

**AGENDA
OURAY CITY COUNCIL**

June 7, 2021

3:30pm – Work Session

**IN-PERSON MEETING – ALL PUBLIC WHO WOULD LIKE TO SPEAK SHOULD
ATTEND IN-PERSON
320 6th Ave. – Massard Auditorium**

ZOOM MEETING (FOR LISTENING PURPOSES ONLY)

<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878
Or dial: 408 638 0968 or 669 900 6833

- Changes to this agenda can be found on the bulletin board at City Hall
- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Economic Development Committee, Beautification Committee, Tourism Advisory Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

Work Session – 3:30pm

Joint Work Session with the Ouray Planning Commission Regarding Housing in the City

1. Potential Camping for Workforce
2. Potential Third Party or City-Owned/Operated Workforce Rental Option
3. Potential Partnership Opportunities with Home Trust of Ouray County and Other Organizations
4. Goal Setting for Land Code Revisions to Encourage Affordable Housing Page 27
5. Short-Term Rental Discussion
6. Telluride Foundation Potential Project

Silas Clarke

From: Ethan Funk
Sent: Thursday, April 29, 2021 1:56 PM
To: Peggy Lindsey; Silas Clarke
Subject: Work session request for housing

Silas,

Peggy and I both had a good discussion with Home Trust of Ouray County and others today. As a result, we would like to get a work session in the schedule to discuss the following specific items:

1. In order to facilitate a deeper investigation into capping short term rental licenses, we should discuss a moratorium on additional licenses until we can work out system to implement possible license number caps.
2. Setting up a seasonal camping permit system and a location for seasonal employee camping. I would expect some law enforcement interest in this item in particular.
3. Set some goals for land-code revision to encourage affordable housing: sq. ft. minimum changes, prefabricated/modular allowances, zone setback and density considerations, long term zone changes, etc. (Elephant in the china shop)
4. Establish some parameters and willingness for cooperating with organizations such as Home Trust of Ouray County. What can we give them, and in exchange for what expectations from them?
5. A private (i.e. employer owned) employee housing model is not sustainable in the long term: tying housing to continued employment with a particular employer interferes with employees ability to negotiate fair market wages, and treatment. We need to have a third party or city owned/operated employee rental housing option. What will that be?

This should be a dedicated work session since there is a lot to consider.

Thanks,

Ethan Funk
Ouray City Council Member

City of Ouray
320 6th Avenue
PO Box 468
Ouray, CO 81427

funke@cityofouray.com
mobile: 970-422-0953

Comparative Housing Summary and Employment Report - 2021

OURAY, RIDGWAY, MONTROSE HOUSING PROFILE

Table 1. Households (2019 ACS)

Households	Ouray		Ridgway		Montrose	
Family Households	227	51.1%	264	50.8%	5,240	64.6%
Non-Family Households	217	48.9%	265	49.2%	2,870	35.4%

- **Ouray** – Median year housing structure built (2019 ACS): **1986**
- **Ridgway** – Median year housing structure built (2019 ACS): **2000**
- **Montrose** – Median year housing structure built (2019 ACS): **1992**

- **Ouray** – Median House Value (for all owner-occupied housing units, 2019 ACS): **\$347,200**
- **Ridgway** – Median House Value (for all owner-occupied housing units, 2019 ACS): **\$401,500**
- **Montrose** – Median House Value (for all owner-occupied housing units, 2019 ACS): **\$211,700**

The City of Ouray's utility licenses help indicate how many residential units there are in town. There are currently **758** total water users in Ouray.

- 667 are residential water users within Ouray city limits (incl. residential units in mixed use),
- 76 are Bachelors Switch water users, and
- 15 are Mineral Farms water users.

Table 2. Housing Units by Household Size (2019 ACS)

Housing Units by Household Size	Ouray		Ridgway		Montrose	
1-Person Household	134	30.2%	201	38.7%	2,588	31.9%
2-Person Household	239	53.8%	230	44.2%	3,053	37.6%
3-Person Household	19	4.3%	42	8.1%	1,103	13.6%
4-Person Household	26	5.9%	34	6.5%	732	9.0%
5-Person Household	13	2.9%	13	2.5%	355	4.4%
6-or More Person Household	13	2.9%	0	0.0%	279	3.5%

Figure 1. Housing Units by Age of Householder (2019 ACS)

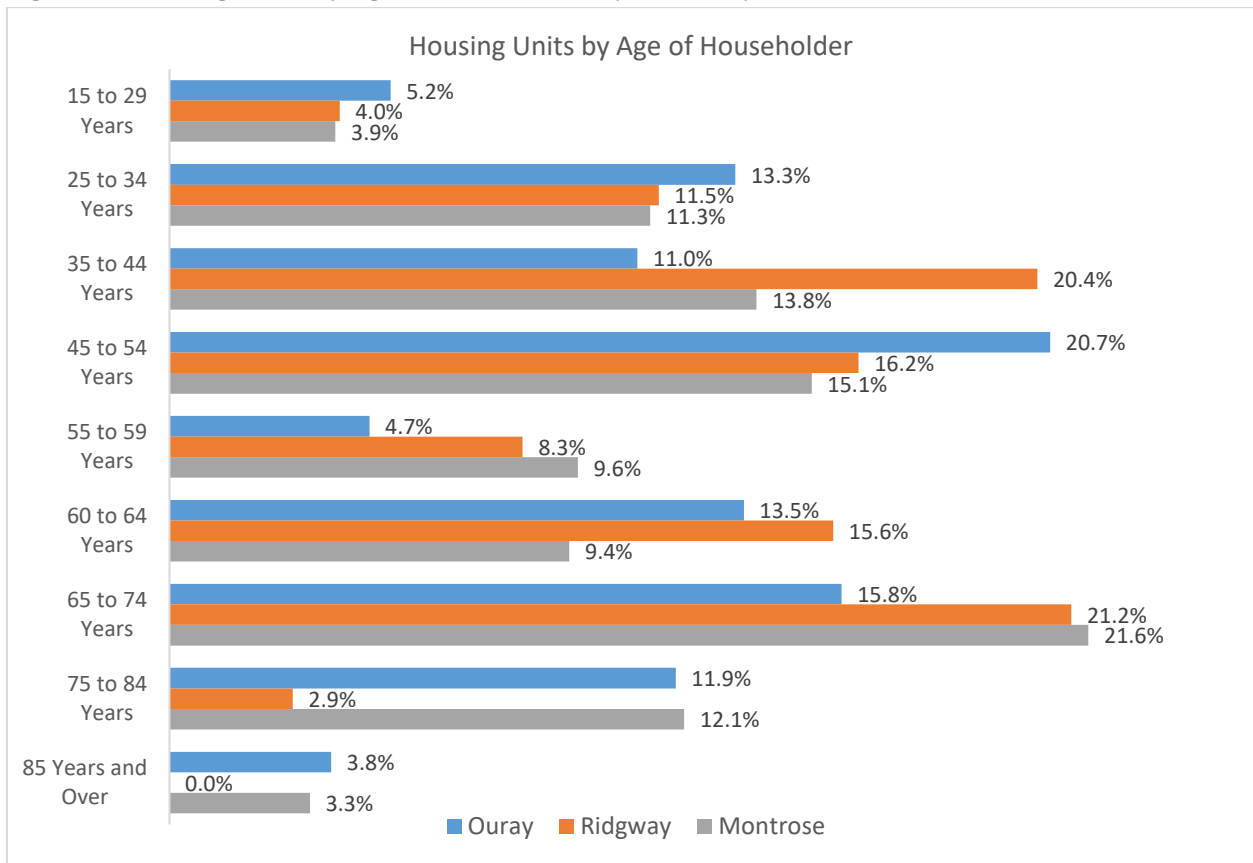
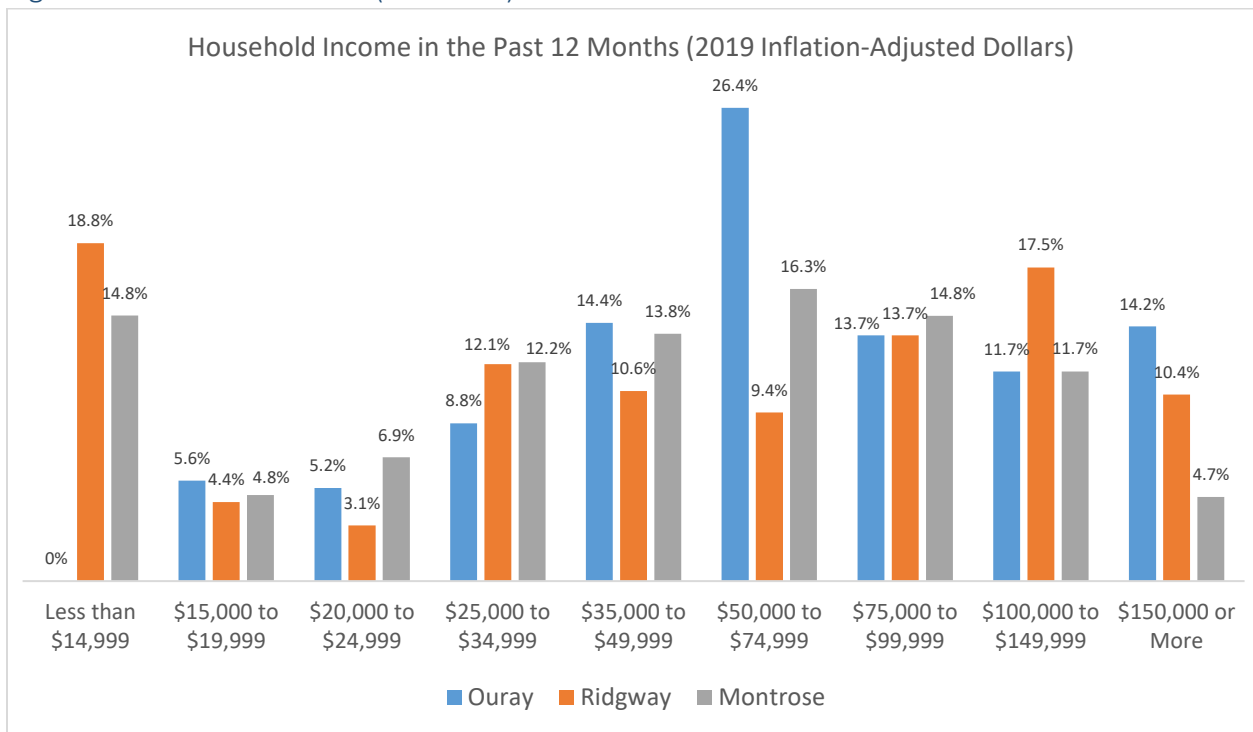


Figure 2. Household Income (2019 ACS)



- **Ouray** – Median Household Income (ACS 2019): **\$68,194**
- **Ridgway** – Median Household Income (ACS 2019): **\$53,235**
- **Montrose** – Median Household Income (ACS 2019): **\$46,250**

Figure 3. Tenure breakdown (2019 ACS)

