordance therewith.
3. Said numbers shall be allotted as follows: Beginning with First Street, the corner number on the north side of each avenue running east therefrom shall be 100 and the corner number on the south side thereof shall be 101, and so commencing each building, and in case of no building, the vacant frontage, as hereinabove provided, shall thereafter be consecutively numbered throughout each first block on said avenues; thence continuing eastward on each said avenue, the north side corner of each second block shall commence with the number 200 and the south side corner of each said second block shall commence with the number 201, and so consecutively carried forward to the end of such block; and thereafter, each block shall be so numbered in an easterly direction, commencing with consecutive hundreds for each block until the limits of the avenues are reached as the same are now laid out or may hereafter be extended. The even numbers shall be on the north side and the odd numbers on the south side of all said avenues running east and west from said First Street.
4. On all streets and alleys running north and south from First Avenue in said City, commencing with said First Avenue, the corner number on the west side of each street and alley running north therefrom shall be 100 and the corner number on the east side thereof shall be 101, and so commencing, each building, and in case of no building, the vacant frontage as hereinabove provided, shall be consecutively numbered throughout each first block on said streets and alleys; thence continuing northward, the west side corner of the block of each street and alley running north from said First Avenue aforesaid, shall commence with the number 200 and the east side corner thereof shall commence with the number 201, and the numbers of each building and frontage shall be consecutively carried forward to the end of said block; and thereafter, each block shall be so numbered in a northerly direction, commencing with consecutive hundreds for each block, until the limits of the streets and alleys are reached as the same are now laid out or may hereafter be extended. The even numbers shall be on the west side and the odd numbers on the east side of all said streets and alleys running north and south from said First Avenue.
5. All that portion of territory embraced within the limits of said City lying north of First Avenue projected westward and west of First Street, shall be allotted numbers in the following manner, to-wit: Commencing with the number 100 on Oak Street at a point where said Oak Street intersects First Street opposite the intersection of Third Avenue with said First Street, thence continuing west, northwesterly and northerly, said Oak Street shall be numbered consecutively with one number for each twelve feet six inches (12' 6") of frontage thereon, the odd numbers

being on the north, northeast and east side, and the even numbers on the south, southwest and west side thereof, until Prince Street is reached; thence continuing, the northwest corner of Prince and Oak Streets shall receive the number 300 and the twelve feet six inches frontage directly opposite, on said Oak Street, the number 301, and so on, each twelve feet six inches of frontage receiving a consecutive number thereafter until Queen Street is reached; then commencing with the number 400 on the northwest corner of Queen and Oak Streets and the number 401 on the twelve feet six inches frontage opposite said corner, and so on, consecutively numbering until the north boundary of Fifth Avenue is reached; when the number 500 shall be used and so consecutively numbered until the north boundary of Sixth Avenue is reached; when the number 600 shall be used; and so on consecutively numbered thereafter in a northerly direction, the avenues governing, until the city limits are reached as the same now are or may hereafter be extended.

6. The numbers of Prince and Queen Streets shall commence at the east end of said streets with the number 200 on the south side and the number 201 on the north side thereof, and the same shall be so consecutively numbered throughout the length of said streets running in a westerly direction, with one number allotted to each twelve feet six inches (12'6") of frontage as hereinbefore provided for the numbering of other portions of said City.
7. For the purpose of any territory of the City not included in this Section, the City shall assume the intersection of First Street and First Avenue as the initial point upon which to base a proper numbering thereof in accordance with this ordinance, and shall number all outlying buildings radiating from such point, using consecutive hundreds for each 400 feet of territory not herein so embraced.
8. Buildings or residences with a primary alley access or shared street access will have an address with a "1/2" designation. For example, 320-1/2 Sixth Avenue would indicate a primary alley access for a business or residence located at 320 Sixth Avenue.
9. Properties with multiple units will have a Letter or Number designation added to the address assigned for the primary access. For example, 320 Sixth Avenue, Unit C, or 320 Sixth Avenue, Suite 3 would indicate access is at 320 Sixth Avenue and a unit or suite is on the premises. Letter or Number designations should be maintained and not interchanged.
10. All properties must display their address in numbers at least 3" tall so that it is clearly identifiable from the street for use by first responders

6.8 Snow Storage

6.9 Public Improvements (sidewalks)

Section 7: Subdivision Design and Improvement Standards

6.1 General

6.2 Purpose

6.3 Subdivision Design

6.4 Subdivision Dedication Requirements

6.5 Subdivision Improvements and Development Agreements

Section 8: Sign Code

Section 9: Nonconformities

Section 10: Impact fees

Section 12: Annexation (Joint Planning Commission)

LAND USE CODE REVISIONS | COMMUNITY DEVELOPMENT DEPARTMENT WORKING LIST (6-10-2022)

1. Specify “public meeting” instead of “public hearing” in code through processes of subd.
 - a. Distinguish when things require a public notice, or just a hearing... Both terms are used. Must at minimum meet state statutory requirements.
2. Lot splits don’t have a maximum # of lots... Most areas have been subdivided in past and can meet code for a lot split while not having to perform other subd. requirements for process.
3. Accessory use bldgs. limited to 600 sq.ft. – is this restrictive? Doesn’t distinguish between attached and detached – breezeways have been used in the past to make these “attached”.
 - a. Fix Better define options/fix loopholes.
4. Front setback requirement not specified to “frontage of all adjacent ROW” or where the lot “fronts” / is addressed.
 - a. Consider clarifying to match other municipal codes (e.g. corner lots must have 2 front setbacks to protect ROW sightlines).
5. Add in graphs/charts to illustrate processes (e.g. subd process as an infographic of city process; illustrate setbacks on a lot, etc.)
 - a. Have graphics accompanying processes to show flow/steps/setbacks/buildout etc. for each applicable part in code.
6. Integrate links to definitions/other sections of the code throughout for clarity and transparency.
7. Floor Area Max – includes subterranean basement if it has a window... even if just an egress window; should be HSF? (instead of “covered” but effectively used and lived in space?)
 - a. *County counts all basement areas in their areas.*
8. SDP process (7-4) clarify the process for Single Family Dwellings... indicates it doesn’t have to go through a SDP process, but just a Building Permit process but must include the application contents required in 7-4-D - which are often overlooked though required.
 - a. SFD should at the least ensure site coverage(s) are met, easements observed, improvements are planned, etc. prior to applying for a building permit.
9. Definitions in alphabetical order.
10. Variance extension – administrative, not in front of PC?
 - a. Variance/other extension to previously approved applications: make an administrative change, not to go in front of CC or PC if all criteria are still met/conditions are the same and if they apply for extension before the approval expires.
 - b. If changes are made, and/or criteria not met, they need to go before PC /body.
11. Landscaping plan – can this be less specific or dependent on scale of subd. (minor vs. major vs. single family home)? Show areas and SF, types of plants existing and proposed, irrigation proposed/drainage plan, etc.
 - a. Different levels of specificity depending on zone/type of development/site conditions?
12. Better process outlines for historic preservation efforts/structures.
13. Short Titles for each section and subsection (up to 2-3?) – expandability ease in code publishing!
14. Public noticing requirements – better define. Add more requirements for different types of projects. Variances, Conditional Uses, PUD preliminary plat, Rezones, and certain type of Vested Rights are only part of code that requires public noticing... in accordance w state statutes.
15. More creative housing options with less restrictions/subdivision requirements (PUDs, tinyhomes, yurts, smaller home foundation options than 24’x32’, subdivide a lot to allow for more housing in certain zones without condominiumization process?) Look to other muni codes.

16. Get rid of density "D.U" / "L.U." in the table 7-5-E and/or more clearly define these densities as a the allowable units per square footage of lot,
 - a. Density definition doesn't match the density outlined in 7-5-E table: "*number of dwelling units permitted on any parcel*" but table has specific SF by type?
 - b. Can Ouray instead use FARs?
17. Clarify the maximum floor area of a zone (per building? Per lot?)
 - a. Ex: large scale subd. – is it 10,000 SF per condo building or 10,000 SF total improvements allowed per lot?) has been interpreted both ways in the past.
18. Living area defined? What is a "kitchen" how does that apply for lodging, for ADUs, for chalet inn?
 - a. Sonoma County, CA has good kitchen definition.
 - b. ADU – clarify kitchens- what makes it a dwelling unit vs. studio? (e.g. EQRs)
19. Condo process: define air units vs. lots in general (clearly define/distinguish Townhome, Apartment, Condominium, Multi-Family Residence, etc. even if that's out of the IRB/IBC for the public to understand) clearly show what process should be used when, not a buffet of options for best fit circumstantially.
 - a. Include images?
 - b. A flow chart showing the differences?
20. Condo process: "follow subdivision process in 7-7" (which type of subdivision?? Minor, lot split, replat, general subdivision? Often this depends but this should be clarified).
21. Form based codes? Is there room for this option within Ouray? Esp. near river, outskirts of the City (near cliffs/mtns) and/or in historical areas?
22. Clarify the role of adhering to HOA/COA covenants
 - a. Legal: *if present on the plat for subdivision we must follow/consider.* (if not present/on the plat, not the City's job to administer?)
23. Water/Sewer connection process – make more clear who does what and when. Has been confusing in the past and demands interdepartmental coordination.
 - a. Where does CDC look, where does Public Works look? What does Building inspector do?
 - b. Make a visual flow chart for this process for folks adding new investments/taps to City mains.
 - c. Potentially separate from code, but should still be made clear in city process somehow.
24. Final recordation process – make more clear.
 - a. Whose signatures are required and when? Should be different for subd. (mayor/PC) versus replats (administrative).
 - b. Signature/certification blocks required listed under each type of subdivision/final plat recording process. (Replat: X, Y, Z; Subdivision: Q, Y, Z, A; other: V, X, Y)
 - c. Create a checklist of signatures required for each type of land use/subdivision that results in recordation and integrate into Code.
25. 25% commercial use within local commercial district. – Variance process for these units if they don't face Main Street? Administrative decisions or PC decisions? Need a set of criteria or else could be considered too administrative/arbitrary (e.g. recent variance – within district, but not a historic building. Claimed was better suited for residential, but needs to be commercial in-part?)
 - a. Clarify what commercial means... could be in-home office, does it have to be a business?

26. Add option in code for Special Use permit for RVs:
 - a. 1. RV work force as a perpetual option for permit (with similar conditions that we have now?)
 - b. 2. RV use for general contractors in Ouray who are: living on property, is(??) hooked into the City's wastewater systems if approved by Public Works, are the GC on the project, making consistent progress on an approved project, for 180 days per year max., need to have approved building permit. *SEE MOAB, UT FOR EXAMPLE OF POLICY.*
27. Incentives for smaller lot size/reduced admin fee if deed restriction is submitted to provide local workforce, housing solutions (goal LU-1, A, iv, b. of updated Community Plan)?
28. "Comprehensive Plan" listed in code instead of "community plan" - make consistent throughout or define with alternative names.
29. Consider a reduction in minimum lot size (to 3,500 for all zones or at least C-1, C-2, R-2?)
 - a. Smaller lots (within reason and process) = "community" (ABCs...)
30. Required approvals for each subdivision/plan phase (e.g. Moab's development handbook): fire department, EMS, public works, gas/electric, CDPHE(?), building inspector, etc.
 - a. Include a list/checklist of all required notes for applicant to obtain from departments prior to any approval.
31. REPLACE AND CLARIFY INFRASTRUCTURE AND DESIGN STANDARDS!
32. Clustered design (PUDs) clarify what this looks like and when it applies (small vs. large scale)
33. Be able to convert ADU to "SFD" upon condominiumization approval – doesn't need to get a variance for the size of the ADU since that's legal conforming as that use/has CO. Convert automatically to SFD if parcel converts to condo process to allow for more ownership opportunities?
34. More flexible "allowed by right" commercial/retail options that suit Ouray (grandfather in those that have been allowed in the past.
35. Sampler Mill Site south boundary... (purpose? Change?)
 - a. *"There shall be a front setback equal to the average of the existing building front setbacks along the same block or ten (10) feet, whichever is less on buildings located on lots that front U.S. Highway 550, between 9th Avenue and south boundary of Sampler Mill site as shown on the Official Zoning Map."*
36. South of Skyrocket R-2 vs. North of Skyrocket (purpose?) make the same? One is closer to more R-1 and that's the rationale? Aimed to be better transitional zones between those two areas...?
37. Dark skies – more comprehensive zoning regulations? (right now, just required for STRs)
 - a. The community wants to maintain these and appreciates our dark skies (see Community Plan).
 - b. Include definition of dark sky (via IDA) in code
 - c. Include with subd. process and SDP process?
38. Include a "Minor PUD" and "Major PUD" process? Different requirements (for submitted items and for who the process goes in front of)?
 - a. **Minor:** PC and CC (1 time, like a lot split?) If – it's 1> parcel, 4 or less dwelling units proposed, ROW already in place. *Example: Risch "PUD" Sketch Plan 2022*
 - b. **Major:** PC and CC (sketch, preliminary, final) If – it's 1 or more parcels, 5 or more dwelling units proposed. *Example: Telluride Foundation proposed PUD*

SIGN CODE:

1. Issues with too many “non-conforming” signs that are too low above main street.
2. Clustered business allowance of SQ.FT. of signage – better define for different situations (e.g. 730 Main Street vs. Story Block vs. 801 Main St. = different needs)
3. Free standing signs – allow restaurants/theaters a “menu” to be temporarily/daily posted outside - often the case now, but include with “signs allowed without a permit” if:
 - a. Not in public ROW
 - b. Not a hazard
 - c. Not flashy
 - d. Showing specials/menu/calendar of events
 - e. Not to exceed 11x17
 - f. Easily moved
4. Have images to go with sign types within code for quick references
5. Better and less general definitions
6. Better provisions for banners!



