



TOWN OF ELIZABETH

TO: Board of Trustees
FROM: Alexandra Cramer, AICP, Community Development Director
DATED: August 11, 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 brought forward Ordinance 26-11, which would amend two provisions of the Municipal Code related to accessory buildings. The Code currently contains two separate limits on accessory building size. First, the combined footprint of all accessory buildings on a lot may not exceed twenty-five percent (25%) of the lot area. Second, no single accessory building may be larger than the footprint of the home. Ordinance 26-11 would remove the second limit entirely, so that the 25% lot coverage limit would become the only restriction on accessory building size. The ordinance would also 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.

Ordinance 26-12 is presented as staff's recommended alternative. It is identical to Ordinance 26-11 in every respect except one: rather than removing the single-building limit, it increases it, allowing a single accessory building of up to one and one-half times the footprint of the home. To be clear, the 25% lot coverage limit remains in place under both ordinances and is not changed by either one. The 200-square-foot building permit exemption is also included in both ordinances without change.

Staff Analysis

The stated purpose of the amendment is to give property owners more flexibility to construct a functional garage or shop, which the current standard, limiting a single accessory building to the footprint of the home, does not always accommodate. Staff's disagreement is not with providing that flexibility but with how far Ordinance 26-11 goes to provide it.

Removing the limit entirely leaves the Code without a workable standard for what makes a building accessory. The Code defines an accessory building as a detached subordinate building whose use is incidental to the main building, and the single-building limit is what gives that definition practical meaning. Without it, 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 zoned R-1, and 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 provides the intended flexibility while keeping accessory buildings proportionate to the home. Under the revised 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 25% lot coverage limit, height limits, and setbacks, remain unchanged, and a property owner seeking a building larger than the standard allows can pursue an exception through the Board of Adjustment under its existing authority over square foot requirements.

A proportional standard was chosen over a flat square footage cap because it scales with the home on every lot; 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 dimensions rather than to the maximum, the standard functions as a ceiling within which common building sizes fit rather than a target.

Planning Commission Recommendation

At its August 4, 2026 public hearing, the Planning Commission voted 6-1 to recommend denial of Ordinance 26-11 and approval of Ordinance 26-12. The dissenting Commissioner stated that they did not support either ordinance, as they did not agree with revising the accessory structure language at all.

Additional Discussion: Accessory Building Setbacks

During the Planning Commission's hearing, the Commission had a thorough discussion of both ordinances, and one point from that discussion warrants the Board's awareness. The Code gives accessory buildings reduced setbacks compared to principal structures on the assumption that they are incidental and smaller than the home. In the R-1 district, for example, an accessory building may sit 2 feet from an interior side lot line and 10 feet from the rear lot line, while the home itself must be set back 7 feet and 25 feet respectively. That framework makes sense when the accessory building is a shed or a modest garage, but as the allowed size of accessory buildings increases under either ordinance, a building of up to 2,400 square feet and 20 feet in height, comparable in mass to many homes in the district, could be placed considerably closer to a neighboring property than a home of the same size would ever be permitted. Neither ordinance amends the setback standards, and staff is not recommending a change at this time; however, the Board may wish to direct staff to evaluate whether accessory buildings above a certain size should be subject to the setbacks that apply to principal structures, and staff can bring back a future amendment if directed.

Staff Recommendation

Staff recommends the Board of Trustees deny Ordinance 26-11 and approve Ordinance 26-12, consistent with the recommendation of the Planning Commission.

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

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