



**TOWN OF LARKSPUR, COLORADO
ORDINANCE NO. 2024-04**

**AN ORDINANCE CREATING ARTICLE 20 OF CHAPTER 16 (ZONING) OF THE
TOWN OF LARKSPUR'S MUNICIPAL CODE, REGARDING ACCESSORY DWELLING
UNITS**

WHEREAS, the Town of Larkspur is a home rule municipality duly organized and existing under the Constitution of the State of Colorado and The Home Rule Charter of the Town; and

WHEREAS, the Town Council for the Town of Larkspur (the "Council") is authorized, pursuant to the Town's Home Rule Charter, the Colorado Constitution, and state law, to administer the affairs of the Town of Larkspur (the "Town"); and

WHEREAS, Section 16-2-20 of the Town Code authorizes the Planning Commission of the Town of Larkspur (the "Planning Commission") to review and make recommendation to the Town Council for amendment to the land use sections of the Town Code; and

WHEREAS, the Larkspur Town Council adopted Chapter 16 regarding zoning and also addresses structures in addition to the main residential structure; and

WHEREAS, the Larkspur Planning Commission held a public hearing on January 9, 2024 and, after considering public comment, recommended the Town Council adopt a more detailed and enforceable accessory dwelling unit code as part of the Town Code; and

WHEREAS, the Town has received requests to allow accessory dwelling units within the Town, which are currently prohibited under the Larkspur Municipal Code; and

WHEREAS the Town's Comprehensive Master Plan encourages a variety of housing types, including mixes of styles, density and compatible design to satisfy a wide range of needs for creation of more housing choices; and

WHEREAS, the Town Council finds it is in the best interest of the health, safety, and welfare of the Town residents to adopt regulation consistent with the recommendations of the Planning Commission regarding accessory dwelling units.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO:

Section 1. Pursuant to Section 16-10-110 of the Larkspur Town Code, the Town Council of the Town of Larkspur finds as follows with respect to the proposed change of use for ADUs:



1. Such use is not listed or similar to any other use.
2. Such use is more appropriate in the zoning districts to which it is to be added than in any other zoning district.
3. Such use conforms to the basic requirements and characteristics of the use category to which it may be added.
4. Such use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic hazards or other objectionable influences than normally resulting from the other uses listed in the zoning districts to which it is to be added.

Section 2. Chapter 16 of the Larkspur Municipal Code is amended by adding Article 20, Accessory Dwelling Units, to read in its entirety as follows:

ARTICLE 20 – ACCESSORY DWELLING UNITS

Sec. 16-20-10. - Title and citation.

This Chapter may be cited as the "Accessory Dwelling Unit Regulations."

Sec. 16-20-20. - Purpose and intent.

- A. The intent of permitting accessory dwelling units is to provide (i) alternative housing options to make more efficient use of existing housing stock and infrastructure, (ii) flexible use of space for property owners, and (iii) a mix of housing type that responds to changing family dynamics. Because accessory dwelling units do not require additional land, they can be incorporated into established neighborhoods more easily than other forms of housing.
- B. Irrespective of any provision in this Chapter, to the extent any PD zoning regulations expressly preempt any conflicting Town regulations, the provisions of the PD zoning regulations shall govern and control.

Sec. 16-20-30. - Definitions.

As used in this Chapter, the following terms shall have the indicated meanings:

Accessory Dwelling Unit (ADU) means a dwelling unit that is a detached structure on the same lot or tract as the Primary Dwelling Unit that is smaller in size than the Primary Dwelling Unit.

Code means the Larkspur Municipal Code.

Primary Dwelling Unit means a separate dwelling unit that is the larger of the dwelling units on a lot or tract that contains an Accessory Dwelling Unit.

Sec. 16-20-40. - Applicability and compliance.

- A. Accessory Dwelling Units shall comply with all provisions of this Article 20 and any applicable PD zoning regulations. In the event of a conflict between this Article and the PD zoning regulations, the more restrictive provision(s) shall apply, except as provided in Article 20 as to the size of an ADU.



- B. Accessory Dwelling Units are prohibited in (i) any residentially zoned property that contains an existing/proposed duplex, triplex, condo, townhouse, or multifamily units, or (ii) where expressly prohibited in PD zoning regulations.

Sec. 16-20-50. - Regulation and restrictions.