TO: City of Ouray Planning Commission
FROM: Lily Oswald, Community Development Coordinator
DATE: June 10, 2022
FOR: June 14, 2022
SUBJECT: Undeveloped Lands Analysis

The following analysis and table summarize the methods (page 2) and calculated undeveloped lands (page 1) within the city of Ouray. This analysis aims to serve as a baseline for the Land Use & Development and Sign Code update process by both visualizing and defining these areas.

*To note: the identified undeveloped lands used in this analysis should be considered a *draft* and not finalized. Additionally, the identified lots/parcels used in this analysis contain lots which are subject to considerable geologic hazards; may be owned by the City of Ouray or the USFS; or may be considered “legal, nonconforming” in size at the time this summary was performed. The identified lots have been included on a map for visual reference to accompany this analysis, “Ouray Undeveloped Lands Map.”*

Table 1. Undeveloped Lands Analysis by Zoning District (June of 2022)

Item	Variable	ZONING DISTRICT				
		C-1	C-2	R-1	R-2	All Zones
A	Total Lot Area Calculated (Sq. Ft.)	137,006	1,466,141	675,690	1,100,766	3,379,603
B	Total Lot Area Calculated (Acres)	3.15	33.66	15.51	25.27	77.59
C	Total Lots Possible (conforming to Zone)	36	206	93	149	463
D	Total Dwelling Units Possible (conforming to Density)	N/A	413	193	310	916
E	Percent Share of Total Dwelling Units Possible	N/A	45%	21%	34%	100%
F	Total Lodging Units Possible (conforming to Density)	N/A	1239	Use Not Allowed	930	2,170
G	Percent Share of Total Lodging Units Possible	N/A	57%	Use Not Allowed	43%	100%

Table 1 - Methods

Item A:

1. *Identification:*

Lots were identified as vacant/undeveloped for improvements by the Ouray County Assessor Parcel data information and on-site survey in 2021. Lots which have an active Building Permit were not included in the database for undeveloped lands or this analysis.

2. *Calculation:*

After identification and isolation in GIS, the identified lots had a calculated area analysis performed to identify square footage. *Note: this area was based on the County Parcel data and not from surveyed points.* Each identified parcel was then individually researched in Ouray County Assessor (Eagle Web) to ensure the correct area was applied for the analysis.

3. *Zone District Isolation:*

The total area (sq.ft.) was calculated for all undeveloped lots. Each zone district area was applied and clipped to the identified lots to isolate the total sq.ft. for each zone district's undeveloped lot area.

Item B:

1. *Conversion:*

Item A total sq.ft. for each zone district and total was divided by 43,560 (or, square feet per acre).

Item C:

1. *Zone District Isolation:*

A new field was created for the identified undeveloped lots' (e.g. only C-1 lots) minimum lot size based on the current Land Use Code Zone District Dimensional Requirements (per §7-5-D).

2. *Calculation:*

The total lot area (**Item A**) was divided by the appropriate zone minimum lot size to calculate the theoretical number of lots possible (via subdivision) for the identified undeveloped lots. *Note: non-conforming lots (less than the minimum lot size for that zone district) were not included in Item C sums.*

Item D:

1. *Zone District Isolation:*

A new field was created for the identified undeveloped lots' (e.g. only C-1 lots) dwelling unit density based on the current Land Use Code Zone District Dimensional Requirements (per §7-5-D).

2. *Calculation:*

The total lot area (**Item A**) was divided by the appropriate dwelling unit density to calculate the theoretical number of dwelling units possible for the identified undeveloped lots. *Note: all zones all for single-family dwelling units; C-1 does not have density restrictions identified for residential dwelling units.*

Item E:

1. *Conversion:*

Item D total allowed dwelling units for each zone district was divided by the total dwelling units possible (and converted to a percentage) to see each zone's share of possible dwelling units. *Note: C-1 was not included.*

Item F:

1. *Zone District Isolation:*

A new field was created for the identified undeveloped lots' (e.g. only C-1 lots) lodging unit density based on the current Land Use Code Zone District Dimensional Requirements (per §7-5-D).

2. *Calculation:*

The total lot area (**Item A**) was divided by the appropriate lodging unit density to calculate the theoretical number of lodging units possible for the identified undeveloped lots. *Note: R-1 does not allow for lodging units within the district; C-1 does not have density restrictions identified for residential dwelling units.*

Item G:

1. *Conversion:*

Item F total allowed lodging units for each zone district was divided by the total lodging units possible (and converted to a percentage) to see each zone's share of possible lodging units. *Note: C-1 and R-1 were not included.*

Ouray Undeveloped Land Map*

City of Ouray, Colorado

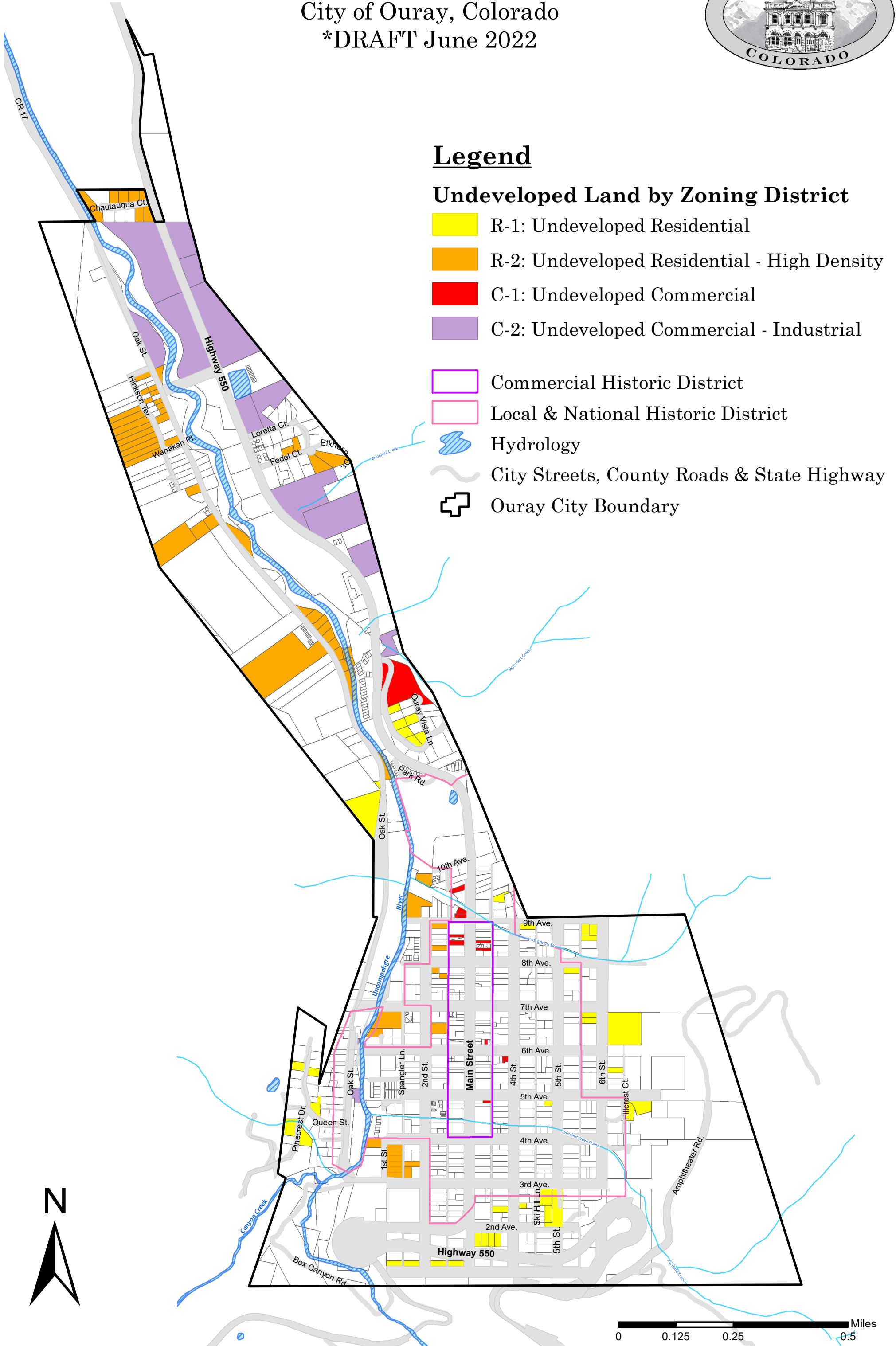
*DRAFT June 2022



Legend

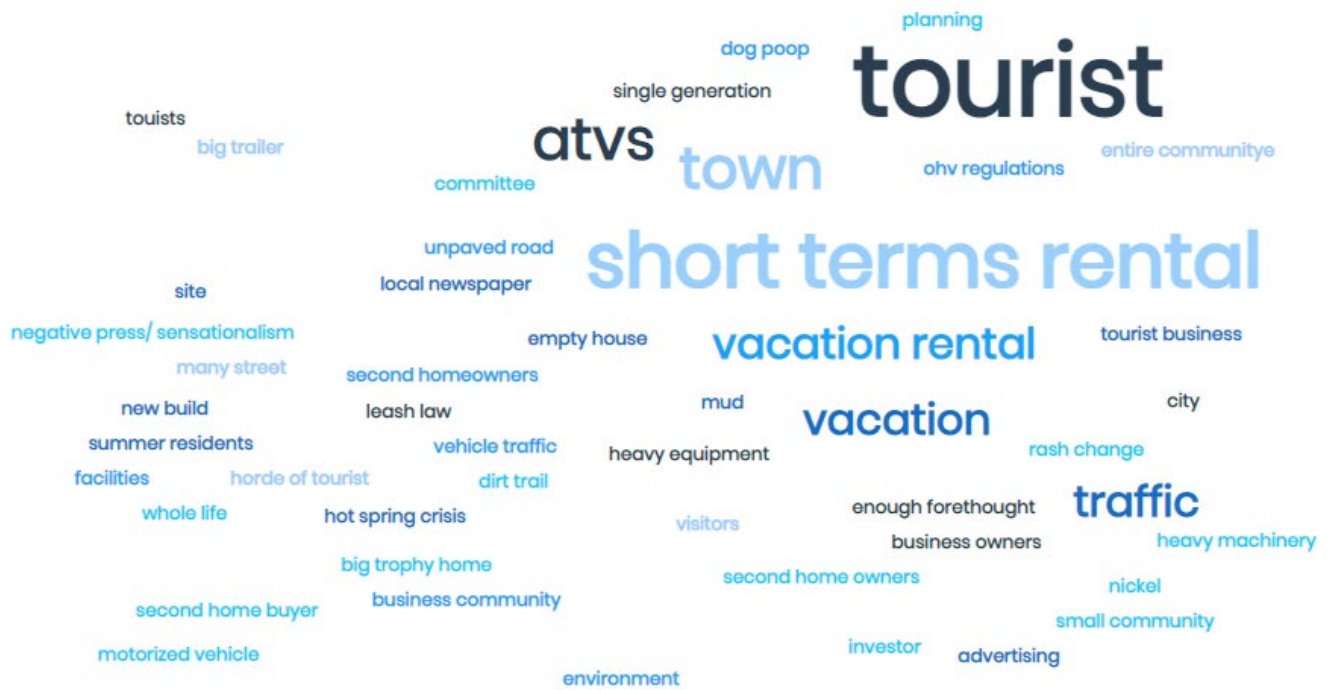
Undeveloped Land by Zoning District

- R-1: Undeveloped Residential
- R-2: Undeveloped Residential - High Density
- C-1: Undeveloped Commercial
- C-2: Undeveloped Commercial - Industrial
- Commercial Historic District
- Local & National Historic District
- Hydrology
- City Streets, County Roads & State Highway
- Ouray City Boundary



0 0.125 0.25 0.5 Miles

Q.3: What does Ouray need less of (in general)?