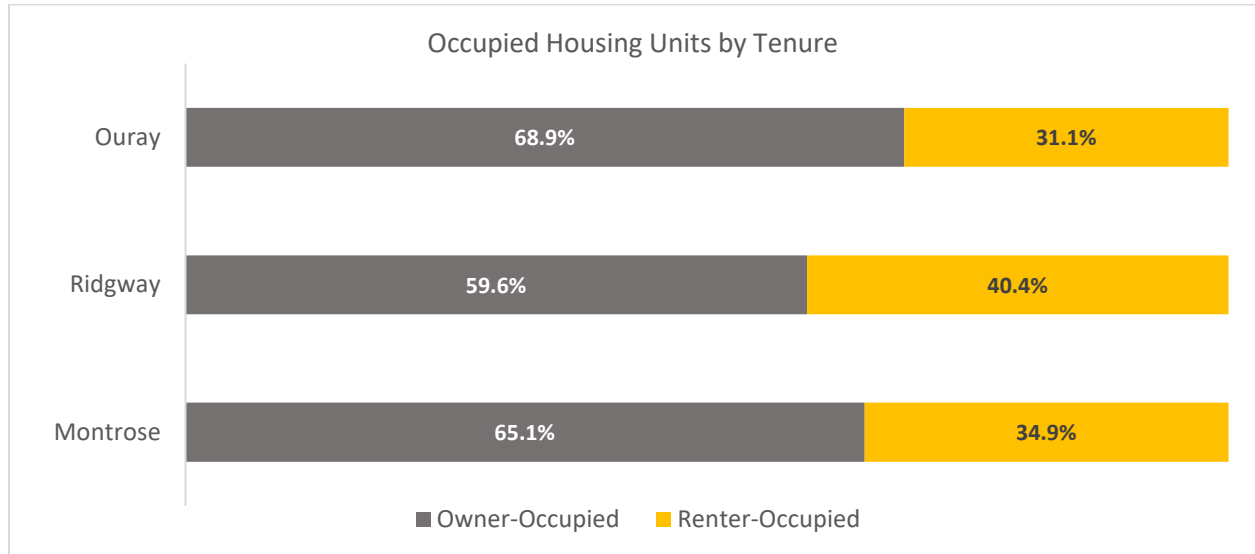
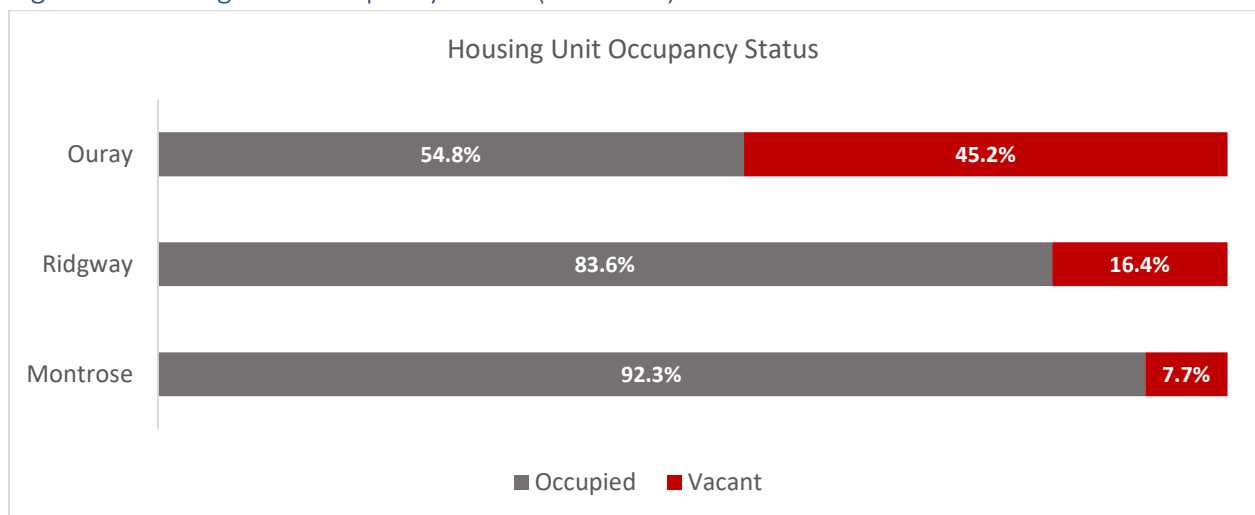
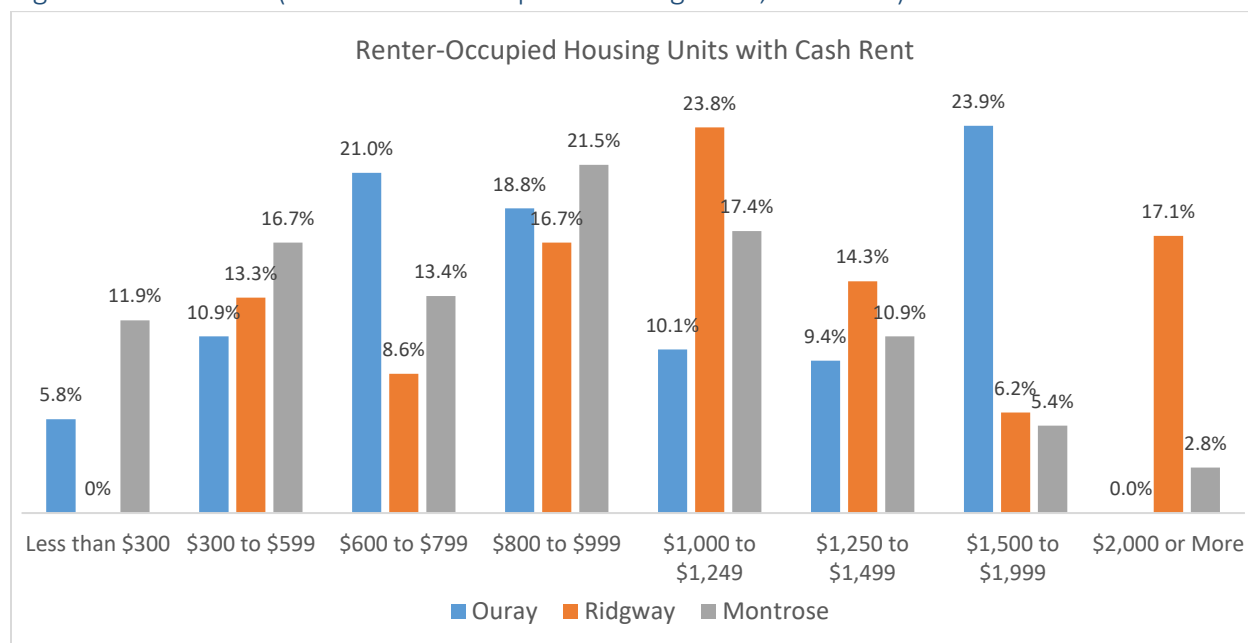


Figure 4. Housing Unit Occupancy Status (2019 ACS)



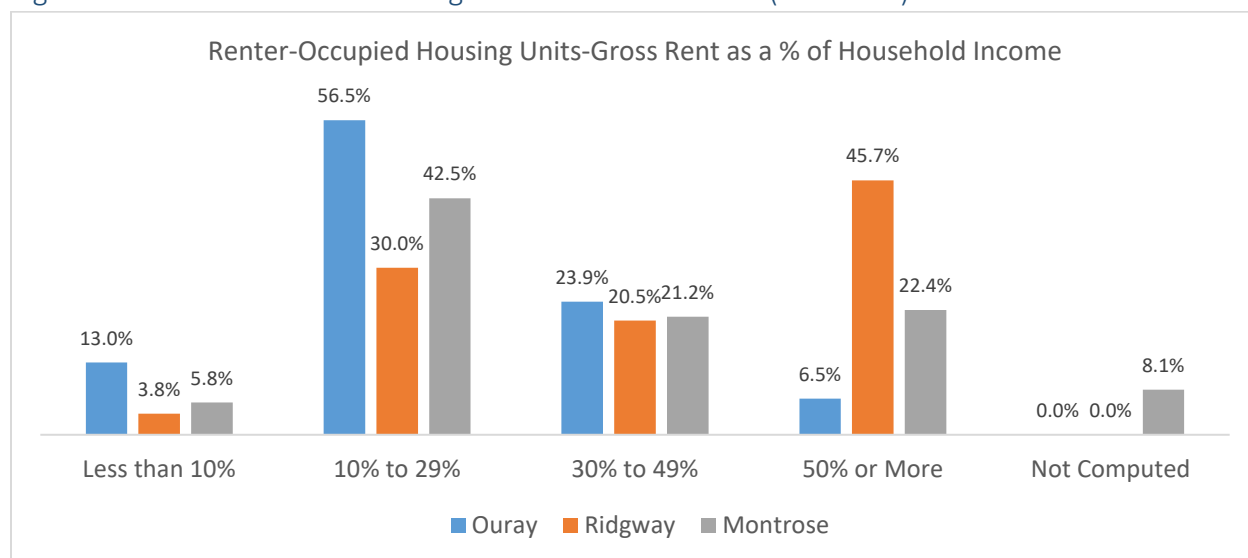
- **Moab, UT** – Occupancy Status (2019 ACS): 86.8% Occupied 13.2% Vacant
- **Crested Butte, CO** – Occupancy Status (2019 ACS): 54.1% Occupied 45.9% Vacant
- **Durango, CO** – Housing Occupancy Status (2019 ACS): 84.4% Occupied 15.6% Vacant
- **Jackson, WY** – Housing Occupancy Status (2019 ACS): 79.0% Occupied 21.0% Vacant
- **Park City, UT** – Housing Occupancy Status (2019 ACS): 30.0% Occupied 70.0% Vacant

Figure 5. Gross Rent (of all Renter-Occupied Housing Units, 2019 ACS)



- **Ouray – Median Gross Rent (2019 ACS): \$865/month**
- **Ouray – Average Gross Rent for Renter-Occupied Housing Units (ACS 2019): \$1,032/month**
- **Ridgway – Median Gross Rent (2019 ACS): \$1,120/month**
- **Ridgway – Average Gross Rent for Renter-Occupied Housing Units (ACS 2019): \$1,208/month**
- **Montrose – Median Gross Rent (2019 ACS): \$905/month**
- **Montrose – Average Gross Rent for Renter-Occupied Housing Units (ACS 2019): \$866/month**

Figure 6. Gross Rent as a Percentage of Household Income (2019 ACS)



- **Ouray – Median Gross Rent as % of Household Income (2019 ACS): 14.9%**
- **Ridgway – Median Gross Rent as % of Household Income (2019 ACS): 45.7%**
- **Montrose – Median Gross Rent as % of Household Income (2019 ACS): 29.0%**

Figure 7. Construction Materials: Cost to Build Trends (AGC 2021)

