

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF BOULDER

I, Genny Kline, Interim City Clerk for Louisville, Colorado, do solemnly swear and affirm that on May 23, 2025, I published in full a true and correct copy of:

Ordinance No. 1892, Series 2025 – 2nd Reading

on the City of Louisville's website:

<https://www.louisvilleco.gov/local-government/public-notices>

Witness my hand and seal this 23rd day of May 2025.

G. Kline

Genny Kline
Interim City Clerk



Second Reading Amendments

Ordinance No. 1892, Series 2025 is revised to read as follows (second reading amendments are shown in **bold underline** and ~~**bold strikeout**~~):

ORDINANCE NO. 1892 SERIES 2025

AN ORDINANCE AMENDING TITLE 17 AND TITLE 3 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS IN THE CITY OF LOUISVILLE

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the State of Colorado House Bill 24-1152 requires the City of Louisville to allow accessory dwelling units on all single family residential lots by June 30, 2025 and comply with detailed supplemental standards related to accessory dwelling units;

WHEREAS, allowing accessory dwelling units is consistent with the Louisville Housing Plan goals to increase residential development opportunities in Louisville, expand and maintain access to affordable housing, and diversify Louisville’s housing stock;

WHEREAS, allowing accessory dwelling units is consistent with the Louisville Housing Plan Action Item 1.4 to remove barriers to and promote accessory dwelling units to help increase housing supply and diversity;

WHEREAS, after a duly noticed public hearing held February 13, 2025, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated February 13, 2025, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

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

Section 1. Chapter 17.08 of the Louisville Municipal Code (Definitions) is hereby amended by the addition of new Sections 17.08.011 to 17.08.013 to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 17.08.011. Accessory dwelling unit

Accessory dwelling unit means an internal, attached, or detached dwelling unit that is (i) subordinate in size and purpose to the principal single-family dwelling unit; (ii) provides complete independent living facilities for one or more individuals; (iii) is located on the same lot as a proposed or existing principal single-family dwelling unit; and (iv) includes facilities for living, sleeping, eating, cooking, and sanitation.

Sec. 17.08.012. Accessory dwelling unit, detached

Accessory dwelling unit, detached means an ~~An~~ accessory dwelling unit that is located within an accessory structure on the same lot as the principal single-family dwelling unit.

Sec. 17.08.013. – Accessory dwelling unit, attached

Accessory dwelling unit, attached means an ~~An~~ accessory dwelling unit that is a distinctly separate unit from the principal single-family dwelling unit but is physically attached to or is integrated within the same structure as the principal single-family dwelling unit, including a basement, addition, floor, or portion of a floor.

Section 2. Section 17.12.030 of the Louisville Municipal Code is hereby amended by the addition of a new line 42a to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 17.12.030 – Use groups.

Use Groups		Districts																	
		A	A-O	B-O	A-OT	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I	PCZD	MU-R	OS
									*	*	*								
4.	Single-family dwellings	Yes	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	No	No	No			
42a	Accessory dwelling unit	Yes	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	No	No	No			

Section 3. The table set forth in Section 17.12.040 of the Louisville Municipal Code is hereby amended by the addition of a footnote 12 to read as follows (words to be added are underlined):

Sec. 17.12.040 – Yard and bulk requirements.

		Zoning Districts and Requirements																	
	Yard and Bulk Item	A	A-O	B-O	R-RR	SF-R	SF-E	R-R	R-E	R-L	SF-LD	SF-MD	SF-HD	R-M	R-H	C-N	C-C	C-B	I
3.	Minimum lot area per dwelling unit (sq. ft.) ¹²	5 acres	—	1,750	20,000 ⁸	1 acre ⁸	1 acre	20,000	12,000	7,000	21,780	12,000	7,000	3,500	2,500	1,750	1,750	1,750	—
8.	Minimum rear yard setback for principal uses (ft.) ^{3, 12}	25	20	20	30	30	30	25	25	25	25	25	25	25	25	20	20	20	20
9.	Maximum height principal uses (ft.)	27	25	40	27	27	27	35	35	35	27	27	27	35	50				
	Accessory use (ft.)	45 ¹²	20	20	25	27	27	25	20	20	16	16	16	20	20	20	20	20	25

FOOTNOTES

12. See Sec. 17.16.035 for supplemental regulations applicable to accessory dwelling units.

Section 4. Louisville Municipal Code Chapter 17.16 – General Regulations, is hereby amended to include a new Section 17.16.035 to read as follows:

Sec. 17.16.035. – Accessory dwelling units.