Q.4: Do you see challenges in similar communities that Ouray should try to prevent?

- Don't allow atvs in town.
- Disperse camping anywhere in the county.
- Over taxation of short term rentals .
- Trash on streets etc due to lack of receptacles on streets highly trafficked off main.
- Tourists, and paying lip service you want them and then the locals suffer immensely.
- Repair sidewalks so everyone can walk without tripping.
- Too many short term rentals limiting ability for town employee housing.
- Attracting tourists drives away residents.
- Too many second homes that stand empty for much of the year.
- Proliferation of vacation rentals and second homeowners pushing out actual local families.
- Affordable housing availability and campers in public areas/not designated camping areas leaving trash and debris.
- Yes.
- Marijuana dispensaries and pot growing facilities.
- Subsidizing people to move here.
- Telluride.
- We should not allow Ouray to become a mini Telluride.
- Catering to the wrong type of tourists.
- Many Colorado mountain towns becoming being overtaken by tourism.
- YES! The unregulated capitalist sellouts in most tourist towns in CO.
- Becoming a big tourism draw. It affects our infrastructure immensely.
- Losing our locals and workers to far-flung communities.
- lack of housing for locals.
- Overexploitation on of our area (relying too much on tourism).
- Yes, OHVs, chain stores, and restaurants.

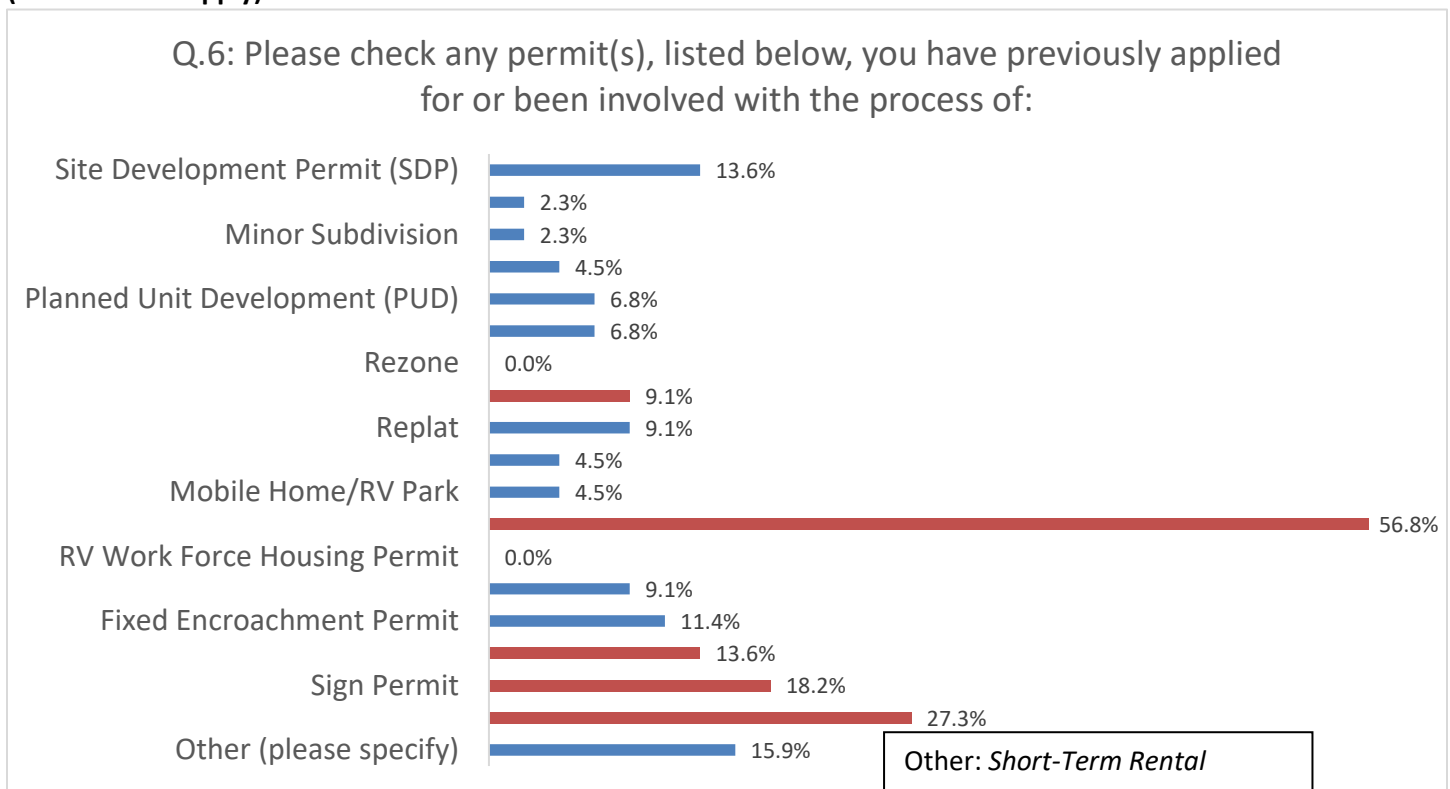
- Letting tourism be the most important!
- too many short term rentals.
- All mountain resort communities.
- Singular Focused Economy.
- tourists and short term rentals.
- Lodging without parking.
- I see Moab as growth gone wrong. Ouray should try to avoid the OHV explosion & everything that comes with it.
- Yes in Silverton.
- Yes, in small mountain towns no longer being occupied by primary residents.
- Loss of non-primary residents.
- Becoming real estate investment/speculative play.
- Unpaved streets.
- No. Ouray is unique and not like other towns. It can't be compared.
- No.

Q.5: Do you see opportunities in similar communities you wish to emulate in Ouray?

- Ridgway has done a great job welcoming the arts and new industry. Ouray could learn from them. They are moving forward while we move backward.
- Ridgway
- Consideration of handicap access to the local beauty
- More community building (local) events
- Hang up NO MORE tourists like Telluride did in Covid..Have armed sheriffs checking to make sure the town was not infected by them.
- Clean up the city like Delta.
- higher taxation or limiting of short term rentals
- Attractive approach to town from the north
- Affordable rentals and camping as summer housing.
- Telluride apartments
- heavy regulation of vacation rentals and part-time residents / second homeowners
- Make Ouray an off-road haven. Loosen up the off-road rules for getting around Ouray. Make specific route for OHVs like they do in Silverton.
- Yes
- There really aren't "similar" communities. Ouray is a one of a kind and has always been!
- Ridgway's street paving grants
- Shuttle service
- Salida
- Silverton. They put their residents first in priority
- Bike/pedestrian paths to connect amenities and encourage the non-vehicular experience
- Gunnison, Crested Butte, Silverton trying to address these issues
- I like how Telluride protected her valley floor; and built a two affordable housing centers that do not require long commutes. Carbondale used to be Aspen's working class community. At one point it had the highest rate of child abuse in CO - the long commute hugely detracts from homework time, meal prep, household chores and family play time.
- Better maintenance of parks, flumes, roads, curbs, sidewalks, alleys, trees, etc,
- more local focus while still providing amenities to tourists
- Better connectivity throughout the town (joining river walk to town)

- Focus on affordable housing by Salida, and now Ridgway . Use of geothermal and solar energy.
- We need to get the mountain biking thing going in Ouray too.
- greater limits on short term rentals (e.g., Silverton)
- Housing programs
- Stewardship of Resources rather than Management
- Restrictions on short term rentals
- Paving streets, i.e., Crested Butte, Norwood, Telluride, Aspen, Vail
- Not at this time
- Yes, Ridgway’s dark skies regulations
- Crested Butte was heading in a good direction with taxing second home buyers. Telluride has several different taxes to address community issues such as infrastructure, schools, etc.
- Tax second home buyers to support infrastructure needs!
- Better walkability, more sidewalks (continuous everywhere), within the city shuttle.
- Environmental cleanup and care
- Attainable housing opportunities
- Transportation from Montrose to Ridgway and Ouray for workforce
- Not aware

Q.6: Please check any permit(s), listed below, you have previously applied for or been involved with the process of (select all that apply):



Q.7: If applicable, please briefly describe your experience applying for a land use permit (variance, lot split, subdivision, etc.) or other permit (floodplain development, sign permit, RV work force housing permit, etc.) in the City of Ouray:

- Each time has been a nightmare. Each interaction with City staff always bring some new obstacle we have to overcome. They treat us like we are the enemy any time we try to do anything. For such a small town, the

bureaucracy is incredible. For context, we haven't worked with the current city staff as of 2022 so can't speak to interacting with the new staff.

- Built a deck.
- N/A
- We applied for a fixed encroachment permit. Could not get one and the price for a temporary one was exorbitant and far exceeded prices in other neighboring counties/cities.
- No problem. Built a new home in an established subdivision.
- Generally good experiences working with City staff. Some building inspectors automatically assumed everyone has evil intentions. Others have been fair and courteous.
- Generally smooth and efficient
- Good.
- The staff has always been helpful, considerate, and fair throughout the process. In 2011 we applied for a variance to enclose our 6'X6' front porch. We were granted it and paid a per sq/ft fee. I'm satisfied with this decision. Last year we applied for a variance to fence in our front yard on Third Ave. It is a city street property. Our city manager declined to take it to city council. I'm disappointed in this decision.
- Disappointing.
- Variances to allow smaller affordable rentals.
- We replaced and expanded our deck.
- It was difficult and took ages because the City had several building inspectors during that time.
- Worked with county on these and it was fine.
- Simple process.
- Application was easy enough. Working with City Staff was a nightmare prior to Ms Oswald.
- The experience changes every time a new community development coordinator is hired. In general, they have big plans, make just about everybody's life hell that they interact with, then quit after a year or two for greener pastures. It is a cycle that has repeated itself for years.
- Sign banner permit. Currently regulations are being ignored that I was applying for by others, then I was denied for.
- Unclear whether I needed or not for temporary encroachment (dumpster).
- Positive, cooperation from staff and timely delivery.
- STR permit process has been very frustrating with many unknowns and no direct answers.