- A. A building permit meeting all Town regulations must be obtained for all Accessory Dwelling Units.
- B. The Town may issue a building permit authorizing the construction and use of an Accessory Dwelling Unit, provided the following conditions apply:
1. **Number.** No more than one (1) ADU may be created or maintained on a single lot or tract.
 2. **Owner Occupancy.**
 - a) The property owner, as evidenced in the Douglas County public records, must occupy either the Primary Dwelling Unit or the Accessory Dwelling Unit, or both
 - b) In the event the property is not owned by a natural person(s), then an individual with ownership or direct interest in the entity, as demonstrated to the Town Clerk or their designee, may be considered a property owner.
 - c) The Town may waive this Owner Occupancy requirement for temporary absences of less than one (1) year provided that the owner has maintained the permitted use for a minimum of two years and submits proof of temporary absence.
 3. **Subdivision.** Accessory Dwelling Units may not be subdivided or otherwise conveyed into separate ownership from the Primary Dwelling Unit on the lot or tract.
 4. **Utilities.**
 - a) No separate water or sewer taps will be allowed for the ADU.
 - b) All billing for water, sewer and storm water services will be billed to the Primary Dwelling Unit account holder. 4,000 gallons shall be added to the base number of gallons of the Primary Dwelling Unit, for an additional 50% charge of current base charge of the Primary Dwelling Unit.
 - c) Should an ADU require the enlargement of the Primary Dwelling Unit's existing water tap, the applicant shall pay the incremental water and waste water tap fees as set forth in the Code based on the new tap size, together with any connection fees.
 5. **HOA Compliance.** If applicable, it shall be the obligation of the property owner to obtain compliance with any homeowner association requirements for the ADU.



The Town will not independently verify such compliance.

6. **Design.** The design of any ADU shall comply with the Town's design criteria. The ADU shall be permanently affixed to an engineered foundation. All district zoning regulations applicable to the construction and placement of structures shall apply to ADUs.
7. **Size.** The interior floor area of an ADU shall not exceed 1,000 square feet nor shall it exceed the internal floor area of the Primary Dwelling Unit, unless the PD zoning regulations establish a different limitation, in which event the PD zoning regulations governing size shall apply.
8. **Deviation from stated conditions.** A request for deviation from the applicable regulations to install features that facilitate access and mobility for disabled persons shall be considered by the Planning Commission which will present their recommendation to the Town Council.
9. **Pets.** The restriction on the number of animals allowed under the Code shall be per lot, irrespective of the number of dwelling units located on the lot.
10. **Prohibited structures.** Temporary structures are prohibited as Accessory Dwelling Units.

Sec. 16-20-60. - Non-conforming accessory dwelling units.

A prior legal non-conforming ADU shall be governed by Article 4, Chapter 16 of the Larkspur Municipal Code.

Sec. 16-20-70. - Violations and penalties.

- A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than \$2,650.00.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.
- C. In addition to receiving any fines or other monetary remuneration, the Town shall have the right to seek injunctive relief for any and all violations of this Chapter and all other remedies provided at law or in equity.

Section 3. Section 16-7-120 of the Larkspur Municipal Code is hereby amended with the removal of the ~~strikethrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:



Sec. 16-7-120. Uses permitted by right.

The following uses are permitted by right in the A - Agricultural District:

- (1) Single-family residences.
- (2) Churches and church facilities.
- (3) Agricultural uses, including plant and tree nurseries, the raising of field, row and tree crops, the growing of fish and the grazing of livestock and horses, but not including the following: fur-bearing animals raised for pelts, hog ranches, commercial feed lots, agricultural processing industries, commercial poultry farms or farms for the disposal of garbage or other waste.
- (4) Stables, riding academies, horse training and breeding.
- (5) Animal hospital, kennels and pet animal boarding or raising.
- (6) Home occupations.
- (7) Accessory uses and buildings.
- (8) Park, playground or other public recreation areas or facilities.

(9) Accessory Dwelling Units.

(910) Other uses determined by the Town Council to be similar in character and impact to those uses specifically listed under the A - Agricultural District when consideration is given to:

- a. Traffic and parking needs associated with the use;
- b. Vibrations generated;
- c. Volume or sound generated;
- d. Emissions of heat, glare, radiation and fumes;
- e. Smoke or air and water pollution;
- f. Outdoor storage; and
- g. Waste disposal.

Section 4. Section 16-7-190 of the Larkspur Municipal Code is hereby amended with the removal of the ~~strikethrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

Sec. 16-7-190. Uses permitted by right.