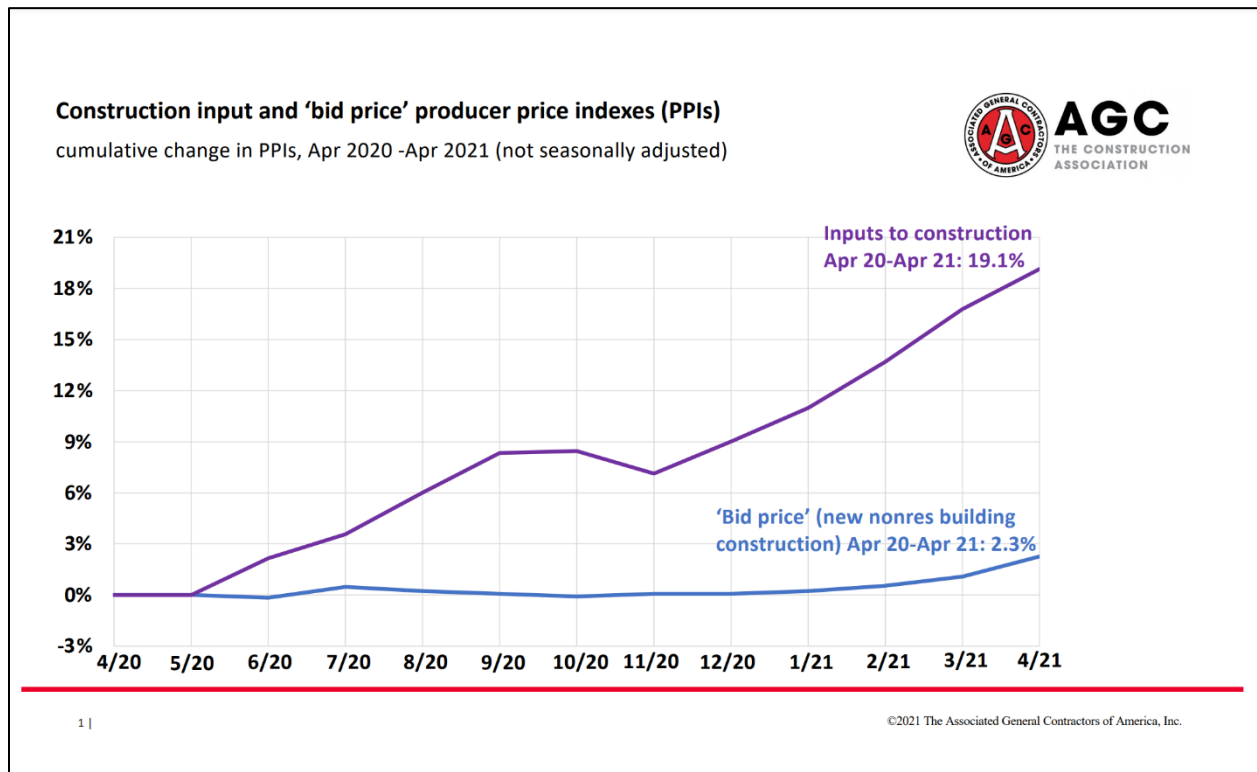
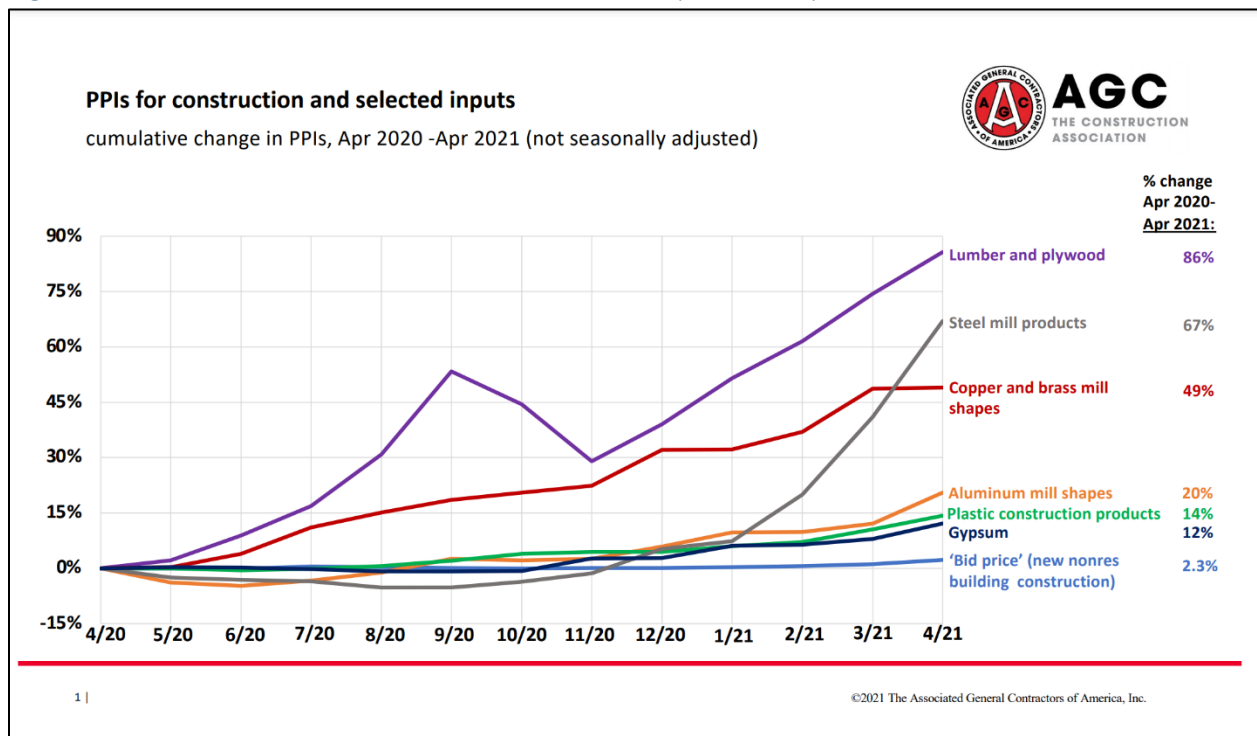


Figure 8. Construction Materials Breakdown Trends (AGC 2021)



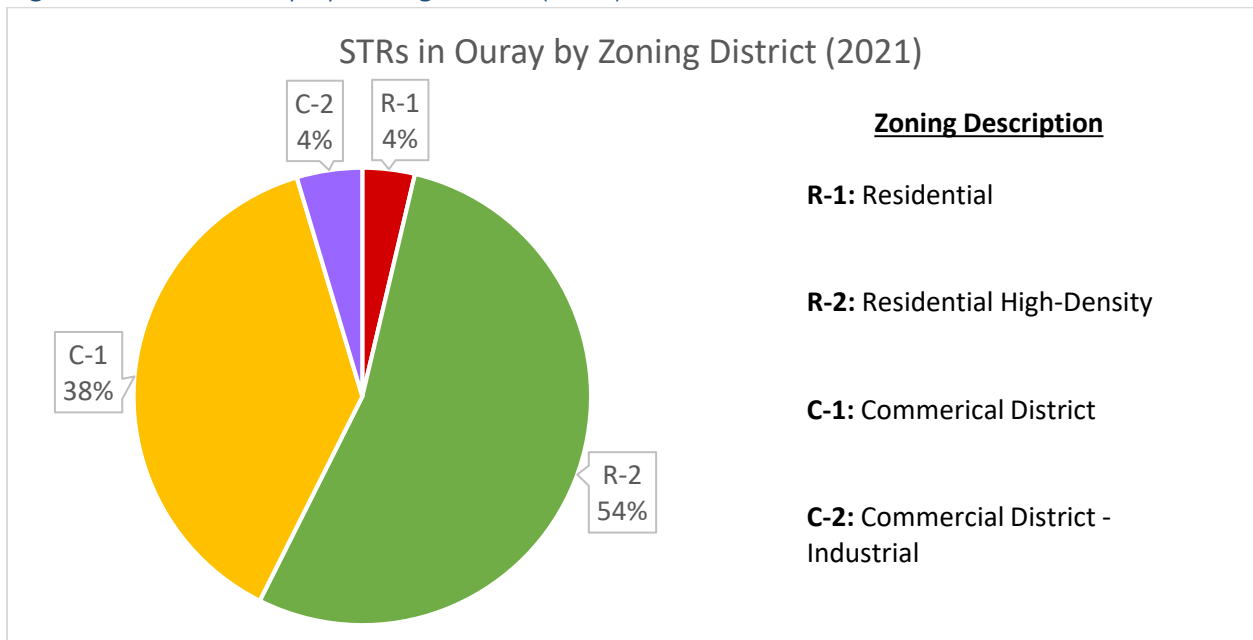
To note: AGC construction data for the month of May will be available on 06/15/2021.

OURAY STR PROFILE

Background of City-wide STR Regulations

Short-Term Rentals (STRs) are permitted in zones R-2, C-1, and C-2 in the City of Ouray. The handful of STRs located in the R-1 zone have been “grandfathered” in after the Code was adopted. The following figure illustrates the zones that STRs are located in by the number of STRs in each zone. Of the **108 STRs** on file, four (**4**) STRs are located in R-1; fifty-eight (**58**) STRs are located in R-2; forty-one (**41**) STRs are located in C-1; and, five (**5**) STRs are located in C-2.

Figure 9. STRs in Ouray by Zoning District (2021)



- STRs represent approximately **13.3%** of Ouray’s total housing stock (calculation: 108 STRs out of 811 occupied & unoccupied housing units = 13.3% of housing units).

***To note:** the City cannot currently estimate the percent of STRs by each zoning district (e.g. “x% of all homes in R-2 are STRs”) in the City due to limitations in data and Assessor information.*

OURAY NON-STR LODGING PROFILE

Table 3. Non-STR Lodging Businesses and Capacity Count (City of Ouray)

NON-STR LODGING BUSINESSES	# of Rooms	Address	Zone
A NEW VIEW VACATION RENTALS 4/HM	4	645 Main Street	C-1
ALPENGLOW 11/HTC - TWIN PEAKS 57/ HM	57	124 3rd Avenue	R-2
ALPLILY INN 4/BB	4	224 Main Street	R-2
ABRAM INN (FORMERLY ANTLERS) 33/HM	33	407 Main St	C-1
BEAUMONT 12/HM	12	505 Main Street	C-1

BLACK BEAR MANOR 9/BB	9	118 6th Avenue	R-2
BOX CANYON 39/HM	39	45 3rd Avenue	R-2
CHINA CLIPPER 12/BB	12	525 2nd Street	R-2
COMFORT INN/Quality Inn 33/HM	33	191 5th Avenue	R-2
HOTEL OURAY 14/HM	14	303 6th Avenue	C-1
HOT SPRINGS INN 42/HM	42	1400 Main Street	C-2
IMOGENE HOTEL, 6/HM	6	740 Main Street	C-1
MAIN STREET HOUSE INN 8/HM	8	334 Main Street	C-1
MATTERHORN 11/HM Winter - 25/HM Summer	25	201 6th Avenue	R-2
OURAY INN 19/HM	19	120 6th Avenue	R-2
OURAY MANOR	4	317 2nd Street	R-2
OURAY RIVERSIDE INN 19 /HM & 11/ RVC	19	1804 Main Street	C-2
OURAY RV PARK AND CABINS	3	1700 Main Street	C-2
PORTLAND PARK SUITES 5/HTC	5	55 4th Avenue	R-2
RIVER RUN CABINS & RV (6 HM)	6	1822 Main Street	C-2
RIVERS EDGE MOTEL 18-20/HM	20	110 7th Avenue	R-2
SAN JUAN CHALET 3/HM	3	115 6th Avenue	R-2
ST. ELMO 9/ HM	9	426 Main street	C-1
TIMBER RIDGE LODGE 20/HM	20	1550 Main Street	C-2
WIESBADEN 21/HM	21	625 5th Street	R-1
TOTALS	427		

Figure 10. Number of Lodging Units by Zone (City of Ouray, 2021)

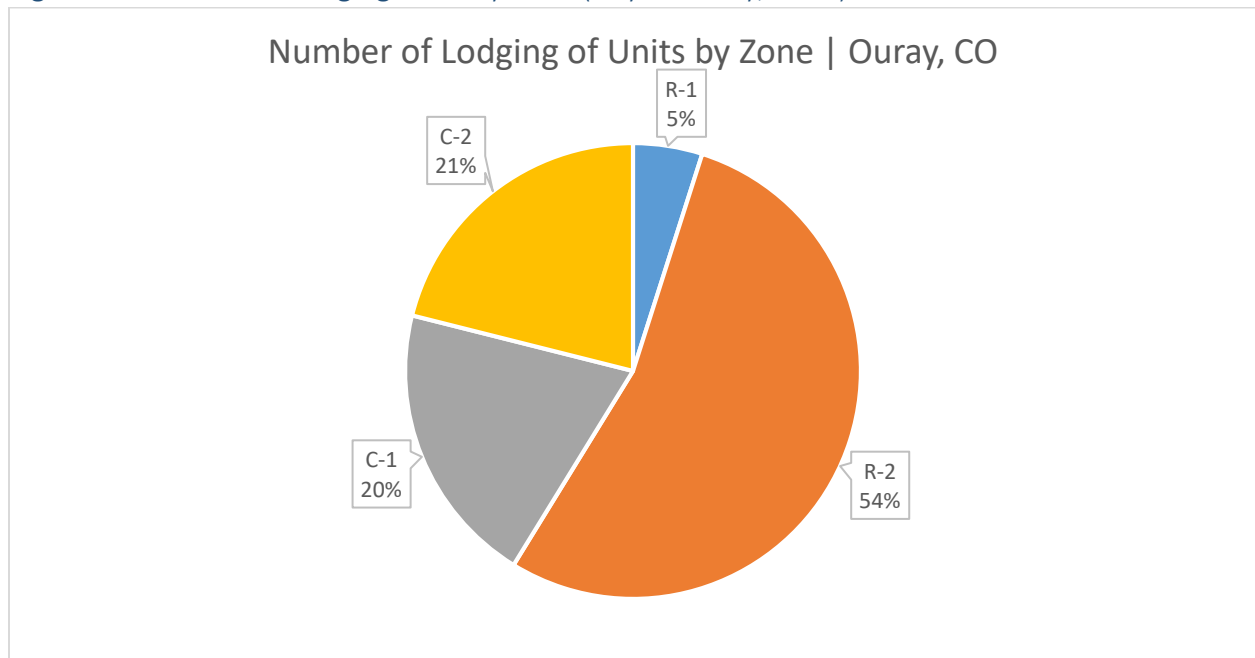


Table 4. Non-STR Lodging Units by Zone as % of Total (City of Ouray)