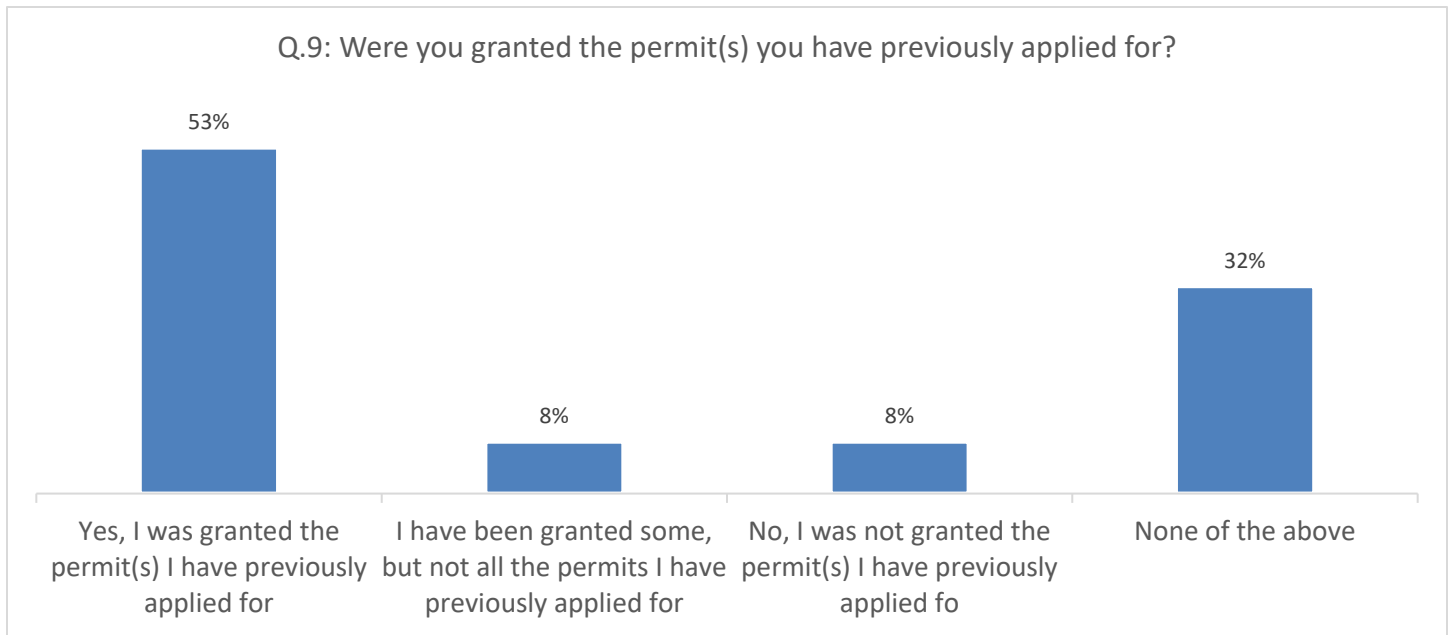
Q.8: If you have previous experience applying for a City land use or sign permit, on a scale of 1 (very dissatisfied) to 5 (very satisfied), how would you rate your satisfaction with the City's permitting process?

3.2★
average rating

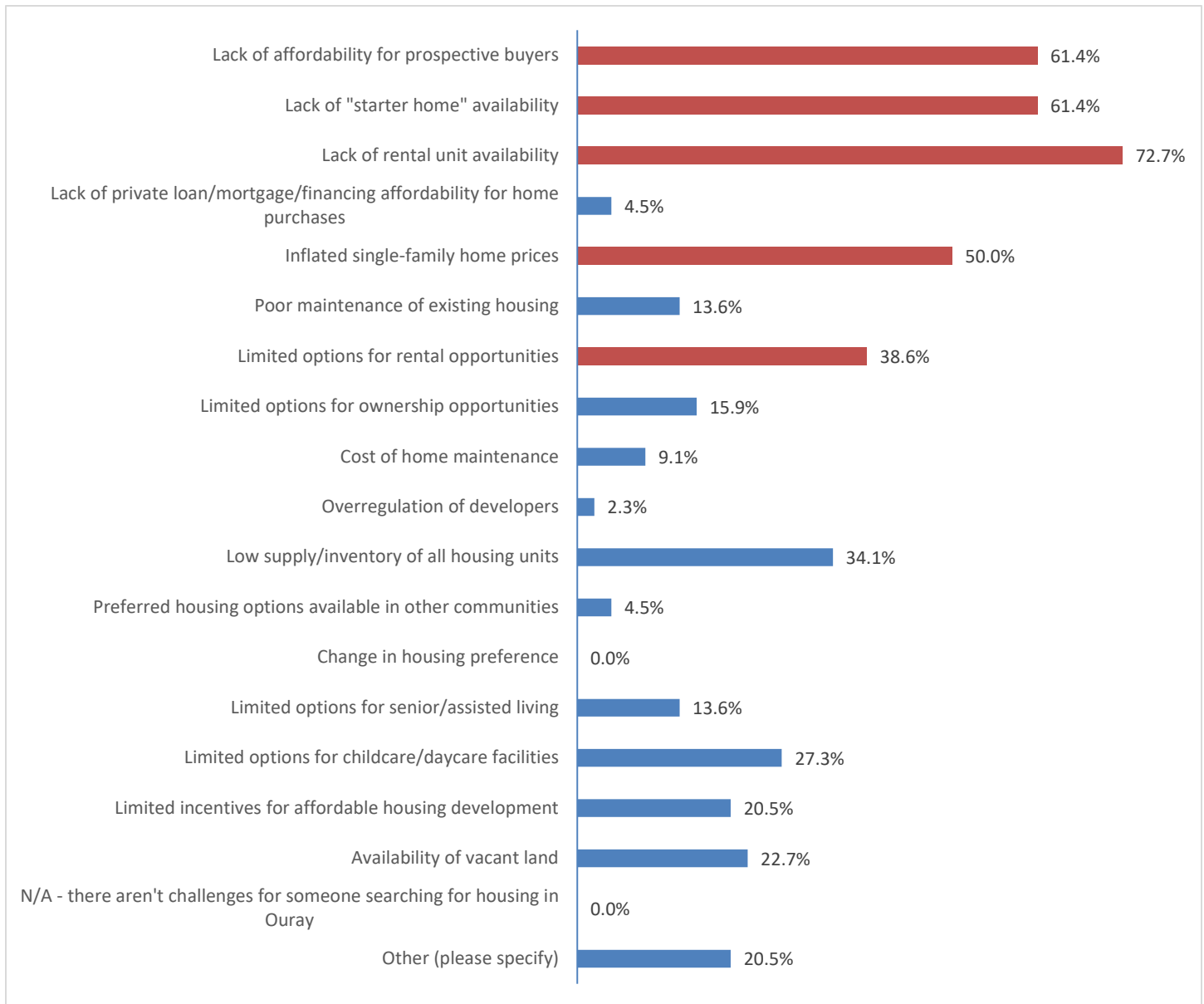


	VERY DISSATISFIED	DISSATISFIED	NEUTRAL	SATISFIED	VERY SATISFIED	N/A	TOTAL	WEIGHTED AVERAGE
★	10.34% 3	6.90% 2	17.24% 5	6.90% 2	17.24% 5	41.38% 12	29	3.24

Q.9: Were you granted the permit(s) you have previously applied for?



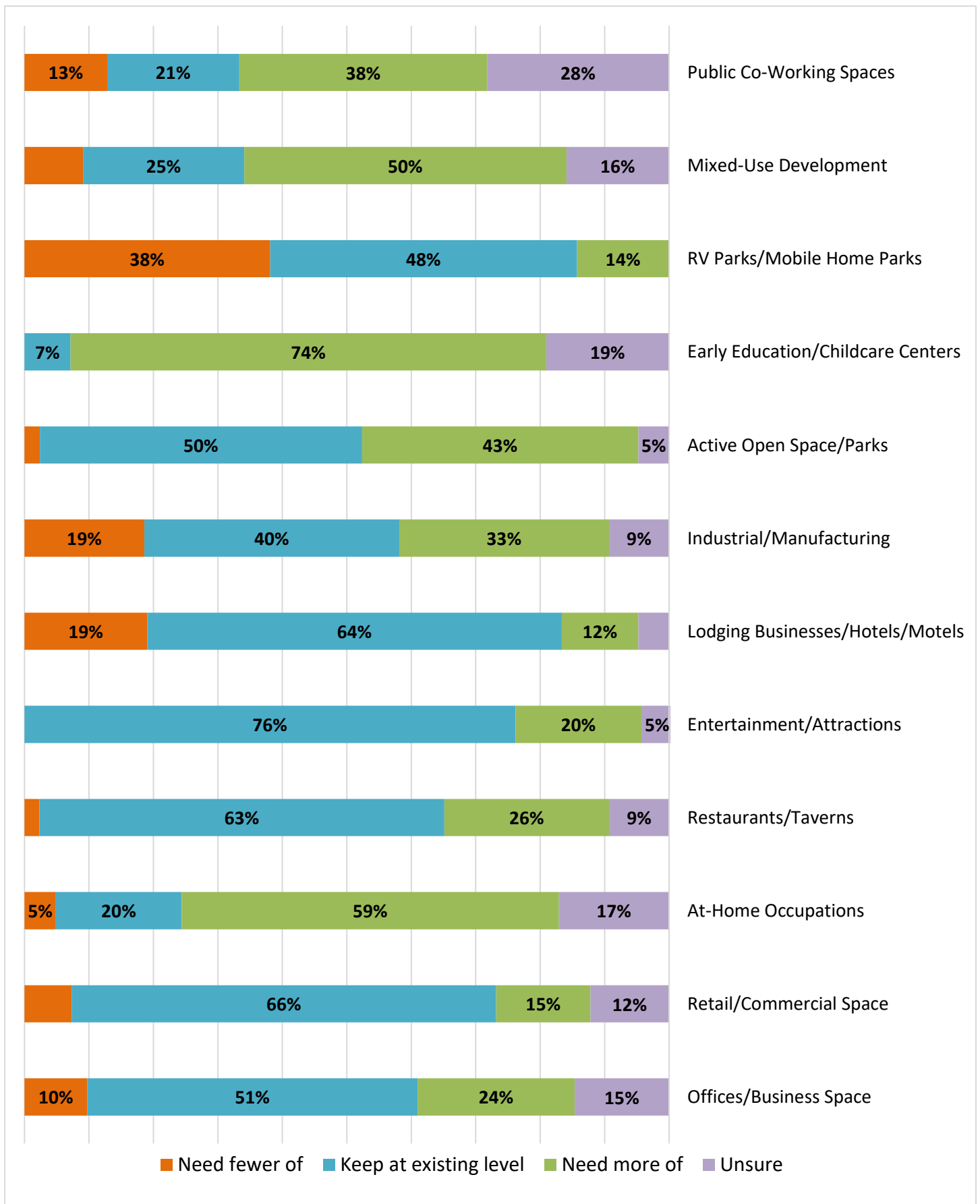
Q.10: What do you think are the top 5 challenges for someone searching for housing in Ouray? (please select 5)



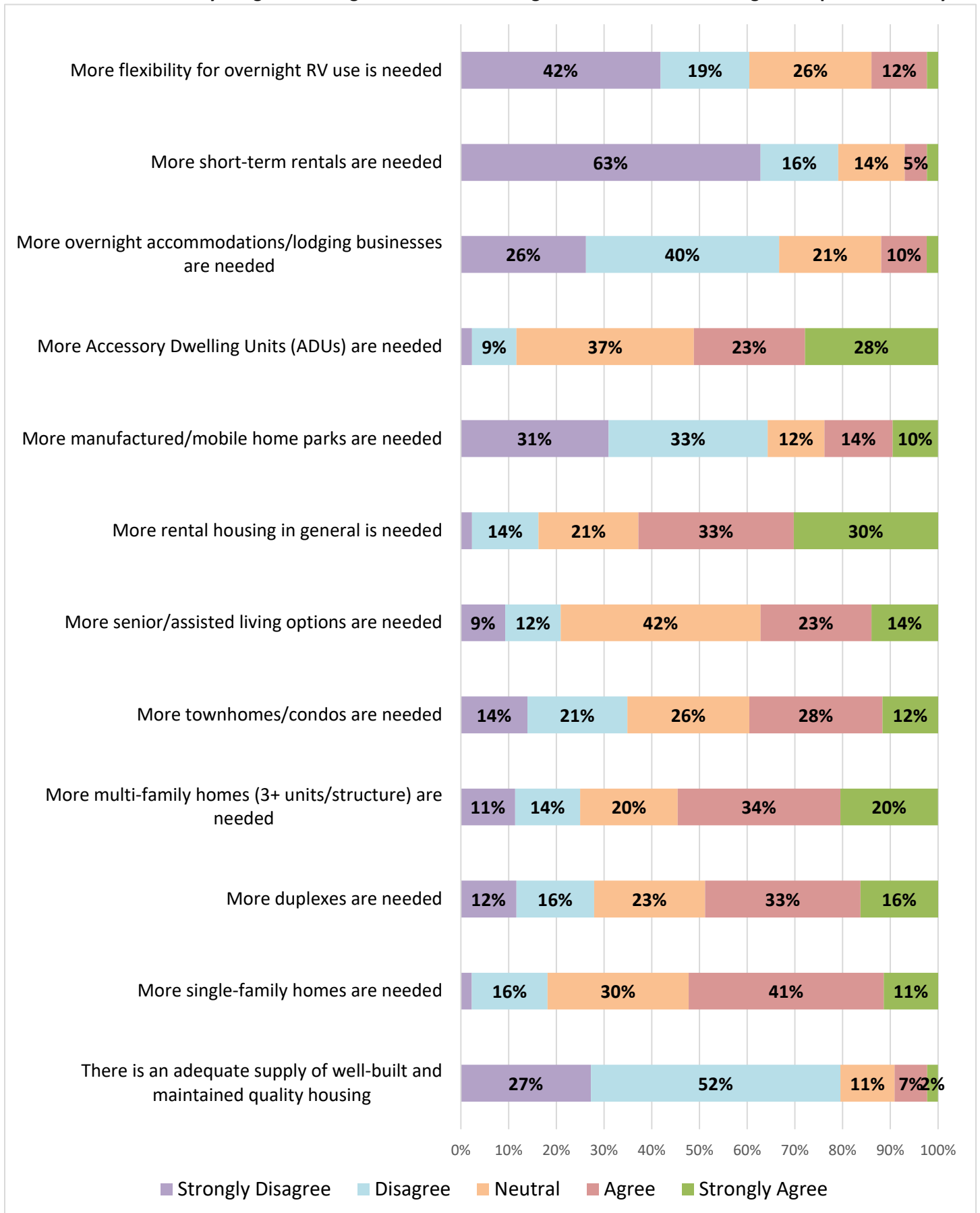
Other:

