

Ouray City Council Joint Work Session  
with Planning Commission  
Monday, March 21, 2022 3:00 PM

Massard Auditorium  
320 6th Ave  
Ouray, CO 81427

## **Agenda**

1. CALL TO ORDER
2. DISCUSSION ITEMS
  - 2.a. Discussion with SEH, Inc. Regarding Land Use and Sign Code Update
  - 2.b. Discussion of Current and Possible Changes to Regulations Regarding Accessory Dwelling Units (ADUs)
  - 2.c. Discussion on Public Hearing Procedures

## 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.

## DRAFT FOR DISCUSSION

### PUBLIC HEARING PROCEDURE

1. The Mayor shall introduce the agenda item and is responsible for administering oaths and affirmations; receiving evidence; regulating the course of the hearing; setting the time and place for continued hearings after applicant agrees; limiting the number of witnesses; issuing appropriate orders that control the subsequent course of the proceeding; and controlling the decorum and conduct of the proceeding.
2. The Mayor shall ask each member of the governing body to disclose any conflicts requiring recusal, any personal or private interests not requiring recusal, or the specific substance of any ex-parte communications made by them.
3. The Mayor shall announce the sign-up sheet for public comment located at the entrance to the hearing room and the public may sign up to speak using the sign-up sheet until the hearing is open for public comment.
4. The Mayor shall announce all written public comment made by City residents or business owners or designated representatives received by the Friday prior to the hearing date are part of the public record and were included in the packet.
5. Rules for Hearing (to be read by the Mayor)
  - A. All questions and comments by applicant, staff, or the public shall be directed to the governing body.
  - B. No applicant, staff member, or the public will be subject to cross examination except by the governing body.
  - C. Public comments shall be taken at the hearing and are limited to five (5) minutes per household or business. Any unused time may not be given to another. Cumulative testimony may be limited or eliminated by the Mayor in his or her discretion.
  - D. If you are asked a question by the governing body, please respond to the question and refrain from adding additional comment beyond the answer to the question.
  - E. Disruptive behavior will not be tolerated and refusal to comply with these guidelines will result in a warning and subsequent removal from the meeting for non-compliance after the warning.
6. Hearing sequence
  - A. Staff presentation.

- B. Applicant presentation.
  - C. Questions from governing body to applicant and/or staff.
  - D. Public comment.
  - E. Questions from governing body to applicant and/or staff after public comment.
  - F. Rebuttal from staff.
  - G. Rebuttal from applicant.
  - H. Governing body deliberations (motion, second, discussion).
7. After a decision is made at the hearing, a written decision shall issue with findings of fact and conclusions of law, setting forth the grounds of the decision, based on the evidence presented at the hearing within five (5) business days. The written decision shall be mailed (regular) to the last address furnished to the city by the Applicant. The decision shall be effective as to such Applicant on the date mailed or on such other date as is stated in the decision.
8. Unless otherwise provided by town charter, ordinance, or code or other law, the decision of the board is final subject only to judicial review pursuant to Colorado Rules of Civil Procedure 106(a)(4).