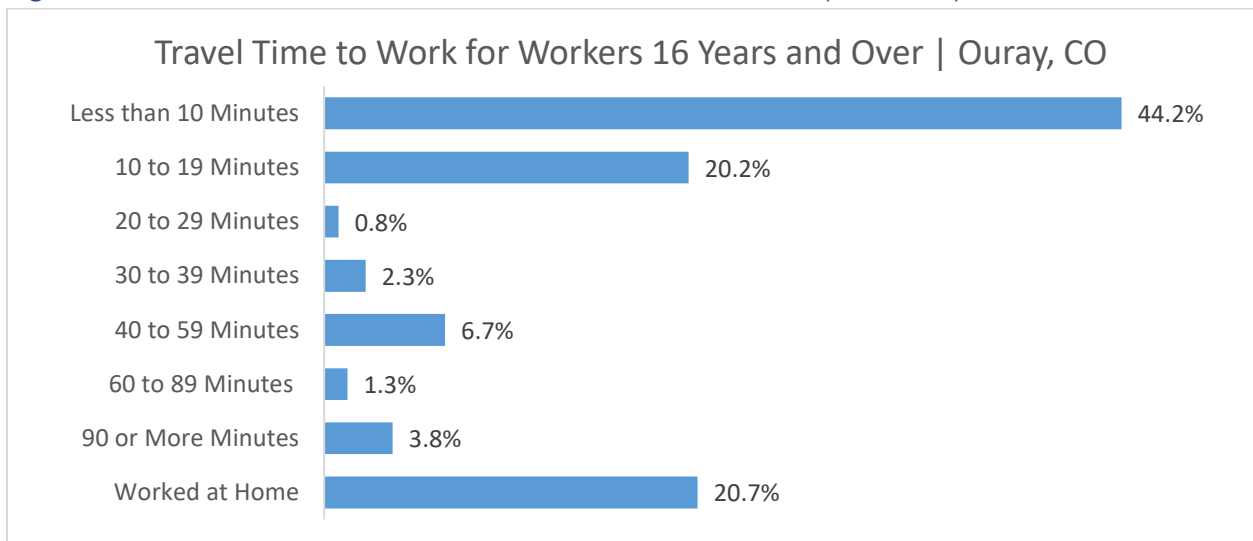
Zone	# of Units	% of Total
R-1	21	5%
R-2	230	54%
C-1	86	20%
C-2	90	21%

OURAY EMPLOYMENT PROFILE

Table 5. Industry by Occupation (2019 ACS)

Industry by Occupation for Employed Civilian Population 16 Years and Over						
	Ouray		Ridgway		Montrose	
Total Employed Population	621		556		7,870	
Agriculture, Forestry, Fishing & Hunting, Mining	9	1.5%	31	5.6%	243	3.1%
Construction	22	3.5%	50	9.0%	634	8.1%
Manufacturing	0	0.0%	13	2.3%	450	5.7%
Wholesale Trade	0	0.0%	0	0.0%	91	1.2%
Retail Trade	75	12.1%	41	7.4%	1,214	15.4%
Transportation, Warehousing, Utilities	20	3.2%	14	2.5%	311	4.0%
Information	11	1.8%	8	1.4%	130	1.7%
Finance, Insurance, Real Estate, Rental & Leasing	86	13.9%	5	0.9%	368	4.7%
Professional, Scientific, Management, Administrative, Waste Management Services	121	19.5%	71	12.8%	743	9.4%
Educational Services, Health Care & Social Assistance	92	14.8%	87	15.7%	1,803	22.9%
Arts, Entertainment, Recreation, Accommodation, Food Services	160	25.8%	150	27.0%	982	12.5%
Other Services, Except Public Administration	13	2.1%	15	2.7%	357	4.5%
Public Administration	12	1.9%	71	12.8%	544	6.9%

Figure 11. Travel Time to Work for Workers 16 Years and Older (2019 ACS)



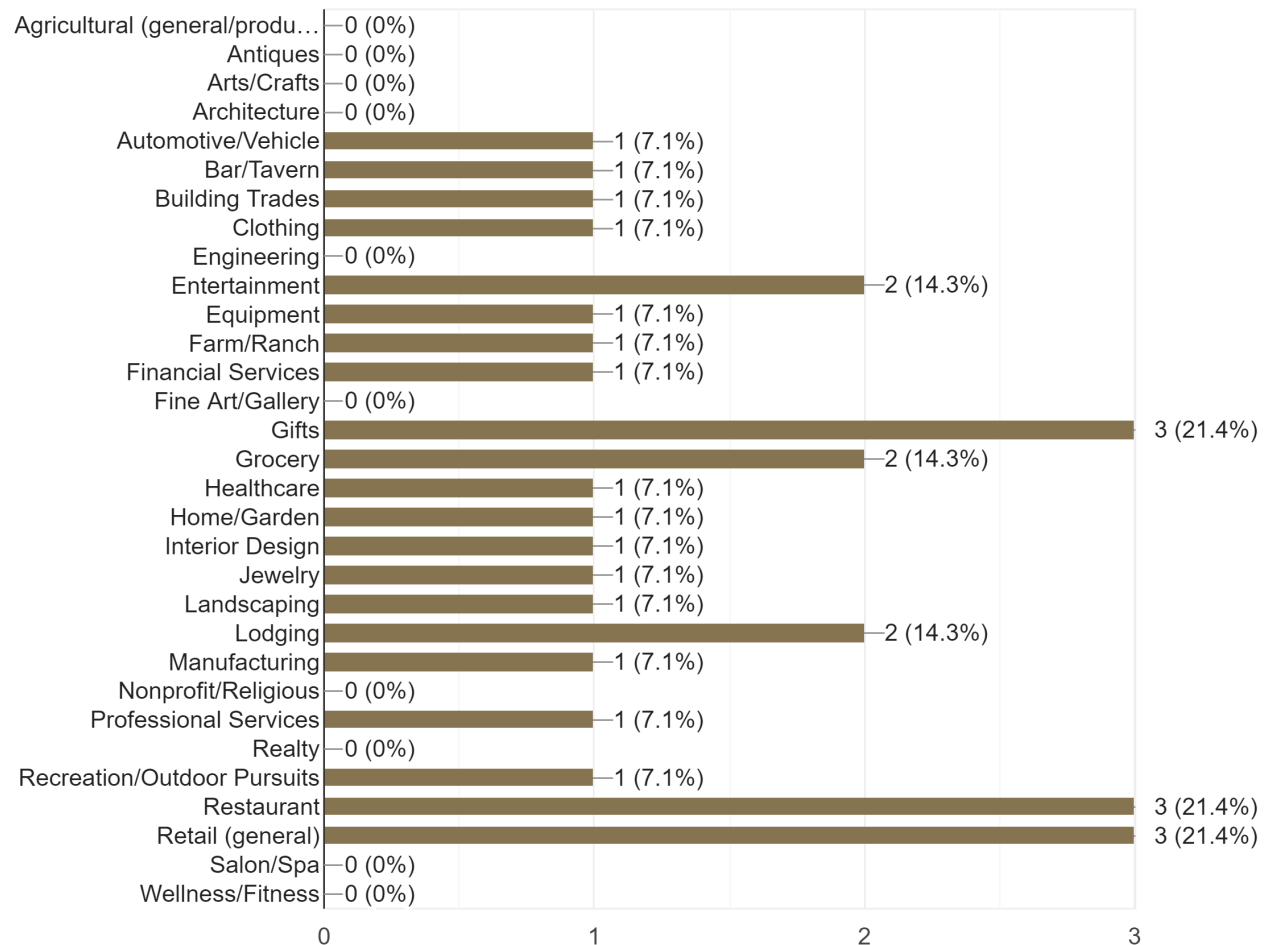
- **Ouray** – Average travel time to work: 16.5 minutes (2019 ACS).
- **Ouray County** – Average travel time to work: 28.4 minutes (2019 ACS).
- **Colorado** – Average travel time to work: 25.9 minutes (2019 ACS). Ranked #20 in the U.S. for longest commute in minutes.

Ouray Local Business & Employment Survey

A brief online survey was distributed to Ouray business owners/managers to gauge employment and business priorities and challenges. The Community Economic Development Committee (CEDC) has followed up with downtown businesses to encourage their participation in this effort. So far, the survey has yielded 14 responses. The survey will stay open for a little while longer (TBD) to continue gathering data from businesses for the City and the CEDC's use for future conversations about employment challenges and business inventorying. A snapshot of the current survey responses (6/4/2021) is illustrated below.

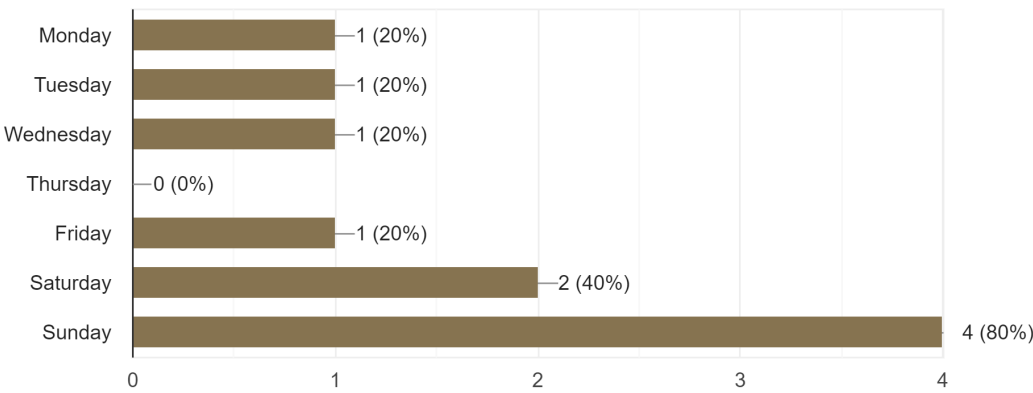
Which of the following best describes the type of business you own/operate? (select all that apply)