- Intolerance of camping as a legitimate housing option.
- Competition in purchasing from California's former residents.
- Ouray is a desirable location with expensive building costs and very limited size. It should not be government's role to subsidize the thousands of people who wish to vacation or move here. We have lived here for almost 43 years and understand that there are challenges to being able to live in a small mountain community that's not for everyone. You cannot eat beauty and must understand that growth must new controlled. To live here you must make compromises.
- 2nd home owners who only use their homes a couple of months out of the year.
- Increasing utility costs, out of control. Why are there no apartment complexes in Ouray.
- If one were to be truly open and honest about the subject, the fact is that the town is an amazing place to be. Real estate prices are priced accordingly. There is no affordable housing because of this. Nobody has a right to live here unless they can afford it. It is that simple.
- Poor adherence to Building Codes by previous owners - expensive to bring up to code/make it livable.

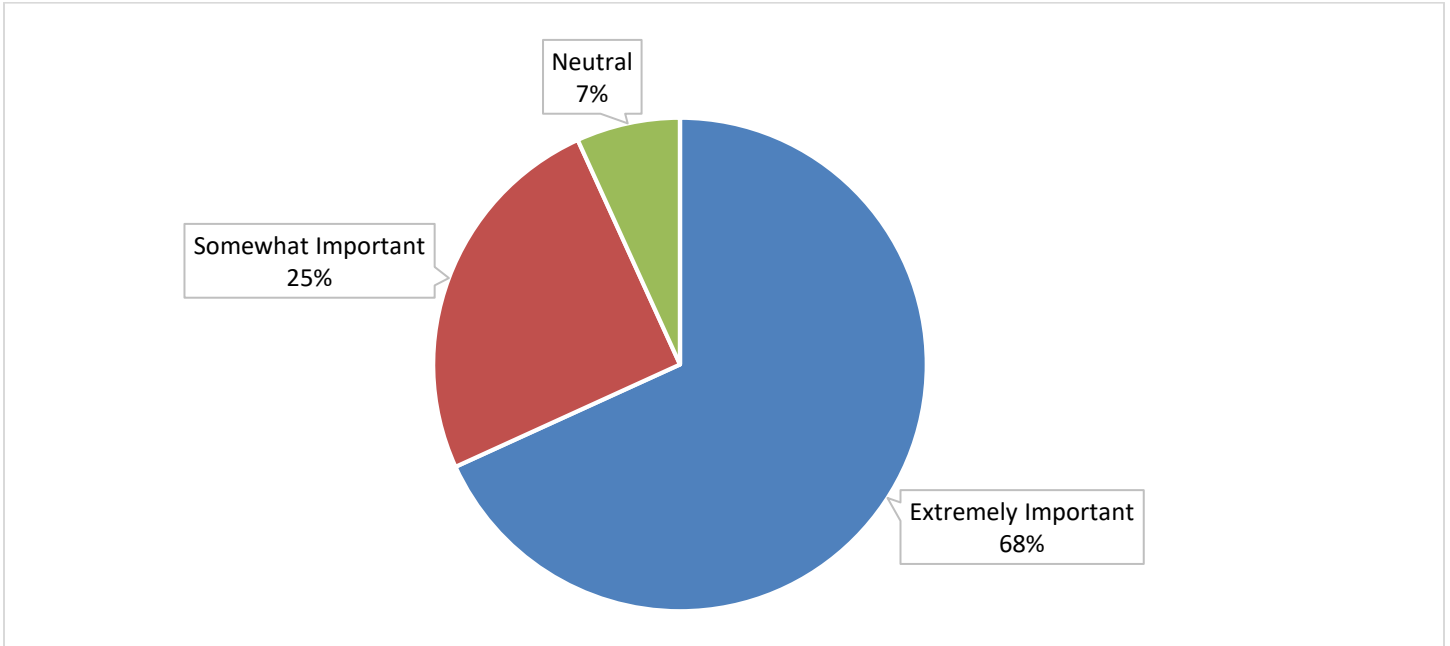
Q.11: In the next 10-20 years does Ouray need more or less of the following types of development?



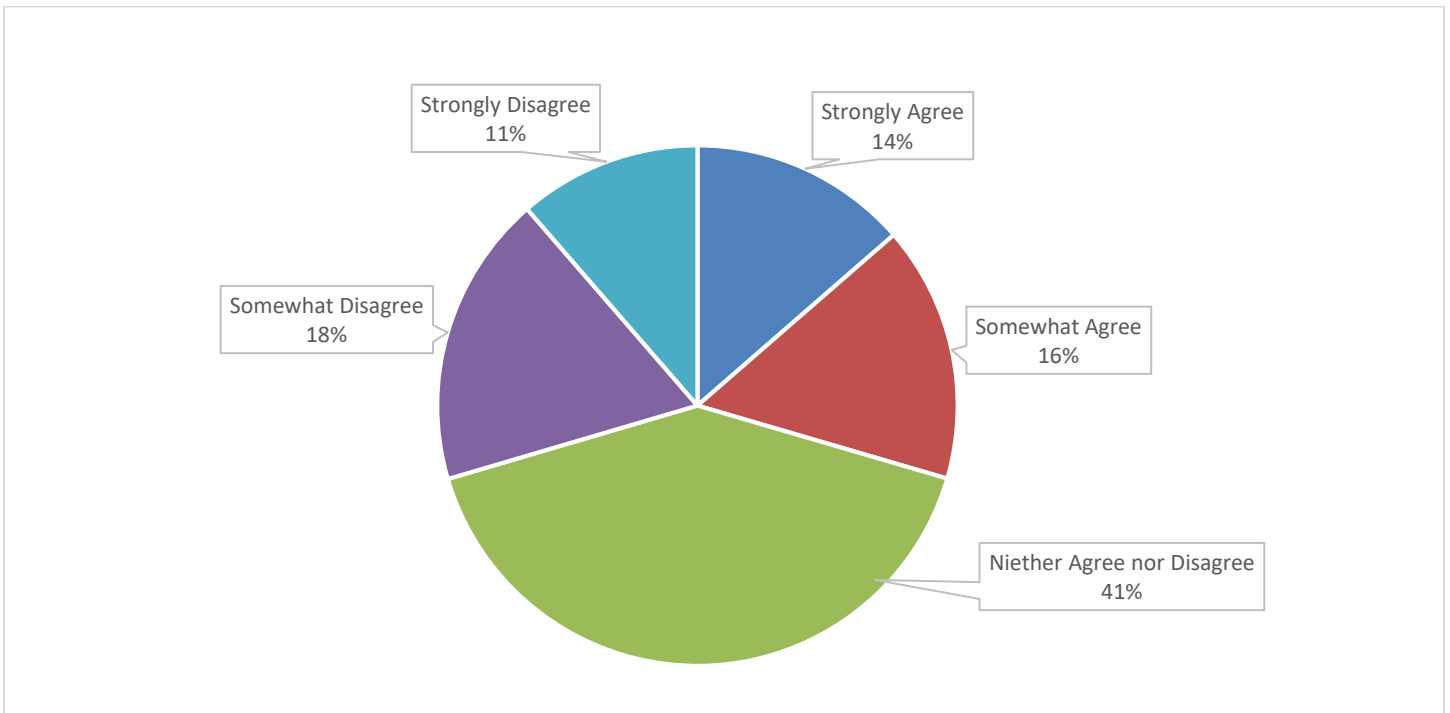
Q.12: To what extent do you agree or disagree with the following statements about housing development in Ouray?



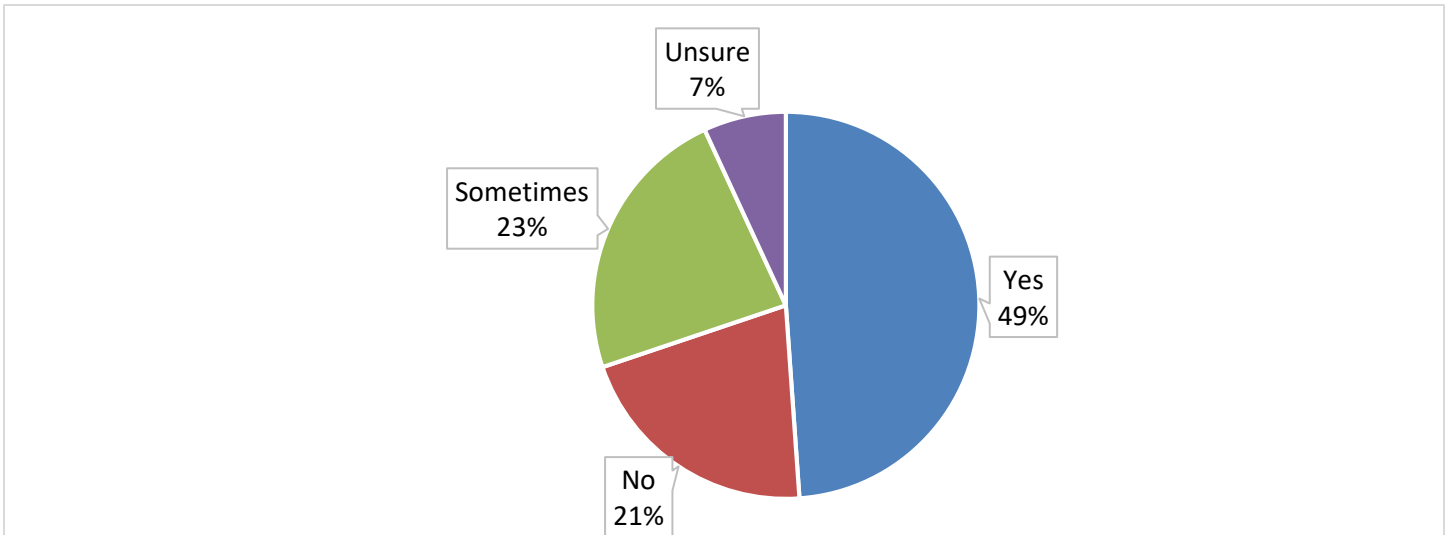
Q.13: How important is it for Ouray to manage the location of new development or infill (all land use types: commercial, residential, industrial, parks, etc.)?



