

**CITY OF LEADVILLE, COLORADO**  
**Ordinance 08**  
**Series of 2016**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE ZONING CODE REGARDING DETACHED AND INTEGRATED ACCESSORY DWELLING UNITS.**

WHEREAS, the City comprehensive plan includes the need for infill and affordable housing; and

WHEREAS, there are city residents whose welfare depends on affordable housing within the city; and

WHEREAS, growth of the city in population is often cited as vital for the survivability and prosperity of businesses within the City of Leadville; and

WHEREAS, the City has determined to amend zoning requirements for Accessory Dwelling Units; and

WHEREAS, the City finds it to be in the best interest of the public safety, health and general welfare to regulate Accessory Dwelling Units within the City; and,

WHEREAS, City council desires to change the municipal code to improve the prosperity of Leadville;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:**

**Section 1. Chapter 17.08 titled Definitions, of the Leadville Municipal Code is hereby amended as follows:**

"Accessory dwelling unit" or "ADU" means an attached, integrated or detached residential dwelling unit that is incidental and subordinate in function and size to the principal building which shall be located on the same parcel as the principal building. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation.

"Detached accessory dwelling unit" means detached units that are located inside of accessory buildings including spaces inside of garages.

"Integrated accessory dwelling unit" means units that are created by dividing space within a principal building, or by adding floor area to an existing building.

"Approved Foundation" means the ADU must be attached to a permanent foundation system in accordance with the manufacturer's requirements for anchoring, support, stability, and maintenance. The foundation system must be appropriate for the soil conditions for the site and meet local and state codes. The foundation system will have a stem wall, slab, diamond pier, or concrete pylon.

**Section 2. Chapter 17.48 By Right, Conditional and Prohibited Uses is hereby amended as follows:**

	R-1	R-2	TR	RC	C	TC
55. Accessory dwelling units	R	R	R	<del>C</del> <u>P</u>	C	R

**Section 3. Chapter 17.60 Accessory Buildings and Uses is hereby amended as follows:**

### 17.60.010 Introduction.

Integrated and detached accessory buildings must meet the same setback requirements as principal buildings. The following accessory uses are permitted in the following zoning districts, provided that they are incidental to and on the same premises as a permitted or conditional use.

### 17.60.020 R-1, R-2, TR and TC zoning districts.

- A. Garages for the storage and owner maintenance of automobiles light trucks and recreational vehicles.
- ~~B. Vehicle parking and loading spaces.~~
- B. Accessory buildings, structures or uses normally required in addition to or in conjunction with any use by right or approved conditional use in the district, including but not limited to accessory dwelling units in the R-1, R-2, TR, and TC zoning districts as a use by right but only with a conditional use permit in the C zoning district. Accessory dwelling units are prohibited in the RC zoning district.
- C. ~~Reserved.~~ Detached Accessory dwelling units shall be placed on an approved foundation in compliance with applicable adopted building codes and regulations.
- D. Accessory dwelling units shall be no larger than fifty (50) percent of the size of the principal building and no smaller than one hundred (100) square feet.
- E. Accessory dwelling units may be used for long-term rentals of thirty (30) days or greater. Short-term rentals of less than thirty (30) consecutive days are not allowed.
- F. ~~Any exterior treatments of an accessory dwelling unit shall complement the principal building.~~ Design Standards: An ADU, either integrated or detached, shall be consistent in design and appearance with the primary structure. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be complementary with the primary structure.
- G. Each accessory dwelling unit shall have a bathroom with a sink, toilet, and shower or bath at a minimum.
- H. Each accessory dwelling unit shall have a kitchen with an oven, stove (two-burner minimum), refrigerator and sink at a minimum.
- I. Each accessory dwelling unit shall have a maximum of two bedrooms. ~~with an additional off-street parking space per bedroom.~~
- J. The owners of property upon which an accessory dwelling unit is located shall have an obligation to notify the applicable water and sanitation district of the existence and occupation of the accessory dwelling unit and shall comply at all times with the regulations of such water and sanitation district.
- K. Each accessory dwelling unit must pass the inspection of the Building Official, or any subsequent structural standards which may be adopted by the City of Leadville.
- L. Setbacks and Heights of Buildings that Contain Detached ADUs must adhere to applicable zoning regulations of the zoning district.