14 responses



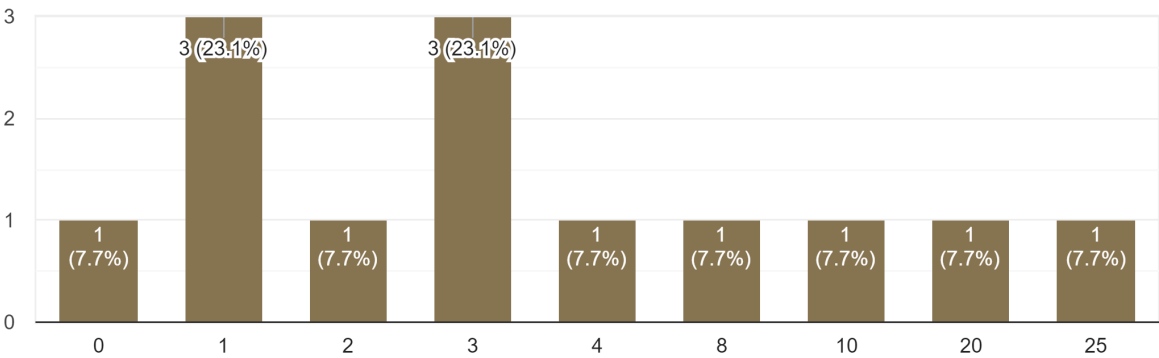
Which day(s) is your business office closed? (select all that apply)

5 responses



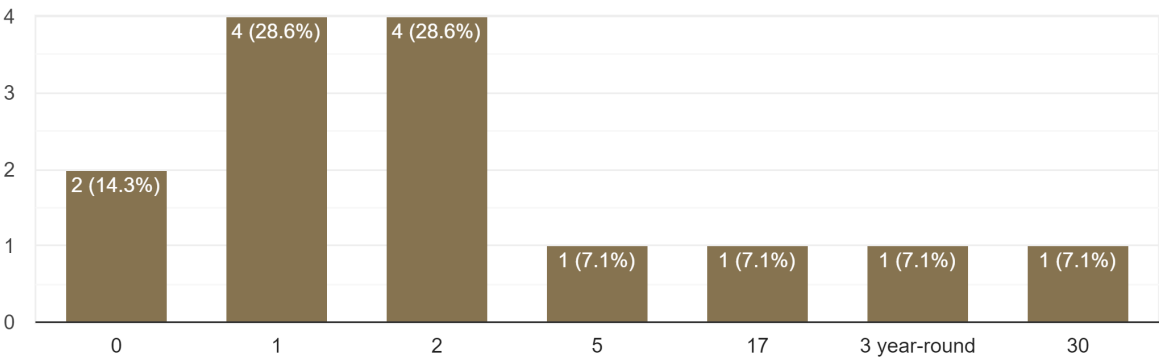
Including yourself, how many full-time employees do you currently have?

13 responses



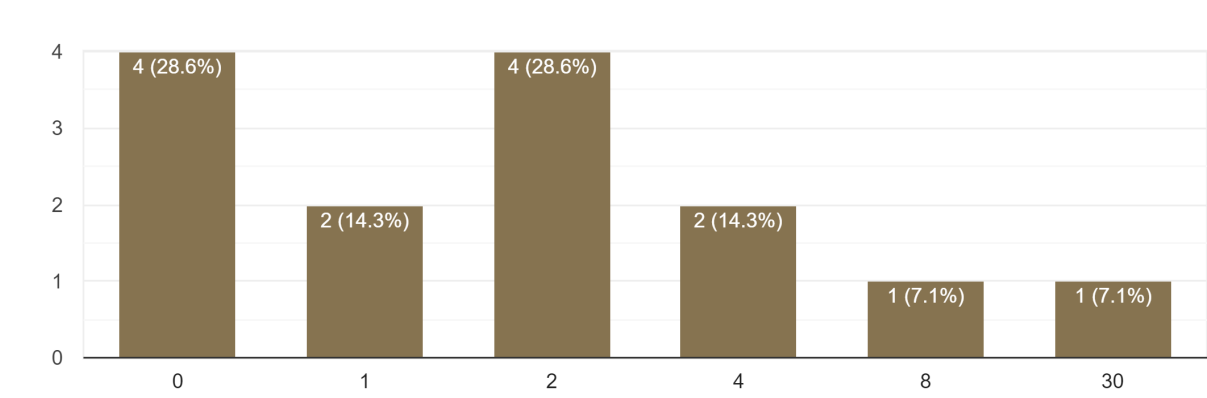
How many part-time employees do you currently have?

14 responses



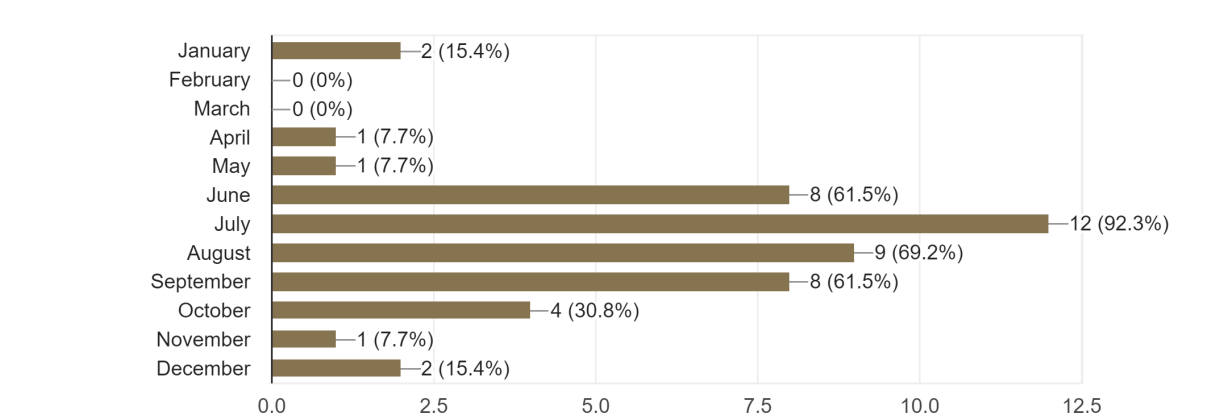
How many seasonal employees do you currently have?

14 responses



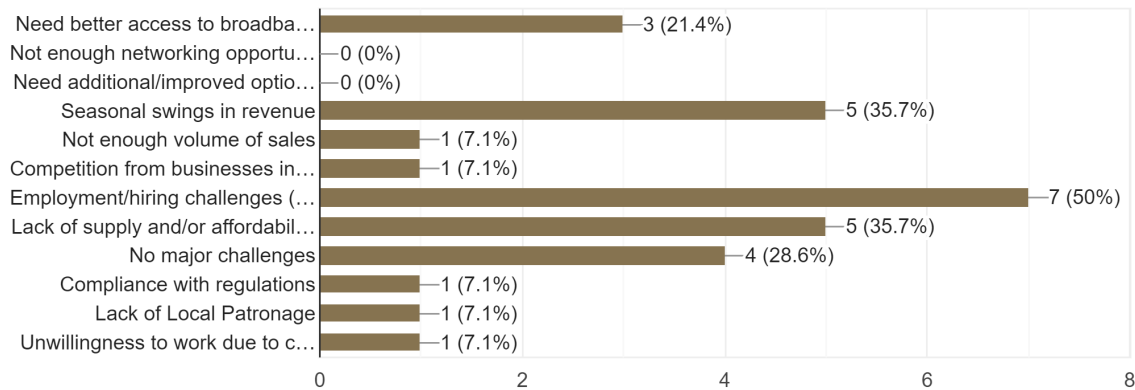
In which month(s) does your business have the highest sales volume? (select all that apply)

13 responses



Which best describes the challenges your business faces? (select all that apply)

14 responses



***cut-off responses:**

- Seasonal swings in revenue, Not enough volume of sales, Employment/hiring challenges (e.g., turnover, lack of qualified employees, etc.), Lack of supply and/or affordability of workforce housing
- Employment/hiring challenges (e.g., turnover, lack of qualified employees, etc.)
- Employment/hiring challenges (e.g., turnover, lack of qualified employees, etc.)
- Seasonal swings in revenue, Compliance with regulations, Lack of Local Patronage
- Need better access to broadband/internet services, Seasonal swings in revenue, Employment/hiring challenges (e.g., turnover, lack of qualified employees, etc.), Lack of supply and/or affordability of workforce housing
- Seasonal swings in revenue, Employment/hiring challenges (e.g., turnover, lack of qualified employees, etc.)
- No major challenges
- Competition from businesses in other communities in the region, Employment/hiring challenges (e.g., turnover, lack of qualified employees, etc.), Lack of supply and/or affordability of workforce housing, Unwillingness to work due to current unemployment structure
- No major challenges
- No major challenges
- Need better access to broadband/internet services, Employment/hiring challenges (e.g., turnover, lack of qualified employees, etc.), Lack of supply and/or affordability of workforce housing
- Seasonal swings in revenue
- No major challenges
- Need better access to broadband/internet services, Lack of supply and/or affordability of workforce housing

Do you have difficulty recruiting or retaining employees? If yes, how so?

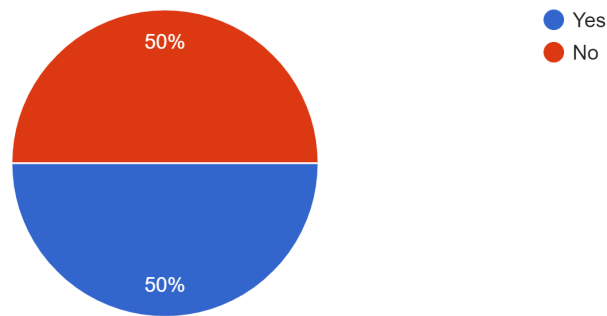
42% - No.

58% - Yes. Specifically:

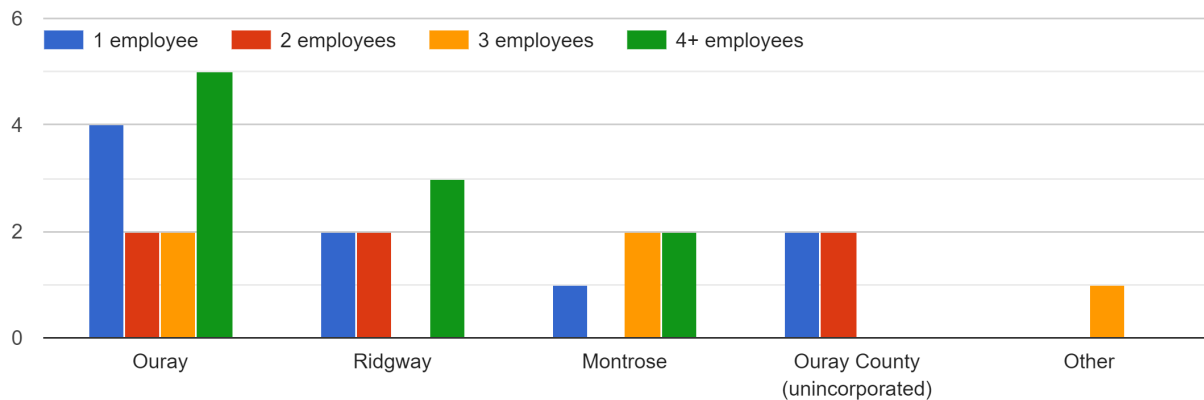
- Yes, shortage of housing
- Yes, it is often difficult to find qualified applicants who have secure housing.
- Yes, none apply. You have to seek out employees
- Yes, specifically cooks. There are none available to hire
- Recruiting, no one is applying.
- Yes, potential employees can't find housing, others not willing to travel daily from other towns.

Do you currently have a shortage of employees?

14 responses



To the best of your knowledge, where are your employees living? Please join the number of employees to the City/Town that they live (e.g. "1 e...ee lives in Montrose, 2 employees live in Ridgway")



Do your employees live in these locations out of preference or availability/affordability of housing (or both)?