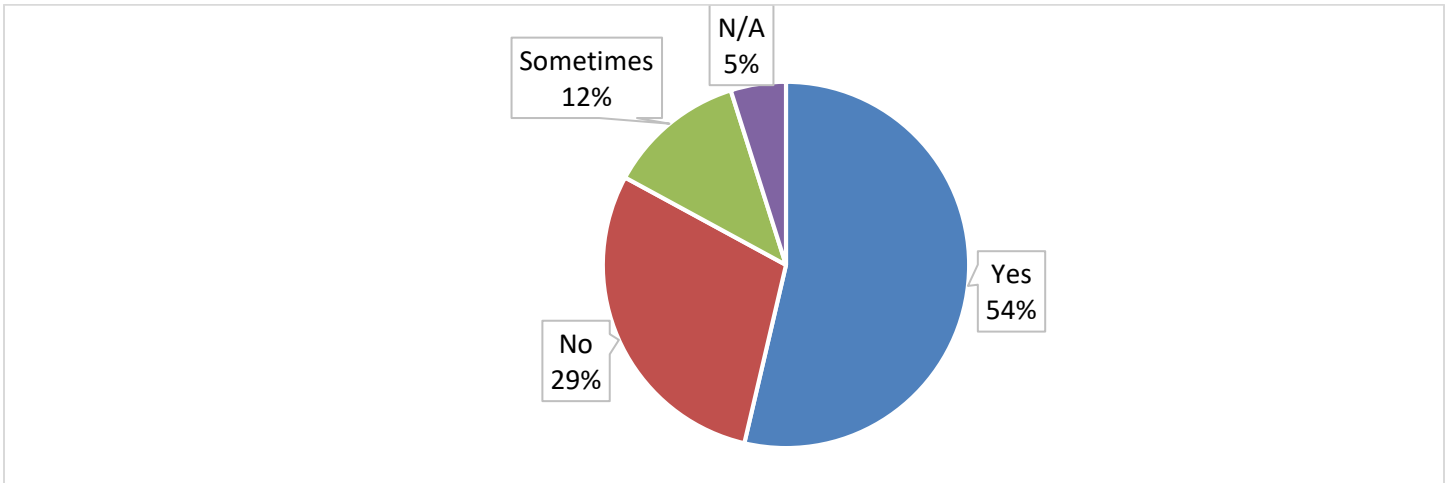
Q.14: Do you agree with the following statement: The current Land Use & Development Code permits new buildings within existing neighborhoods/areas that are not compatible with nearby buildings (context).



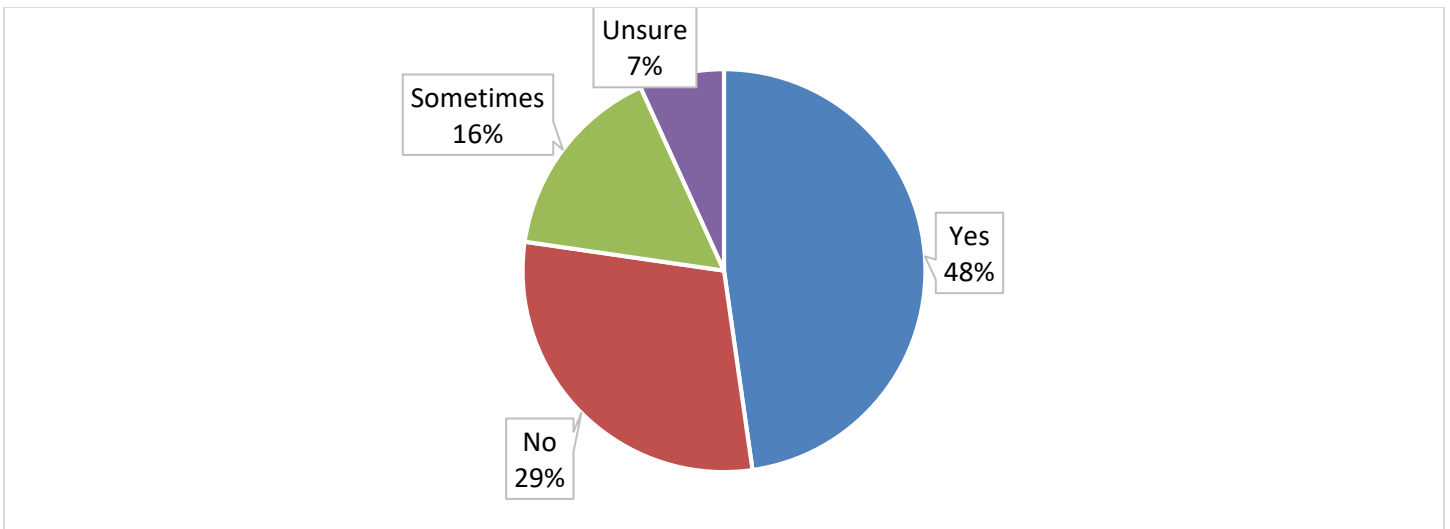
Q.15: Do you think Accessory Dwelling Units (ADUs) provide affordable housing solutions?



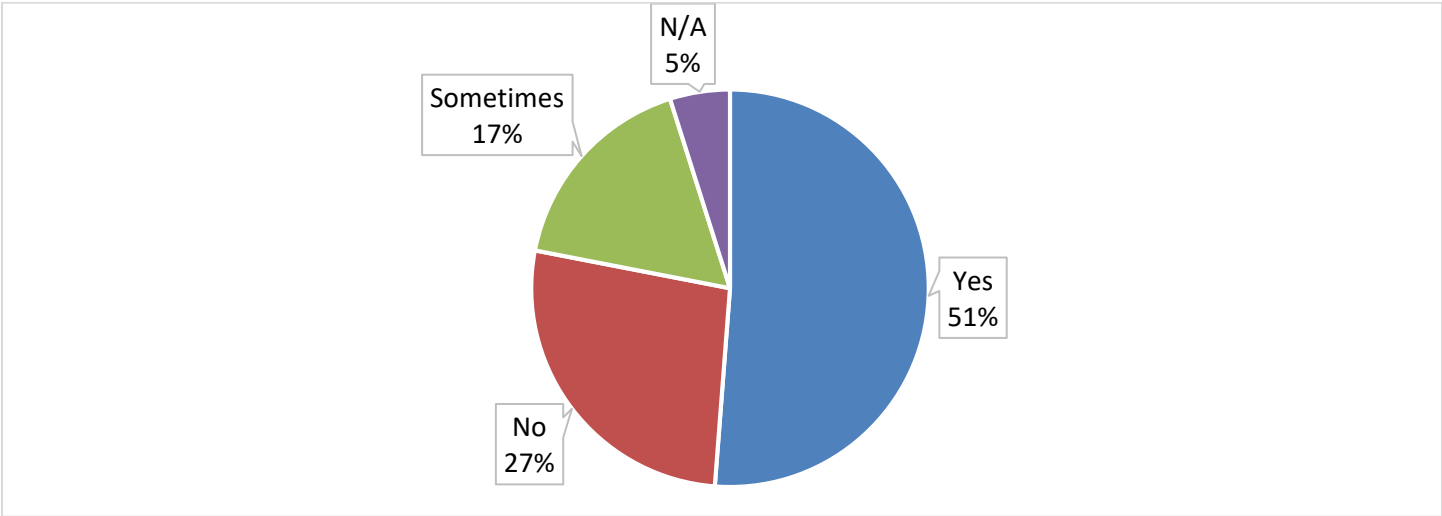
Q.16: If you believe ADUs provide affordability, do you believe ADUs are a priority to address during the code rewrite?



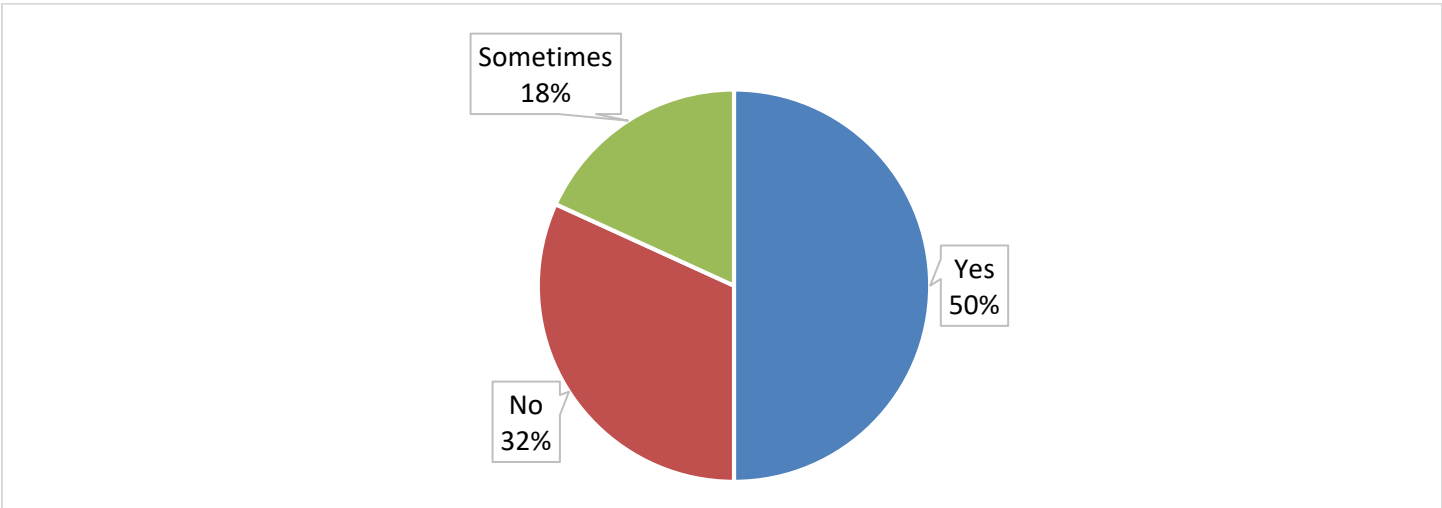
Q.17: Do you think smaller structures (e.g. "Tiny Homes") provide affordable housing solutions?



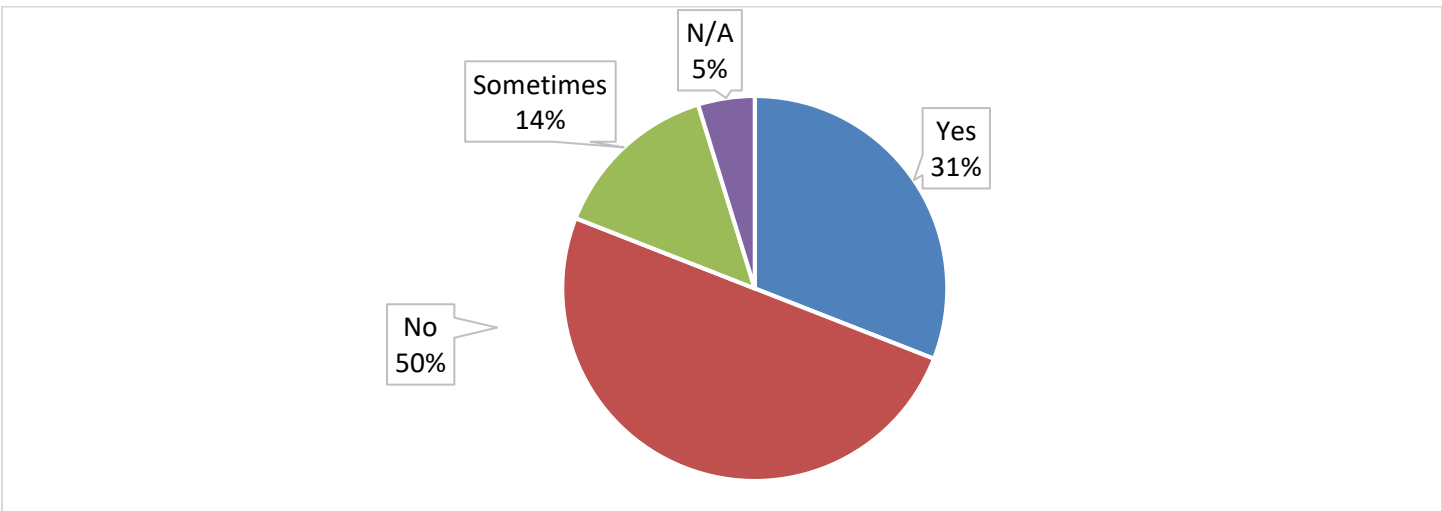
Q.18: If you believe smaller structures (such as Tiny Homes) provide affordability, do you believe these are a priority to address during the code rewrite?