(Ord. 99-8 § 1 (part): prior code § 17.20.010)

(Ord. No. 08-3, § 2; Ord. No. 2009-3, § 4, 9-1-09)

### 17.60.030 C zoning districts.

- A. Garages as allowed in other districts.
- ~~B. Vehicle parking and loading.~~
- B. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use, including, but not limited to accessory dwelling units necessary to the maintenance or protection of a facility in the TC zoning district as a use by right but only with a conditional use permit in the C zoning district.
- C. Solar energy devices shall maintain the same setbacks as are required for principal buildings, shall not be located within the front yard, and, if freestanding, shall not exceed ten (10) feet in height.
- D. Detached Accessory dwelling units shall be placed on an approved foundation in compliance with applicable adopted building codes and regulations.
- E. Accessory dwelling units shall be no larger than fifty (50) percent of the size of the principal building and no smaller than one hundred (100) square feet.
- F. Accessory dwelling units may be used for long-term rentals of thirty (30) days or greater. Short-term rentals of less than thirty (30) consecutive days are not allowed.
- G. Any exterior treatments of an accessory dwelling unit shall complement the principal building.
- H. Each accessory dwelling unit shall have a bathroom with a sink, toilet, and shower or bath at a minimum.
- I. Each accessory dwelling unit shall have a kitchen with an oven, stove (two-burner minimum), refrigerator and sink at a minimum.
- J. Each accessory dwelling unit shall have a maximum of two bedrooms. ~~with an additional off-street parking space per bedroom.~~
- K. The owners of property upon which an accessory dwelling unit is located shall have an obligation to notify the applicable water and sanitation district of the existence and occupation of the accessory dwelling unit and shall comply at all times with the regulations of such water and sanitation district.
- L. Each accessory dwelling unit must pass the inspection of the Building Official, or any subsequent structural standards which may be adopted by the City of Leadville.
- M. Setbacks and Heights of Buildings that Contain Detached ADUs must adhere to applicable zoning regulations of the zoning district.

### 17.60.040 Other accessory uses.

No additional accessory uses are permitted in any district except that household pets, private greenhouses, swimming pools and hot tubs, satellite dishes, fences, amateur radio and television towers, individual storage sheds and fallout shelters for personal uses are allowable accessory uses in all zoning districts so long as such accessory uses pose no threat to human health, safety and welfare to owners, users or adjacent residents and so long as they meet all applicable building, electrical and plumbing codes and have received all required permits.

Fences which are not over six feet in height, and living fences of any height so long as they are not a traffic obstruction shall be considered permitted accessory uses in all districts. Taller fences are permitted accessory use upon inspection by the building official, who shall issue a permit for such fences upon determination that they would not block light, sun, air, vision, or otherwise pose a health or safety hazard or a nuisance.

No fence, shrubs, trees, sign or any other obstruction shall be permitted in any setback area if it obstructs the sight of drivers at any intersection. Cut firewood stacked in rows shall not be defined as a fence for the purposes of this chapter and shall not be so regulated so long as it does not obstruct the sight of drivers at an intersection.

Any accessory building, the floor area of which is two hundred (200) square feet in size or less, shall not require a building permit.

Any accessory dwelling structure, integrated or detached, intended for habitation shall require a building permit.

**Section 4. 17.76.020 Off-street parking space requirements is hereby amended as follows:**

The following types of uses shall require the following number of off-street parking spaces, as a minimum requirement, for both principal and accessory uses, accessory dwelling units (ADU's) are exempt from the off-street parking requirements.

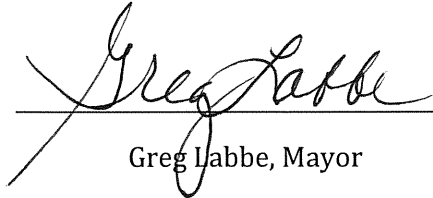
**Section 5.** Remaining provisions. Except as specifically amended hereby, all other provisions of the Leadville Municipal Code, including all remaining provisions of Title 2, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

**Section 6.** Severability. Should any one or more sections or provisions of this ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance or of the Municipal Code, the intention being that the various sections and provisions are severable.

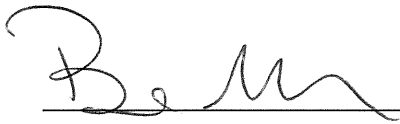
**Section 7.** Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full** on the   1   day of   November  , 2016 by a vote of   5   in favor,   0   against, and   1   absent.

CITY OF LEADVILLE, COLORADO

  
\_\_\_\_\_  
Greg Labbe, Mayor


ATTEST:

  
\_\_\_\_\_  
Bethany Maher, Deputy City Clerk

Published in full in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 10th day of November, 2016.

Passed and adopted on final reading and ordered published by title only with amendments on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_ in favor, \_\_\_ against, and \_\_\_ absent.

CITY OF LEADVILLE, COLORADO

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Maher, Deputy City Clerk