54%: Preference

23%: Availability

23%: Both

Please share any additional thoughts you have on workforce/affordable housing opportunities and employment challenges (if any) in Ouray:

There needs to be affordable housing in Ouray. I am hoping the city will create incentives for home owners who are choosing to long term rent their property versus short term renting. Maybe a water tap/water bill credit. Or the city can create an incentive for businesses to provide long term rentals for their staff.
Thank you for your efforts to address this situation. We are always available at Public Health if we can help you in any way.
I don't think housing has much to do with it. People that want to live here find a way to do so. Ouray has always had a shortage of housing and a lot of people to prefer to live in Montrose for easier shopping and more activities.
Shortage of affordable housing for cooks, dishwashers, food runners, hosts, servers
We have been fortunate to date that housing has not yet been an issue for our employees, but we have very low turnover and our staff have live in Ouray for a long time.
<p>I firmly believe that the city needs to creatively find a way to incentive development of affordable housing. No developer is going to invest millions in a project with limited to no return on investment. Furthermore, second home ownership and the growth in popularity of purchasing a property with the intent to short-term rent it for years before moving back are destroying this once thriving community.</p> <p>I believe that the city can facilitate development of affordable housing by private interests in the following ways:</p> <ol style="list-style-type: none"> 1) Modify the utility tap fees for projects that are to be used as affordable housing by either eliminating them or financing them over time to make projects more affordable for developers up front. The development would have a deed restriction or something similar to prevent rent inflation (affordable rent to be determined by the city and made available to developers up front before the project begins). These developments would also be prohibited from use as a short-term rental unit. 2) Potentially waive permit fees for projects that meet "affordable housing" criteria established by city committee. 3) The city should also explore additional protections for landlords to decrease the risk of loss due to damage. <p>In addition to fostering development of affordable housing, I think the city needs to act immediately on second home ownership and short term rentals. These two items are destroying the fabric of our community.</p> <ol style="list-style-type: none"> 1) Decrease utility fees for properties in town that can be proven as year-round residences. Re-balance total fees after reducing those to make up the difference. Residential only, not commercial

which would further impact businesses that are already hurting!

2) Put a cap and permit system in place for any short term rental in town.

3) Require a minimum 5-day stay for any short term rental booking with penalties in place for renters that play the "sign a 5 day agreement and leave in 2 days" game (cannot re-rent the property if previous visitors leave "early").

4) Explore a landlord insurance program to protect potential landlords from damages incurred by renting long term to local workers.

5) Offer tax incentives to businesses that make an investment in housing their own employees whether through rent assistance or providing affordable housing options for them.

The city of Ouray needs to adopt regulations for vacation rental properties.

ATTACHMENT LIST

ATTACHMENT A: Colorado Assoc. of Ski Towns STR Data

Short-Term Rental Ordinance Matrix-April 2021

City	Primary Residence Allowed	Non-Primary Residence Allowed	Which Taxes Required	Tax Collected: By municipality or listing agency	License Required	Neighbor Notification	Concentration Limit	Zoning Limitations	Fees
Aspen	Yes	Yes, but Deed Restricted affordable/employee units are prohibited in being used as STRs	Sales (2.4%) Lodging (2.0%) + state and county	The property owner is the liable party for the tax. Any property management company or other intermediary can pay the tax on behalf of the owner.	Yes, a short-term vacation rental permit is required to acknowledge safety requirements and other responsibilities of the property. An annually renewable Business License also required.	No	No	No	Annual business license fee of \$150. Vacatoin Rental Permit is free.
Avon	yes	yes	4% sales tax, 4% accommodation tax	yes	yes, non-transferrable	no	no	Short Term Overlay Districts - primarily town core	Annual Business License fee is \$75.
Basalt	yes	May only be rented on a short-term basis with the primary residence	4% Lodging + 8.2 % sales (Eagle County) and 9.3 % sales (Pitkin County)	Muniipality by BCRC	yes, annually renewable	no	no on single-family, max. of 6 short-term rental allowed in multi-family buildings	no	\$35 annually, plus a \$150 safety inspection charge on initial license
Beaver Creek Resort Co.	no	yes	yes	yes	yes, annual Business License	no	no	no	\$200 annually
Blue River	yes	yes	2.5% Town Sales tax 3.4% Lodging Tax	Municipality	yes, non-transferrable	no	No	no	\$200 first time; \$150 annually
Breckenridge	yes	yes	2.5% Sales Tax, 3.4% Accommodation Tax	Municipality and online platforms	yes, non-transferrable	no	no	none- unless deed restricted workforce housing, then prohibited	BOLT: \$75 - \$175 annually/Admin Fee: \$25-\$150 annually
Crested Butte	Yes	Yes	4.5% Lodging Sales Tax & 5% Vacation Rental Excise Tax The excise tax collected is used to fund affordable housing projects.	The Property owner or authorized agent is responsible for collecting and remitting taxes through the Town's on-line licensing and sales tax software program.	Vacation Rental License & Town of Crested Butte Business License are both required	Yes, 100ft radius	No. The number of unlimited vacation rental licenses is limited to 30% of the total number of freemarket residential units in town located in the permitted zone districts. Currently 213 unlimited vacation rental licenses can be issued.	Yes. Restricted to permitted zones. Not allowed in deed restricted housing or accessory dwelling units that are required to be long term rentals.	Unlimited Vacation Rental License fee:\$750/year. Primary Residence License fee: \$200/year with a maximum of 60 nights of rental per year
Denver	yes	no	lodging tax: 10.75% occupational privilege tax: \$4/month business personal property tax and/or sales tax if applicable	AirBnB collects for their listings. Taxes remitted directly to the City in other cases.	yes, lodger's tax id license and non-transferrable business license required	no	no	Yes. Allowed wherever residential uses are permitted, but additional limitations apply. See sections 11.7.1, 11.8.10, and 11.12.7.7 of the Denver Zoning Code.	Lodger's Tax License - \$50 biannually Business License application fee - \$25 upon application Business License - \$25 annually
Dillon	Yes	Yes	yes	State collected sales tax but lodging tax remitted to Town	yes, renew annually	no	no	no	\$50 annually

City	Primary Residence Allowed	Non-Primary Residence Allowed	Which Taxes Required	Tax Collected: By municipality or listing agency	License Required	Neighbor Notification	Concentration Limit	Zoning Limitations	Fees
Durango	yes	yes	3.5% City sales tax and a 2% lodger's tax	AirBnB collects for their listings. Taxes remitted directly to the City by owner/manager in other cases.	yes, non-transferrable	yes, 300 foot radius	Yes. Limits are included by zone, block face, or by development depending on the location.	Yes. Permitted in 2 of 6 single-family zones and in all 3 mixed use zones. Recent code amendments have eliminated the use from multifamily zones.	\$750 first time and annual business license fees of approx. \$100
Estes Park	no	yes	state, county, town and lodging	Taxes collected by the State and remitted to do not self collect	yes	yes	no	yes, a limit on the number of residentially zoned properties. No limit on commercially zoned properties.	\$200 base fee plus \$50 per bedroom for properties inside Town limits
Fraser	yes	yes	sales & lodging	do not self collect	registration	no	no	no	\$150
Frisco	yes	yes	yes	Municipality	yes	no	none	no	\$125 STR License application fee
Glenwood Springs	yes	yes	3.7% sales & 2.5% lodging	Air BnB/VRBO collecting the taxes thru state system. STR owners must report this information to City.	Yes, 2 types available Short Term Rental (STR) and Accessory Tourist Rental (ATR)	STR - yes all neighbors within 250 feet. ATR - no	250' distance between STR permit, citywide cap	No unless prohibited by PUD	STR new \$500, renew \$300 ATR new \$300, renew \$150
Grand Lake	yes	yes	yes	Listing Agency	yes, renewable annually	yes	no	no	\$600 Annually
Mt. Crested Butte	Yes	Yes	County, state and Town sales tax, plus 4% local marketing district tax and 2.0% Lodging tax, \$3.66/night.	Municipality	Yes, Short Term Rental License and Pillow Tax License	No	No	No	\$200, plus pillow tax - \$10 per person the unit sleeps
Salida	yes	yes	Occupational Lodging tax, \$3.66/night.	Municipality	yes, non-transferrable	no	Capped at 75 and 1 per block in the Residential/Industrial areas	Capped at 75 in Residential/Industrial. No cap for Commercial District	\$470 New Residential/Industrial License, \$270 for New Commercial License, \$270 after first year for both types
Silverthorne	yes	yes	2% sales & 2% lodging tax. Annual STR license.	Owners are responsible for collection/remittance of taxes. VCA with Airbnb & Vrbo Sales & lodging tax due monthly to the Town of Silverthorne	Yes. Non-transferable, renews annually on Dec. 1.	Only in case of duplex	No.	No.	Tiered fee: Studio \$100, 1 BR \$150, 2BR \$200, 3BR \$250 4BR+ \$300
Snowmass Village	Yes	Yes	3.5% sales tax and a 2.4% lodging tax	AirBnB and VRBO collect for their listings. Taxes remitted directly to the City in other cases.	yes, non-transferrable	No	No	No	No

City	Primary Residence Allowed	Non-Primary Residence Allowed	Which Taxes Required	Tax Collected: By municipality or listing agency	License Required	Neighbor Notification	Concentration Limit	Zoning Limitations	Fees
Steamboat Springs	yes	yes	Yes (Sales & Lodging)	AirBnB and VRBO collect for their listings. Taxes remitted directly to the City in other cases.	Sales Tax License Required; VHR permit required for single family homes and duplexes in most zone districts	yes for VHR permits	no	no	\$50 Sales Tax Fee (one time); \$500 VHR permit fee, \$75 annual renewal fee
Telluride	yes	yes	4.5% Town Sales Tax 2.5% Town Affordable Housing Excise Tax 2.5% (collected from Yes sales/lodging)	Prop. Owner or representative / booking agency remits taxes	yes	no	no	yes, restrictions in residential zone	\$165 base fee plus \$22 per bedroom
Vail	Yes	Yes	Yes sales/lodging	Airbnb/VRBO/Property Manager collects for their listings. Taxes remitted directly to the town in other cases.	yes Effective 3/1/19 STR Registration required per unit.	Yes, for Duplex neighbor only; proof of notification required	No	No	tiered fee structure-- \$150 per unit for unmanaged properties, \$10 per unit for managed units, \$5 per unit for condotel managed units (24x7 front desk)
Winter Park	yes	yes	yes	Municipality	yes, non-transferrable	no	no	no	Annual business license fee of \$60

Counties

Eagle County	No county-wide restriction; short-term rentals not allowed in price-capped deed-restricted units	No county wide restriction	If assessors's office is aware a unit is a rental, it is taxed as such		No, counties can not initiate business licenses	No county wide restriction	No county wide restriction	No county wide restriction	none
Summit County	yes	yes	All short term property rentals (less than 30 days) are subject to the sales tax, mass transit and affordable housing tax. A sales tax license is obtained from the State because the State of Colorado Department of Revenue collects these taxes. Personal property tax is also collected by the County Assessor on residential rental furnishings.	Sales tax is collected through the State; Personal property tax on short term rental properties is assessed and collected by the County Assessor's office.	A short-term vacation rental permit is required through the County Planning Department as no business licenses were authorized by the State in unincorporated areas, so the use is regulated through a land use permit. REcent legislative changes now allow STR business licenses and Summit County is reviewing a change to or the addition of a license. A sales tax license is required through the State of Colorado. A personal property tax declaration form must be submitted to the County Assessor.	Notice is sent to neighbors only in cases where changes are proposed to the exterior of the property or building.	no	Zoning regulations are included in Section 3821 of the Summit County Land Use and Development Code, and include requirements for permitting, responsible agent, health & safety standards, parking, trash, noise, pets, signage, advertising, and complaints and enforcement. Not permitted in deed restricted workforce housing units, and in certain PUDs that expressly prohibit the use.	Initial permit - \$150; Annual renewal - \$75 Administrative Conditional Use Permit (CUP) required for higher occupancy and parking requests Initial CUP fee - \$350 (this is the full fee charged; not charged both the STR permit fee and the CUP fee); Annual CUP renewal - \$75