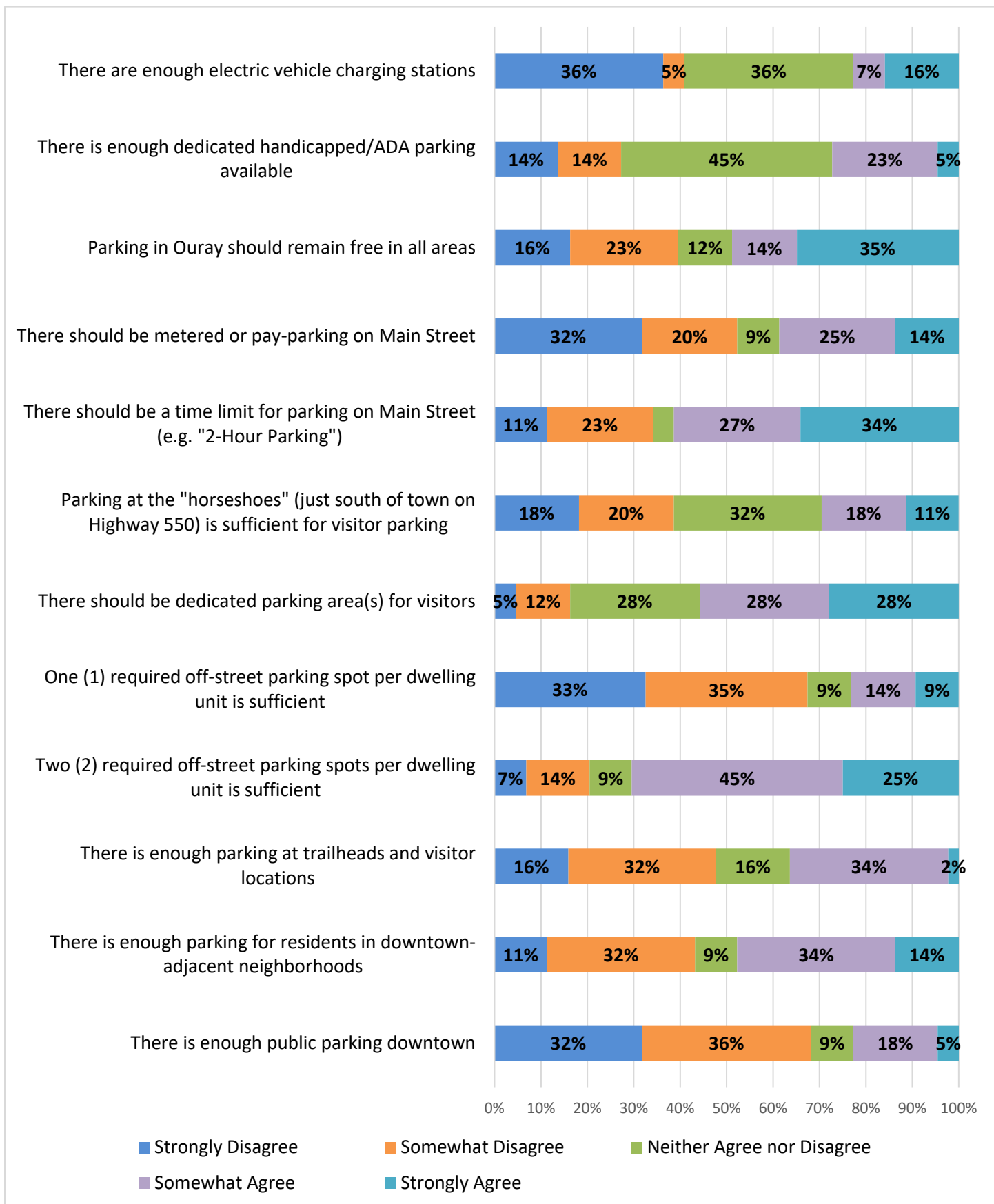
Q.19: Do you think mobile homes provide affordable housing solutions?



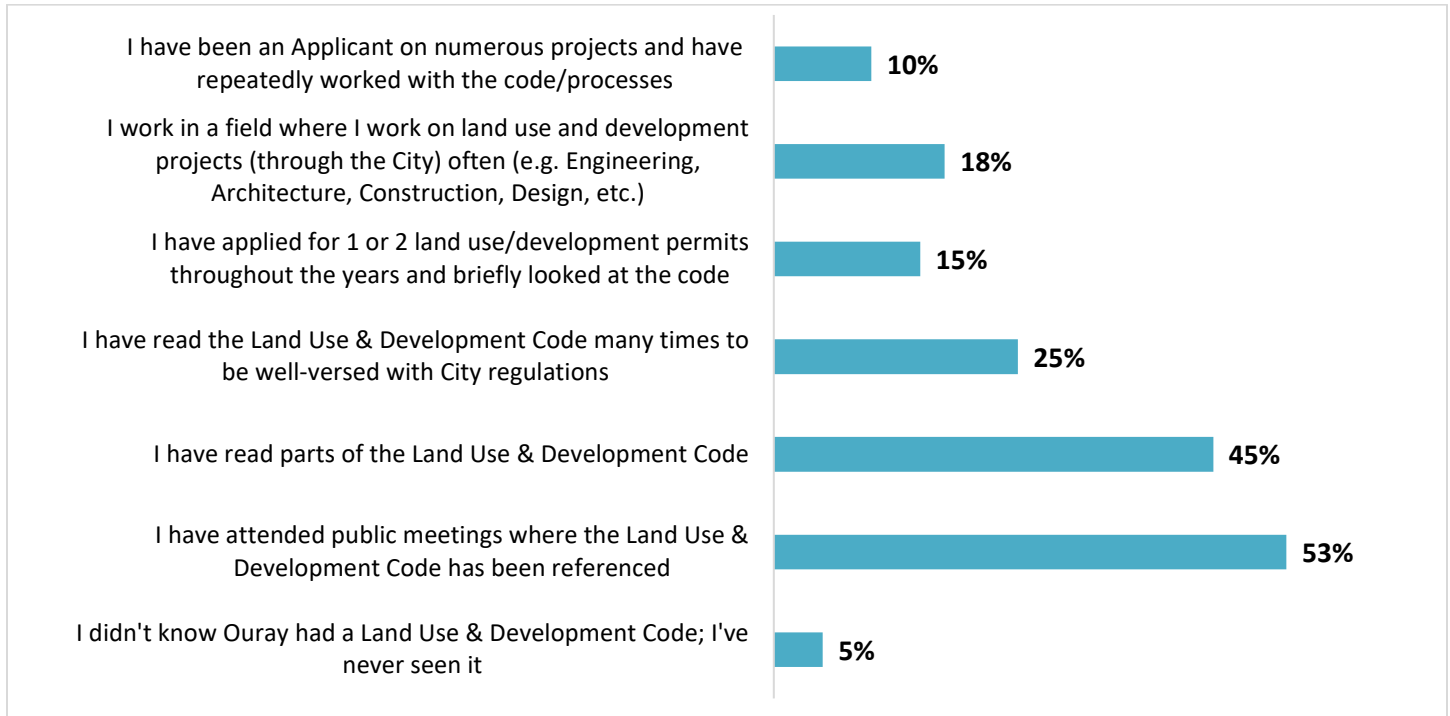
Q.20: If you believe mobile homes provide affordability, do you believe these are a priority to address during the code rewrite?



Q.21: To what degree do you agree or disagree with the following statements as they pertain to parking supply and demand in Ouray:



Q.22: To what degree have you interacted with or used the City's Land Use & Development Code (Municipal Code, Chapter 7)? (select all that apply)

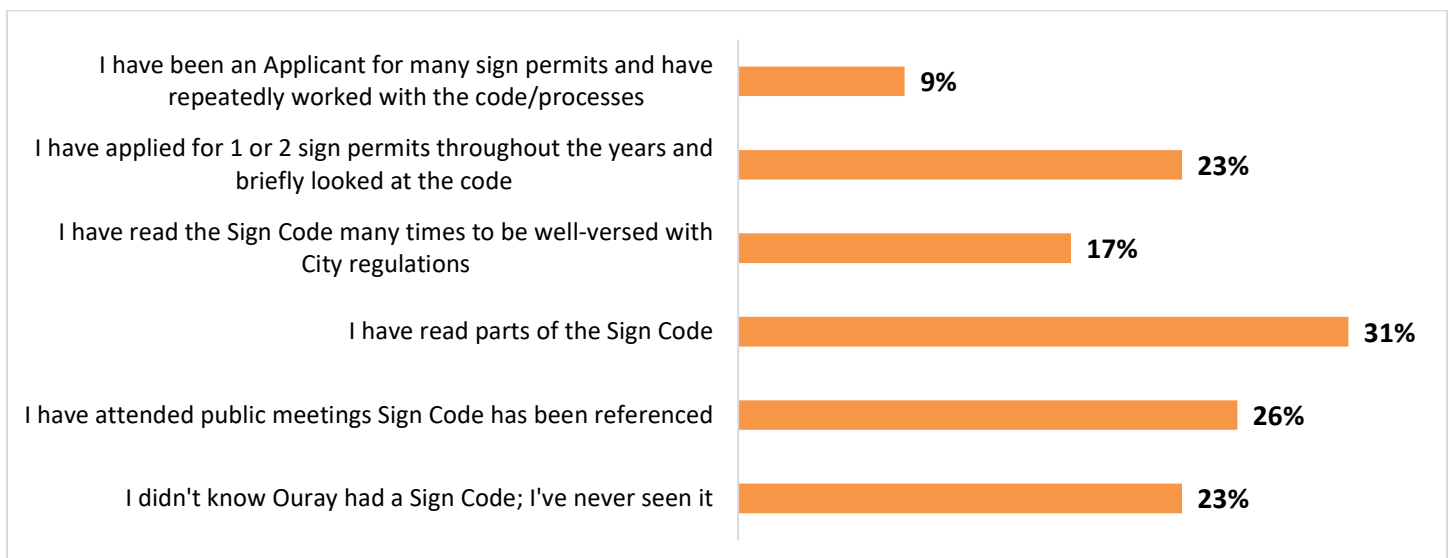


Q.23: In your opinion, what are the most important thing(s) to consider with this Land Use & Development Code update?

- If you make it too complex, you prohibit the very things you want. Consider the costs of what you are asking for before implementing.
- Housing and parking
- Planning adequate future residential and rental development, open space, and schools. utilities and the long term financial needs of the city
- Keeping Ouray's character, providing affordable options for locals.
- limiting visitor/tourist impact on trails and wildlife. providing housing for employees.
- Wildfire risk, including emergency egress from town, lack of water, higher temperatures, and flooding and debris flow from severe storms.
- Boarding houses for seasonal workers. Regular metro bus service between Silverton and Delta, both for transportation and riding the pass without driving.
- Affordable housing (either purchase or long term rental)
- Historic preservation, preservation of green space, strict zoning to prevent abuse by developers, second or part-time home owners, short term rentals, etc. Actual parking enforcement.
- Accessibility and connectivity to trails and OHV roads as well as parking for these activities.
- Flexibility/Accommodating housing needs of working people.
- Read and heed my comments. Ouray is a very unique community. Don't try to make it into something else. Don't throw the baby out w the bath water.
- Preserve Ouray's historic appearance. Destroying Ouray to pack in as many people as possible will not work, because its desirable location means there will always be throngs of people seeking subsidies to live here.
- Amendments to allow for more affordable housing.
- People's private property rights should prevail.