The following uses are permitted by right in the E - Estate District:

- (1) Single-family residences.
- (2) Churches and church facilities.
- (3) Home occupations.
- (4) Accessory uses and buildings.
- (5) Accessory Dwelling Units.**

Section 5. Section 16-7-260 of the Larkspur Municipal Code is hereby amended with the removal of the
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~~strikethrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

Sec. 16-7-260. Uses permitted by right.

The following uses are permitted by right in the R-1 - Low Density Residential District:

- (1) Single-family residences.
- (2) Churches and church facilities.
- (3) Home occupations.
- (4) Accessory buildings and uses.
- (5) **Accessory Dwelling Units.**

Section 6. Section 16-7-470 of the Larkspur Municipal Code is hereby amended with the removal of the ~~strikethrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

Sec. 16-7-470. Uses permitted by right.

The following uses are permitted by right in the B - Business District:

- (1) Antique shops.
- (2) Bakery stores.
- (3) Banks (not including drive-in).
- (4) Barbershops and beauty shops.
- (5) Bicycle shops.
- (6) Book stores.
- (7) Camera and photo supply stores.
- (8) Churches. Limitation: All church buildings and church facilities shall be located not less than 20 feet from the abutting lot line and 25 feet from the street line.
- (9) Cleaning shops, involving perchlorethylene package methods only or collection and distribution only.
- (10) Clothing stores.
- (11) Clubs or lodges, private and operated for the benefit of the members and not for gain.
- (12) Reserved.
- (13) Dairy products stores.
- (14) Drugstores.
- (15) Dry goods stores.
- (16) Egg and poultry stores.
- (17) Floral shops.
- (18) Reserved.
- (19) Fruit stores.
- (20) Furniture stores.



- (21) Garden supply stores.
- (22) Gift, novelty or souvenir stores.
- (23) Grocery stores.
- (24) Hardware stores.
- (25) Hearing-aid stores.
- (26) Hobby supply stores.
- (27) Reserved.
- (28) Reserved.
- (29) Jewelry stores.
- (30) Laboratories, dental, medical and/or optical.
- (31) Laundries, package only for collection and distribution only.
- (32) Library or reading rooms.
- (33) Reserved.
- (34) Locksmiths.
- (35) Meat, fish and seafood stores.
- (36) Medical service centers, clinics or medical office buildings, including accessory uses such as laboratories, X-ray facilities, pharmacies limited to the compounding and dispersing of drugs and medicines. All such accessory uses shall be within the principal structure and shall have no external effects or evidence except for permitted signs.
- (37) Reserved.
- (38) Museums.
- (39) Music and phonograph record stores.
- (40) Newsstands.
- (41) Notions stores.
- (42) Offices.
- (43) Opticians.
- (44) Paint and wallpaper stores.
- (45) Pet stores.
- (46) Post offices.
- (47) Restaurants (not including drive-in type).
- (48) Savings and loan associations.
- (49) Shoe repair stores.
- (50) Shoe stores.
- (51) Single-family residences **with or without ADUs as set forth in Section 16-20-30.**
- (52) Sporting goods stores.



- (53) Stationery stores.
- (54) Studios for professional work or teaching.
- (55) Tobacco stores.
- (56) Tourist homes.
- (57) Toy stores.
- (58) Variety stores selling only items which may be sold by any other primary permitted use in the District.
- (59) Vegetable stores.
- (60) Veterinary clinics and hospitals, provided that all animals are confined in an enclosed building which is part of the principal structure.
- (61) Accessory uses and buildings.
- (62) Other uses determined by the Town Council to be similar in character and impact to those uses specifically listed under the B - Business District when consideration is given to:
 - a. Traffic and parking needs associated with the use;
 - b. Vibrations generated;
 - c. Volume of sound generated;
 - d. Emissions of heat, glare, radiation and fumes;
 - e. Smoke, air and water pollution;
 - f. Outdoor storage; and
 - g. Waste disposal.

Section 7. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

Section 9. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that 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 hereby repealed prior to the taking effect of this ordinance.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR ON THIS _____ DAY OF _____, 2024.

Town of **LARKSPUR**
Colorado



Votes Approved: 7
Votes Opposed: 0
Absent: 0
Abstained: 0

ATTEST:

**TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO**

Todd Devoe
Town Clerk

Sherilyn West
Mayor