City	Primary Residence Allowed	Non-Primary Residence Allowed	Which Taxes Required	Tax Collected: By municipality or listing agency	License Required	Neighbor Notification	Concentration Limit	Zoning Limitations	Fees
Out-of-state Agencies									
Park City, UT	yes	yes	Summit County TRT 3.00; Outdoor Rec TRT.32; Park City TRT1.00; Park City Sales Tax 1.00;Summit County Sales.25; Utah Sales4.85; Summit Cty. Transpo.30;Mass Transit.25;Resort Comm. Tax 1.60. Total 12.57	state and AirBnB	yes, non-transferrable, annual business license	yes, in cases of duplexes or if shared common areas/hallways exist between or within a building	no	yes, only allowed in certain zones or with CUP's in certain zones	\$149.00 Admin Fee, \$28.74 per bedroom fee, \$17.00 Yearly renewal admin fee plus \$28.74/bedroom
Jackson, WY	yes	yes	yes	Collected by state and by AirBnB	yes , a permit	Yes, to neighbors within 300 ft.	no	yes, only allowed within the Lodging Overlay District or the Snow King Resort District	yes, \$100 for each residential short-term unit being permitted
Ketchum, ID	yes	yes	yes	As of Jan '18 tax collected by listing agency and remitted to City	yes, business license	no	no	No, State Legislature pre-empted local control of STR's	no
Moab, UT	no	no	yes	County and Airbnb	Yes, for each property owner	no	no	yes, only allowed in certain commercial zones	Business license fee - \$45 plus \$4 per room
Whistler, BC	no	Depends on zoning.	Provincial Sales Tax: 8% of listing price including any cleaning fees for reservations 26 nights and shorter in the Province of BC. Municipal and Regional District Tax: 2-3% of the listing price including any cleaning fees for reservations 26 nights and shorter in the Province of British Columbia	Province and "Airbnb"	yes	no	no	Only allowed in "tourist accommodation" zoned properties.	Business lixense fee

City	Occupancy Requirement	Require a "local responsible party" to take complaints?	Mandatory response time for the responsible party to address the complaint?	Utilize a 24 hour call center for complaints?	Compliance Efforts? (Compliance monitoring company, municipal staff, software, other)	Weblink to STR ordinance/regulations	Number of listings (Approx.)	Other
Aspen	No	Yes	Yes - local representative is to be "on call" per the municipal code.	No	MuniRevs, Staff - Finance and Community Development Departments	https://library.municode.com/co/aspen/code/s/municipal_code?nodeId=TIT26LAUSRE_PT5_00SURE_CH26.575MISURE_S26.575.220VARE https://www.cityofaspen.com/1331/Lodging-Tax-Vacation-Rentals	1300 (750 active, 550 inactive)	
Avon	none	No	No	No	MuniRevs	http://www.avon.org/str	295	
Basalt	none							Not permitted in employee housing units, Requires local representative
Beaver Creek	no	Yes	30 days	No	We are utilizing Host Compliance to find owners renting on their own who have not paid appropriate tax/assessment		1200	BCRC collects 5.35% Civic Assessment and .0096% Lodging Assessment for all STR
Blue River	2 people per bedroom plus two. No Bedroom and septic/sewer verification required	No	No	No	No	https://townofblueriver.colorado.gov/lo-dging/short-term-rentals	145	Posting requirements at rentals and self-certification required.
Breckenridge	Yes. Limited to 2 people per bedroom plus 4 for the entire property	Yes	60 minutes	Yes, LodgingRevs 970-423-5334	Yes, LodgingRevs	www.townofbreckenridge.com/shortterm	3838	All properties - Special Conditions of License/BOLT License -Location Card posting requirement/Advertisement Requirements
Crested Butte	2 people per bedroom plus an additional 2 people for the unit with a maximum occupancy of 10 people. Occupancy over 10 people requires an additional parking space be provided on site for every four additional people or part thereof.	Yes	1 Hour	No. Complaints can be lodged via phone or email to the Vacation Rental Inspector at Town Hall	Short Term Rental Helper generates a monthly list of non compliant properties based on our list of licensed properties.	https://www.crestedbutte-co.gov/index.asp?SEC=0DA56E89-36E1-4A3A-8001-5F16483DEFCD&Type=B_BASIC	209 unlimited licences. 17 primary residence licenses	Site safety inspection and on-site parking verification required.
Denver	No maximum number of guests per night. No simultaneous rental to more than one party under separate contracts.	Yes. LRP must be in City and County of Denver during the entire length of the STR period, must have access to the licensed premises, and must be authorized to make decisions regarding the licensed premises.	No	Yes. Complaints may be filed at any time by calling 311; however, response will likely only come during business hours (except for emergency situations)	Host Compliance, 1 full-time Compliance Manager, 4 employees who assist with STR compliance matters part time, STR Advisory Committee to guide policy changes	STR Business Licensing Homepage	3773 active listings, 2556 active licenses	
Dillon	no	yes	no	yes	yes, STR Helper	yes, https://www.townofdillon.com/business-resources/dillon-short-term-rental-str	113	requires license number in ads, must submit parking and trash/recycling plans

City	Occupancy Requirement	Require a “local responsible party” to take complaints?	Mandatory response time for the responsible party to address the complaint?	Utilize a 24 hour call center for complaints?	Compliance Efforts? (Compliance monitoring company, municipal staff, software, other)	Weblink to STR ordinance/regulations	Number of listings (Approx.)	Other
Durango	Determined by parking or # of bedrooms at the property.	Yes	No	No	LodgingRevs	http://online.encodeplus.com/regs/durango-co/doc-viewer.aspx#secid-273	125 permitted short term rentals	Updated regulations adopted in December 2020 which further restrict this use based on zoning. For existing and new mixed use developments, language that specifically allows STRs and caps the total number of units allowed for this use must be included in a prior land use approval.
Estes Park	2 per bedroom, plus 2 up to 8 total	Yes	30 Minutes (School District boundary)	Yes	LodgingRevs	www.estes.org/businesslicensing	322 residential and 152 commercially	New regulations were adopted December 2016 and modified in March 2017. Additional modifications
Fraser	no	yes	one hour				120	Program implementation late 2017
Frisco	2/BR plus 4, with option to apply for more upon inspection	No, "responsible agent" 24/7 with no local requirement	No	Not yet, but coming summer of 2019	STR Helper	Updated materials should be available by 4/1/19	900	New ordinance passed 1/8/19; New annual STR license term of 5/1-4/30; First STR license issued 5/1/2019
Glenwood Springs	STR based on inspection ATR is one bedroom, 2 guests	Yes, residing within 30 miles/minutes	No	No	Staff	https://www.ci.glenwood-springs.co.us/333/Vacation-Rentals	104 active permits, approximately 90 active listings	It is a condition for renewal that owners show they remitted lodging tax – showing they are actually utilizing the permits.
Grand Lake	none	yes	15 min	no	STR Helper			
Mt. Crested Butte	No	Yes	Yes	Yes	Host Compliance	https://mtcrestedbuttecolorado.us/vertical/sites/%7B36467D9E-CDA6-4739-95F2-EF9DEBC7DA37%7D/uploads/Ordinance_0_Series_2010.pdf	600	
Salida, CO	None	Require local management	no	no	LodgingRevs	https://library.municode.com/co/salida/codes/code_of_ordinances?nodeId=CH6BULIRE_ARTVISHRMBULI	200	
Silverthorne	Max advertised occupancy = 2/Bedroom + 2	Yes	7am -11pm (60 minutes) 11pm -7am (30 minutes)	Yes	Yes. LodgingRevs	https://www.silverthorne.org/town-services/finance-administrative-services/business-liquor-licenses	100	STR license is required to be posted in online ads. Good Neighbor Guidelines must be posted prominently in rental property. STR license is required to be visibly displayed in rental property (address, license #, property owner name & contact info for responsible agent). STR prohibited in deed restricted & workforce housing units.
Snowmass Village	Yes, under the building code	no	no	no	no		800 units. This does not include hotel rooms	Not permitted in employee housing units without prior approval.

City	Occupancy Requirement	Require a “local responsible party” to take complaints?	Mandatory response time for the responsible party to address the complaint?	Utilize a 24 hour call center for complaints?	Compliance Efforts? (Compliance monitoring company, municipal staff, software, other)	Weblink to STR ordinance/regulations	Number of listings (Approx.)	Other
Steamboat Springs	1 per 200 sf; max 16	no	no	no	no	CDC Section 302.E.4 (http://steamboatsprings.net/246/Community-Development-Code)	171 active permits. Approx 2386 listings in area.	We only require a VHR permit for single family and duplex units OUTSIDE of the resort area (RR and G) zone districts. Multiple family units and all units in RR and G are allowed by right.
Telluride	none	yes	no	no	yes	https://www.telluride-co.gov/DocumentCenter/View/260/short-term-rental-regs	723	Restrictions in Residential Zone : no more than 3 rentals per year, w aggregate not to exceed 29 days; implemented in 2011
Vail	Two per bedroom, plus two.	Yes - Local contact within 60 minute distance required; Evidenced by copy of driver's license	60 min response time unless between 11pm and 7am, then 30 minute response time	Yes	LODGINGRevs, one full-time municipal employee monitors listings, registrations and complaints	https://www.vailgov.com/short-term-rentals	2500	Notorized affidavit required as part of the application for acknowledgement of life safety, noise, trash and parking regulations
Winter Park	none	no	no	no	LodgingRevs	no	349	We require a business license. We have contracted with LodgingRev's that tracks various sites for rentals that have not obtained a business license. The Town does not have other limits or restrictions for short term rentals excluding any regular zoning restrictions.

Counties

Eagle County	Eagle County Land use codes state no more than one person per every 300 square feet; this limit is not enforced							No county wide restriction
Summit County	2 persons per bedroom plus 4 additional occupants, or 1 person per 200 square feet of living area, whichever allows for a greater occupancy. Max occupancy 19; can apply for a CUP to request 20 or more occupants. Condominium buildings with interior egress corridors less than 44 inches wide and without a sprinkler system are further limited to 2 persons per bedroom plus 2 additional occupants, or 1 person per 200 square feet of living area, whichever allows for a greater occupancy.	Responsible agent required. Local residency not required for the agent. Responsible agent must be available 24 hours per day, 7 days per week, and must respond to complaints within 1 hour.	yes, required to respond within 1 hour	yes, Host Compliance 24-hour call center is utilized	yes, Host Compliance and Planning Dept staff	www.SummitCountyCO.gov/STR	as of 3-24-21: 3,767 active permits; 6,282 active registered listings. Note 450 new STR permit applications under review.	County STR regulations were adopted 12/18/18; Currently contracted with Host Compliance for permitting system and complaint management system

City	Occupancy Requirement	Require a “local responsible party” to take complaints?	Mandatory response time for the responsible party to address the complaint?	Utilize a 24 hour call center for complaints?	Compliance Efforts? (Compliance monitoring company, municipal staff, software, other)	Weblink to STR ordinance/regulations	Number of listings (Approx.)	Other
<u>Out-of-state Agencies</u>								
Park City, UT	Yes, 75 sq. ft per bedroom, at least 50sq ft of floor space per occupant (if more than 1)	yes	no	no	monitoring with 3rd party that verifies internet listings	www.parkcity.org/MunicipalCode	3500 listings. 2000 licensed	Site visit and safety inspection prior to application
Jackson, WY	Limited to less than one calendar month	no	no	yes	Host Compliance	yes	164	
Ketchum, ID	Max 30 days/guest							no
Moab, UT	no	no	no	no	no	https://moab.municipal.codes/Code/5.67.010		Not permitted in any residential zones. Only permitted in certain commercial zones. Building, fire, health and zoning inspections required for short-term rentals permitted in commercial zones.
Whistler, BC	no	no	no	no	Municipal staff, software, bylaw enforcement	https://www.whistler.ca/sites/default/files/2019/Nov/bylaws/original/23992/2142_tourist_accommodation_business_regulation_bylaw_no._2142.pdf	1000+	



THE CITY OF OURAY COMMUNITY PLAN 2021

Ouray Community Plan 2021

Housing | Applicable Goals & Actions

Housing:

Goal H-1: Support, encourage and require adequate, diverse and permanent attainable housing integrated throughout the community for local residents and employees.