- Take a closer look at zoning and what is allowed within the zoning districts so it doesn't have a negative impact on what currently exists, create regulation that helps our local businesses instead of restricting them, find ways to encourage parking off of main street and us non-motorized options to get around town.
- Some form of meaningful disincentive for homeowners who keep properties empty for most of the year
- Do NOT prioritize greed over the community. There are not a lot of empty lots in town to build on yet there are a lot of homes that are empty most of the year. Before permitting a building sprawl, consider incentives to re-allocate existing homes to affordable long-term rentals. It may take several creative formulas and patience. Meanwhile, "developers" and realtors will be chewing at the bit, and some well-heeled second home owners may not care about incentives, and many may gloat over our bloated housing values. Still, you and I are entrusted with celebrating and preserving our precious rare family community.
- There is a limit as to the capacity of our community during the busy summer season.
- Adherence to neighborhood zoning regulations
- More flexibility for smaller, more sustainable housing
- affordable housing options for locals
- Town aesthetics and flow. Making it an enjoyable place for LOCALS to live here full-time.
- Required lot size for residential should be low to accommodate more housing
- Property Maintenance needs to be addressed and enforced.
- Best practices
- Standardization, modernization and Adaptation to Ouray.
- Tiny homes and more every parks allowed
- Be Fair
- The code is 90% acceptable, with a few loopholes that need clarification
- Allowing for more ways to support long term affordable rentals for people who work in the city or county.
- That the updates are keeping up with modern times
- Code needs to address wildfire resiliency.
- That the city collects the required water/sewer fees for any building and should revisit recent change in use buildings to collect those appropriate fees.
- Unknown
- Permitting more mobile home sites

Q.24: To what degree have you interacted with or used the City's Sign Code (Municipal Code, Chapter 8)? (select all that apply)



Q.25: In your opinion, what are the most important thing(s) to consider with this Sign Code update?

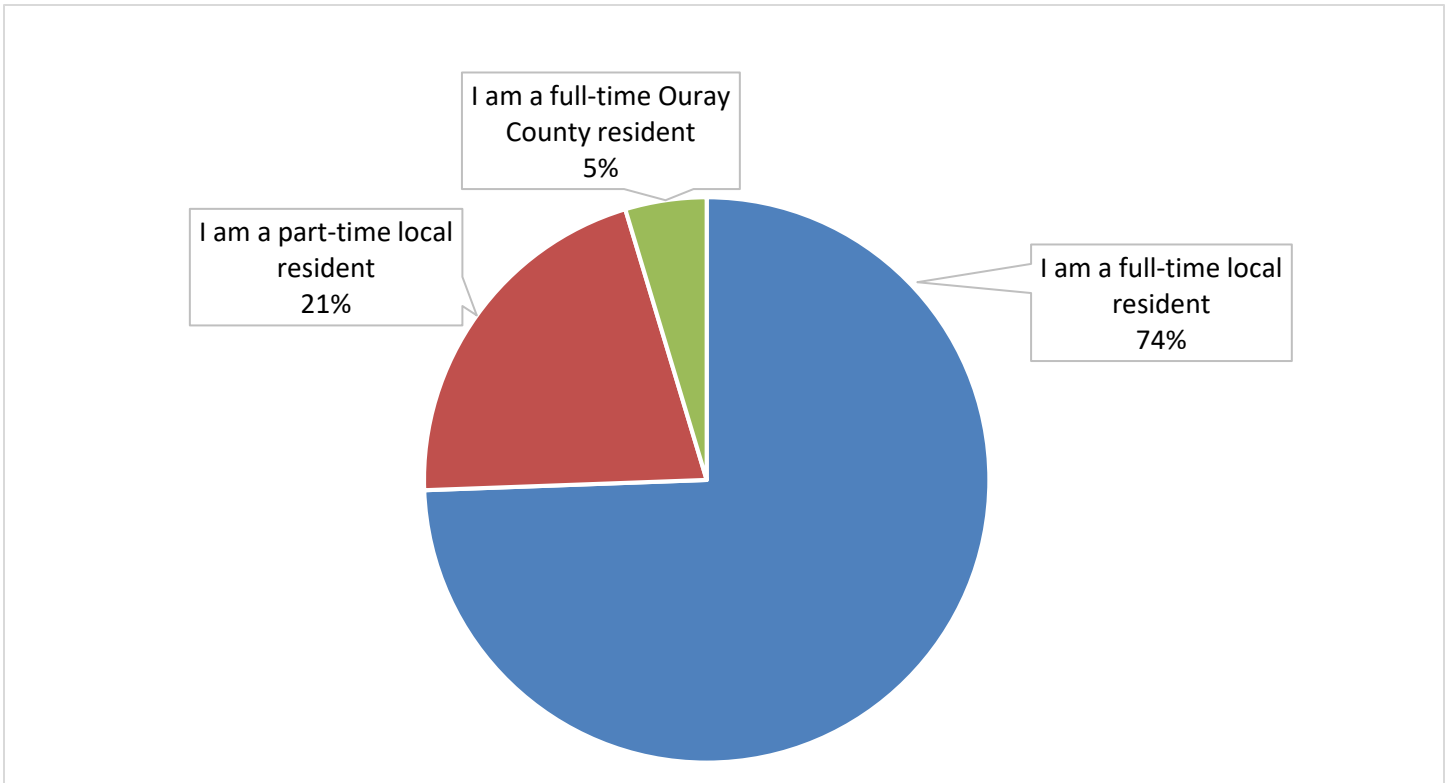
- Leave it alone.
- Don't have an opinion on this
- Not large and tacky
- N/A
- Making signs for parking regulations more explicit and visible and enforcing them.
- No opinion except way finding signs could be vastly improved and updating city entrance signs would be beneficial.
- Do not relax the sign code at the expense of Ouray's historic harmonious beauty!
- Little is best
- Allow sandwich boards and other temporary signage for businesses. Eliminate "renting" the sidewalks from the city, if you are going to make businesses pay to replace the sidewalks don't turn around and say you have to pay again if you want to utilize them (this doesn't mean there shouldn't be regulation to keep them open enough for pedestrian passage).
- Size
- Don't allow anything bigger or more intrusive than is currently allowed
- Regular Enforcement
- Our sign code is adequate
- It can make or brake the look of our cute little town. Signs can really make the town tacky looking fast. This needs to be stricken!
- Current case law
- Wrestling Control of sign code for Hwy 550 away from CDOT. (Main St)
- If you have one, enforce it
- Be fair to all. If the rules say x wide by x tall then you reinforce that for everyone.
- That Ouray's small town feel is preserved and nothing distracts or takes away from the natural landscape.
- What's the update?
- Duty to maintain signs

Q.26: Do you have any additional thoughts or ideas for the City regarding future land use and/or development?

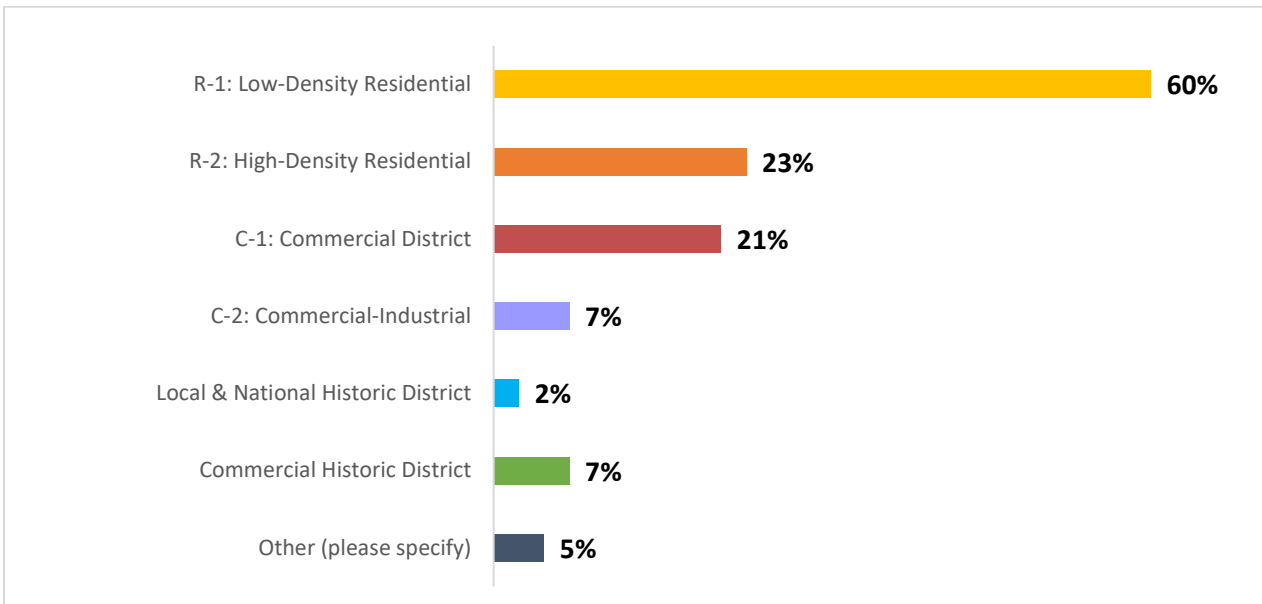
- The City has to take responsibility for creating housing opportunities. It owns property, it can apply for State and Federal grants. Work with developers to create housing units that can accommodate the workforce. Apartments would be a huge boon to the locals, and allow for our service industry staff to remain housed and local.
- The city is a beautiful place that understandably has challenges balancing and managing large influx of tourists and its financial, environmental and residential health. This is a difficult, yet common challenge. I applaud this survey and all efforts to visit other small mountain towns and collect data before taking action.
- Clean up the city. Switzerland should not be associated with Ouray. Only the mountains are similar.
- We need fast and reliable broadband internet
- Discouraging home building in woods. Metering water. Discouraging lawns. Encouragement of solar panels and rain barrels. "Dark sky" regulations. Permits for certain small livestock: e.g., chickens, rabbits, goats. Loosening rules north of the pool more than "up town".
- People come to Ouray for its historic charm and backcountry access. Anything that permits development not in line with these priorities or that encourages needless sprawl for the sake of catering to tourists is unacceptable.
- Make sure you have well marked and developed walkways and bike paths for Ouray residents and tourists to be able to enjoy all these Ouray has to offer as well as safe speed limits and street crossings. (I.e. cross walk near ice park/ climbing area and Hot Springs entrance, extend 25 mph speed limit to at least the industrial park area N of town)

- Take advantage of the Telluride Foundation's ability to purchase the acreage north of the Biota plant. Moving extra visitor day parking to the horseshoes. Using the part of the Catchment Basin for housing.
- See previous response. Thank you!
- First, do no harm. Ouray is a uniquely beautiful harmonious, well preserved historic-architecture community. Together with its mountain setting, the harmonious appearance is what makes Ouray attractive and desirable. Resist the temptation to accommodate the never ending pleas by people who want to move here to destroy Ouray by turning it into a high density or high rise City. Reject non-harmonious architecture.
- Use available city owned property for affordable housing.
- Please respect those of us who purchased our homes or businesses without anticipating zone changes or the like. Also, we don't need affordable or low income housing for people that don't work in our community.
- Be careful when it comes to enforcement, if the city cannot live up to the standards it requires of its residents then do not fine the citizens. The land is limited here, creating relationships with private land owners to allow easements for public use trails has the potential to improve the quality of life for residents and the visitor experience.
- Ouray doesn't have much space to build more housing so concentrate on sensible use of the existing housing stock. Less tourist accommodation and more resident housing. City infrastructure already struggles with current number of people
- More is not always better
- Infrastructure should be regarded highly when considering future development. We have limited space and capacity of our water and wastewater treatment. They should be considered highly as we move forward.
- Aim for fairness in enforcement and simplicity in design
- While affordable housing is a major issue, I would hate to see a major building boom in the area as it would drain the already limited town resources (water, sewer issues, etc...). It's a delicate balance between addressing the needs of our local workforce and not going overboard. Also, in the event the City decides to do any sort of metered parking, this should only apply to tourists (locals could be given parking passes). Prioritize local needs over tourism needs.
- First and foremost make it easier for achievable/ affordable housing to be built.
- The City needs to build a close to city hall and Main Street parking lot and get the parking organized and in a specific location with good access.
- Stop thinking that we need to follow other CO cities. We need to adhere to IBC and Adapt our code to best suit Ouray. There are few examples that can or should be borrowed from other communities. Much of CO P&Z has been a failure over the past 30 years.
- Pave the roads to reduce dust
- Again, be fair to all
- Try to minimize growth and keep it simple
- You can make rules all day long but they don't mean anything if you don't enforce them.
- Collect the water/sewer tap fees including ADUs if not owner-occupied on-premises.
- Allowing more mobile home sites.

Q.27: Which best describes your residency status with the city of Ouray?



Q.28: If you live or own property in the city of Ouray, in which zone(s) do you live or own property? (select all that apply)



Other: RV Park