



TOWN OF ELIZABETH

TO: Planning Commission
FROM: Alexandra Cramer, AICP, Community Development Director
DATED: August 4, 2026
SUBJECT: Ordinance 26-11 and 26-12 - Accessory Building Size and Permit Requirements (Code Text Amendment)

Summary

At the direction of the Board of Trustees, staff has brought forward Ordinance 26-11, which would amend two provisions of the Municipal Code related to accessory buildings. The ordinance would remove the requirement in Section 16-1-40(f)(2) that a single accessory building not exceed the square footage of the dwelling unit's footprint, leaving the twenty-five percent (25%) total lot coverage limit as the only cap on accessory building size, and it would amend Section 16-1-40(g)(12) to exempt structures 200 square feet or smaller that do not contain utilities from the requirement to obtain a building permit.

Staff is also presenting Ordinance 26-12 as a recommended alternative. Ordinance 26-12 is identical to Ordinance 26-11 in every respect except one: rather than removing the single accessory building cap, it raises the cap from 100% to 150% of the dwelling unit's footprint. The 200-square-foot building permit exemption is included in both ordinances without change.

Staff Analysis

Staff supports the intent behind this amendment. The current standard, which limits an accessory building to the footprint of the home, is restrictive for property owners who want a functional garage or shop, and staff has no concern with the 200-square-foot permit exemption in either version.

Where staff disagrees with Ordinance 26-11 is in removing the size cap altogether. The Code defines an accessory building as a detached subordinate building whose use is incidental to the main building, and the footprint cap is what gives that definition a workable standard. Once it is removed, the only remaining size control is the 25% lot coverage limit, which on a typical 9,000-square-foot R-1 lot would still allow a single accessory building of up to 2,250 square feet next to a home that may be half that size. Most of the Town's residential lots are R-1, and staff's concern is that structures of that scale relative to the home would change the character of established neighborhoods and would be difficult to reconcile with the Code's own definition of an accessory building.

Ordinance 26-12 accomplishes the same objective while keeping accessory buildings proportionate to the home. Under the 150% standard, a home with a 1,600-square-foot footprint

could construct an accessory building of up to 2,400 square feet by right, such as a 40' x 60' building, a 50% increase over what is allowed today, with no additional review process. All other requirements, including the coverage cap, height limits, and setbacks, remain unchanged, and a property owner seeking a building larger than the 150% standard can pursue an exception through the Board of Adjustment under its existing authority over square foot requirements.

Staff notes that a percentage-based standard was chosen over a flat square footage cap because it keeps accessory buildings proportionate to the home on every lot, whereas a flat cap would allow the same size building next to a 900-square-foot house as a 2,500-square-foot house, and because owners typically build to standard kit dimensions rather than to the maximum, the standard functions as a ceiling within which common building sizes fit rather than a target.

Staff Recommendation

Staff recommends the Planning Commission forward to the Board of Trustees a recommendation of denial of Ordinance 26-11 and a recommendation of approval of Ordinance 26-12.

Attachment(s)

1. Ordinance 26-11
2. Ordinance 26-12

ORDINANCE 26-11

AN ORDINANCE AMENDING SECTION 16-1-40(f)(2) AND SECTION 16-1-40(g)(12) OF THE TOWN OF ELIZABETH MUNICIPAL CODE CONCERNING ACCESSORY BUILDINGS

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 16-1-40(f)(2) of the Town of Elizabeth Municipal Code is hereby amended to read as follows:

(f) The following general provisions shall apply to the applicable designated uses in Table 16-1 of this Section:

* * *

(2) Total lot coverage of accessory buildings shall not exceed twenty-five percent (25%) of the total square footage of the lot, ~~and the total square footage of any single accessory building may not exceed the total square footage of the dwelling unit's footprint.~~

Section 2. Section 16-1-40(g)(12) of the Town of Elizabeth Municipal Code is hereby amended to read as follows:

(g) The following additional dimensional requirements are applicable to the designated districts shown in Table 16-2 of this Section:

* * *

(12) All dwellings and structures shall be constructed in accordance with all applicable Town regulations and the International Building Code, as adopted by the Town; ***provided however, structures 200 square feet or smaller are exempt from the requirement to obtain a building permit so long as such structure does not contain utilities.***

Section 3. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. This Ordinance shall become effective 30 days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2026.

Passed by a vote of _____ for and _____ against and ordered published.

Angela Ternus, Mayor

ATTEST:

Michelle M. Oeser, Town Clerk

ORDINANCE 26-12

AN ORDINANCE AMENDING SECTION 16-1-40(f)(2) AND SECTION 16-1-40(g)(12) OF THE TOWN OF ELIZABETH MUNICIPAL CODE CONCERNING ACCESSORY BUILDINGS

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 16-1-40(f)(2) of the Town of Elizabeth Municipal Code is hereby amended to read as follows:

(f) The following general provisions shall apply to the applicable designated uses in Table 16-1 of this Section:

* * *

(2) Total lot coverage of accessory buildings shall not exceed twenty-five percent (25%) of the total square footage of the lot, and the total square footage of any single accessory building may not exceed ***one hundred fifty percent (150%)*** of the total square footage of the dwelling unit's footprint.

Section 2. Section 16-1-40(g)(12) of the Town of Elizabeth Municipal Code is hereby amended to read as follows:

(g) The following additional dimensional requirements are applicable to the designated districts shown in Table 16-2 of this Section:

* * *

(12) All dwellings and structures shall be constructed in accordance with all applicable Town regulations and the International Building Code, as adopted by the Town; ***provided however, structures 200 square feet or smaller are exempt from the requirement to obtain a building permit so long as such structure does not contain utilities.***

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Angela Ternus, Mayor

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Michelle M. Oeser, Town Clerk