Actions:

Create an environment and culture that encourages and facilitates quality attainable housing development.

- A. Assure that attainable housing is permanently affordable utilizing deed restrictions or other available tools.
- B. Consider amending the LUC and the city adopted building regulations to provide robust incentives for the development of attainable housing in the community such as:
 - i. Density bonuses for projects that provide for a set percentage of attainable housing units.
 - ii. PUD incentives for attainable housing through building height, setback, floor area, density and other variations to the zoning regulations.
 - iii. Waivers or reductions of building permit fees, tap fees and other city fees provided such fees are offset by another funding source.
 - iv. Reduction of the minimum lot size from 7,100 sq. ft. to 3,500 sq. ft.; reduction in the lot frontage from 50 feet to 25 feet; and reductions in the side setbacks if an attainable housing unit is provided.
 - v. Improve and promote the incentives for accessory dwelling units considering changes such as increasing the allowed size of units, and not requiring owner occupancy. Encourage unpermitted accessory dwelling units to be brought into compliance with LUC and building code requirements and enforce regulations if non-compliant.
- C. Consider, encourage and engage second home owners to rent their housing units on a long-term basis of three months or greater through creative incentives and programs, such as a

focused survey to determine rental incentives or impairments, and the creation of a non-profit entity to manage rentals and guarantee the repair of any damage that is not covered by a security deposit.

- D. Consider creating and adopting an attainable housing mitigation program that may include requirements for mandatory attainable housing units via inclusionary zoning and/or a housing linkage program with required mitigation.
- E. Support and encourage attainable rental and for-sale housing throughout the community in a variety of unit types and densities in all the city zoning districts, including accessory dwelling units, live-work units, small homes, multi-family developments, mixed-use developments, dormitory or “POD” style units, and other unit types that provide for attainable housing.
- F. Consider creating the City of Ouray Housing Authority with City Council acting as this authority to manage funds from a city attainable housing fund; create and adopt city-specific housing guidelines and implement the goals and actions of the Community Plan.
- G. Explore public-private partnerships to provide attainable housing, including the use of city owned lands that are provided at low to no cost via lease or sale to developers that provide for attainable housing.
- H. Implement strategies and policies for resident-occupied housing such as a short-term rental cap.
- I. Support, encourage and require new development to provide a variety of bedroom mixes, unit sizes, dwelling types, rental and ownership structures, and attainability limits that are based on an updated community housing needs assessment.
- J. Encourage and plan for senior housing, co-housing and assisted living facilities to allow residents the opportunity to age in place.
- K. Encourage seasonal employee housing such as dormitories, POD style housing, camps and similar housing that provides low cost housing.
- L. Encourage and promote a variety of housing options to accommodate a diverse community of residents through housing policies.
- M. Identify and land bank sites appropriate for future housing projects.
- N. Provide incentives and programs for employers to address housing needs.
- O. Consider funding for down payment assistance and mortgage assistance programs to assist buyers earning up to 120 percent of the AMI.
- P. Review requirements for commercial and residential development to see if opportunities for attainable housing exist.
- Q. Strive to provide attainable housing for 50% of the local workforce in the city.
- R. Evaluate if annexations and PUDs to provide attainable housing.
- S. Inventory city, County, and other public or special district owned property that may be suitable for housing development.
- T. Consider creating attainable housing fund to further city attainable housing initiatives.
 - i. Consider a citywide tax initiative to provide funding for an attainable housing fund.
 - ii. Consider allocating a set percentage of the city Sales Tax to the attainable housing fund.

Factors that hinder resiliency

Housing availability and supply:

The main resiliency and sustainability issue facing the city is the lack of attainable housing for the workforce and the large percentage of vacation homes that for much of the year are vacant unoccupied homes. The city urgently needs to encourage attainable housing that not a vacant unoccupied home. Early stress signs that families are either unable to stay or are choosing to raise their families elsewhere is seen in the significant drop in Ouray School student enrollment numbers. Housing provides for the soul of the community in people, employees, volunteers and character. Local residents also create a vibrant feel and

form a key part of the local character – with vacant homes threatening this critical community element. Attainable housing will also improve the labor market and support the city’s economic development, while also keeping youth and families in the community.

Vibrant, Thriving & Healthy Community

The city has lost primary resident population over time due to rising housing costs, lack of well-paying jobs and the growth of vacant unoccupied homes. This has resulted in a hollowing out of the community and stressed traditional community support systems. The Community highly values community members living and working in the city to provide the foundation, heart and soul of the community, with attainable housing vital to ensuring the long-term sustainability and success of the city. Lifelong learning opportunities built around the high achieving Ouray School further community vibrancy and well-being through community pride, tradition, education and employee attraction and retention. Sustainable tourism and economic development provide the financial engine for the community and help fund the desired growth, infrastructure improvements and vitality envisioned in the Community Plan. Arts and culture can enrich, illuminate and activate the community and its citizens and guests while also improving their education and well-being. Community health initiatives ensure the mental and physical well-being of the community.

Glossary of Relevant Terms

Attainable Housing:

The industry definition of attainable, for-sale housing is unsubsidized, profitable housing developments that meet the needs of those with incomes between 80% and 120% of the Area Median Income (AMI). The price points for attainable housing varies depending on the geographic area and AMI.

Inclusionary Zoning:

A planning policy that requires that most new (and some renovated) residential developments include a requirement to provide a set percentage or number of affordable homes or units.

Ouray Land Use Code (OLUC) Current ADU Regulations

Section 7-2 Definitions

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.

Section 7-5 Zoning Regulations

Section 7-5-J-6 Accessory Dwelling Units

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.

- a. The **accessory dwelling** unit must be constructed in accordance with applicable requirements of Code adopted by the City pursuant to Chapter [6](#) of Ouray Municipal Code. It 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.
- b. One off-street parking space shall be provided for the accessory unit in addition to any other required off-street parking.
- c. The **accessory dwelling** unit may not exceed 1,000 square feet of living area.
 - i. One of the dwelling units on the property must be, and remain, owner occupied. If the other dwelling unit is rented, a minimum of a 30-day rental period shall be required by written lease.
- d. The **accessory dwelling** unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership.
- e. The **accessory dwelling** unit may be served off of the water and sewer taps for the principal residence, in which case it shall not be subject to additional investment fees, and the primary residence and **accessory dwelling** unit shall be charged as a duplex for water and sewer service rates.
- f. The burden shall be upon the owner of any **accessory dwelling** unit to provide adequate proof to the City that the criteria of this Section are met. In the event that the City determines that the criteria have not been shown to be satisfied the unit may not be occupied as a residence.
- g. A dwelling unit constructed as a principal single-family home, which meets these criteria, may be converted to an **accessory dwelling** unit following construction of a new principal dwelling unit.

7-5-E-3 Residential District R-1

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

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

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

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

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

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

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

Dimensional Requirements – Table 7-5-D

Please refer to the following pages

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

						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	Not applicable	Not applicable	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	Not applicable	Not applicable	Must comply with current Building Code adopted by City	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.
Maximum Floor Area	Not applicable	Not applicable	Ouray Local and National Historic District: 10% greater than the average of other structures on the block front or 4,260 sq. ft., whichever is less All other properties: 4,260 sq. ft.	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 s.f.	Ouray Commercial Historic District and Fronting Highway 550: 9,585 s.f. per 25 feet of frontage on Highway 550 of the lot on which the building is located. All other properties: 9,585 sq. ft.	15,000 sq. ft.	15,000 sq. ft.
Maximum Site Coverage	5%	5%	30%	50%	40%	90%	50%	40% for residential use 50% for mixed use 60% for commercial use

Maximum Building Impervious Surface Site Coverage	Not applicable	Not applicable	80%	80%	80%	100%	80%	80% for any use
Maximum Height	20	10	30	35	35	35	35	35
Maximum Size for Accessory Buildings	Not applicable	Not applicable	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Not applicable	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.

Proposed Amendments to Ouray Land Use Code

Section 7-2 Definitions

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

Section 7-5-J-6 Accessory Dwelling Units

Accessory Dwelling Units (“ADU”) are intended to provide workforce housing for long-term occupancy. ADU which meet the criteria of this Subsection may be allowed as an accessory use to a principal residential unit in the R-1, R-2, C-1 and C-2 districts provided that such ADU conform to the applicable requirements of said Districts and Table 7-5-D (subject to exceptions listed below).

- a. An ADU can only be proposed when a primary dwelling unit exists or is proposed as a part of the same building permit. ADUs may be attached or detached to the principal residential unit. Only one ADU is permitted per property.
- b. The ADU may not exceed 1,200 square feet of living area, excluding garage floor area.
- c. Table 7-5-D exceptions. An ADU may be constructed on any sized lot, and does not need to meet the density requirements of the zone district. The ADU living area will not apply to the maximum square footage per lot, and is exempt from the maximum site coverage requirement. ADU’s built upon existing structures shall be allowed to expand the maximum site coverage up to 10% above the maximum limit for that zone district.
- d. One off-street parking space shall be provided for the ADU in addition to any other required off-street parking. An exemption to this requirement may be approved administratively when considering the following criteria:
 - i. Limitation of site conditions preventing off-street parking
 1. The property cannot reasonably accommodate an off-street parking space without violating other code requirements or negatively impacting the design of the site
 - ii. Availability of on-street or other public parking within proximity of the proposed ADU
 1. Access and route between the ADU property and parking space
 2. Availability and frequency of the parking space use
 - iii. Condition of parking spaces within the area
 1. Compliance with section 14-8 Parking Requirements and any other on-street parking requirements of the city.
 2. The parking stall shall not obstruct pedestrian or automobile traffic patterns
- e. The accessory dwelling unit may be served off of the water and sewer taps for the principal residence, in which case it shall not be subject to additional investment fees, and the primary residence and accessory dwelling unit shall be charged as a duplex for water and sewer service rates.
- f. Prior to issuing a building permit for a new ADU, the property owner shall enter into a deed restriction in a form set forth by the City that is recorded in the Ouray County Clerk and Records Office. The deed restriction shall require the following:

- i. The ADU shall be rented out long-term for a period of 90 days or greater, and be rented out to a person who is working 32 hours or greater in either a business within Ouray County, or be working remotely (telecommuting) for a business that is located outside of the city.
 - ii. The accessory dwelling unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership.
- g. A dwelling unit constructed as a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit.

7-5-E-3 Residential District R1

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

- A. On properties within the boundaries of the Ouray Local and National Historic District as shown on Official Zoning Map, the maximum floor area gross shall not be more than 10% greater than the average floor area of primary structures on lots located on the block front or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.
- B. On properties not within the boundaries of the Ouray Local and National Historic District, maximum floor area gross shall be 4,260 sq. ft.
- C. Accessory dwelling unit floor area shall not be included in the maximum floor area limit as an incentive to constructing and providing such units.

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

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

- A. On properties within the boundaries of the Ouray Local and National Historic District, as shown on Official Zoning Map, the maximum floor area gross shall not be more than 10% greater than the average floor area of primary structures, on lots located on the block front, or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.
- B. For all other properties not within the boundaries of the Ouray Local and National Historic District, the maximum floor area shall be 10,650 sq. ft.
- C. Accessory dwelling unit floor area shall not be included in the maximum floor area limit as an incentive to constructing and providing such units.

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

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

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

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

*ADU meeting section 7-J-5-6 does not contribute to maximum square footage requirements. ADU constructed onto a second story of an existing structure allows for a 10% increase in the maximum site coverage requirement.