Accessory dwelling units shall comply with the following regulations:

A. Maximum Number:

- 1.** A maximum of one accessory dwelling unit shall be permitted ~~per lot~~ as an accessory use ~~to~~ per principal single-family dwelling. Accessory dwelling units are allowed only on lots used or developed as single family dwelling units.
- 2.** For the purposes of this Sec. 17.16.035, a principal single-family dwelling shall include any detached dwelling unit, dwelling unit in a duplex building, or dwelling unit in a series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

B. Accessory Dwelling Unit Development Standards:

1. Detached accessory dwelling units shall comply with all applicable development standards for accessory structures and uses set forth in Sec. 17.12.040 – Yard and Bulk Requirements, Sec. 17.16.030 – Accessory Uses, **and** yard and bulk requirements for the Old Town overlay district, and yard and bulk requirements for Planned Unit Developments, General Development Plans, and other city approved plans except as provided herein.
2. Attached accessory dwelling units shall comply with all applicable development standards for principal uses set forth in Sec. 17.12.040 – Yard and Bulk Requirements, Sec. 17.16.030 – Accessory Uses, **and** yard and bulk requirements for the Old Town overlay district, and yard and bulk requirements for Planned Unit Developments, General Development Plans, and other city approved plans except as provided herein.
3. *Maximum Size:*
 - a. Accessory dwelling units shall not exceed **4975%** of the square footage of the principal single-family dwelling unit **or**

the maximum square footage in this subsection, whichever is less. However, accessory dwelling units between at least 500 square feet and 750 square feet in size shall be allowed in all cases, provided all other requirements in this Sec. 17.16.035 are met.

b. Detached accessory dwelling units shall not exceed 800 square feet in size.

c. Attached accessory dwelling units shall not exceed 1,000 square feet in size.

d. Attached accessory dwelling units located in basements that are partially or fully below grade shall not count towards the maximum size limitations in this subsection 3.

de. Garage areas shall not be included as part of the maximum size square footage calculation of an accessory dwelling unit.

4. *Maximum Height:* the maximum height of detached accessory dwelling units shall be 25 feet.

~~a. The maximum height of detached accessory dwelling units in the Agricultural zone district shall be 20 feet.~~

~~b. The maximum height of detached accessory dwelling units in the Old Town overlay district shall be 25 feet.~~

5. *Setbacks:* ~~the~~

a. The minimum rear setback for an attached accessory dwelling unit shall be ten feet.

b. Detached accessory dwelling units shall not be permitted in front of the primary single-family dwelling unit in the front yard setback except for in the Old Town overlay district as provided herein.

c. Detached accessory dwelling units that are in front of the primary single-family dwelling unit in the front yard setback in the Old Town overlay district shall only be permitted in existing buildings.

d. A covered porch attached to an accessory dwelling unit

may extend not more than six feet into the required front yard setback and the required side yard setback from a street in the Old Town overlay district.

6. *Minimum Lot Area per Dwelling Unit:* a lawful accessory dwelling unit shall be excluded when calculating the minimum lot area per dwelling unit requirement in Sec. 17.12.040 or a residential density standard in an applicable Planned Unit Development, General Development Plan, or other City approved plan.
- C. *Parking:* one off-street parking space shall be required for an accessory dwelling unit if on street parking is prohibited on the subject block and parking is not available on the subject lot.
- D. **Lot Coverage Requirements: the first 500 square feet of a lawful accessory dwelling unit shall not count towards the applicable maximum lot coverage and floor area ratio requirements in Sec. 17.12.040 – Yard and Bulk Requirements, Sec. 17.12.050 - Yard and bulk requirements; Old Town overlay district, and any maximum lot coverage or floor area ratio requirements for Planned Unit Developments, General Development Plans, and other city approved plans.**
- DE. *Incentives for Certain Accessory Dwelling Units:* **certain accessory dwelling units may be allowed one of the following size increases and other incentives, provided all other requirements in this Sec. 17.16.035 are met.**
 1. *Accessible Housing Incentives* – Accessory dwelling units that meet the definition of ~~a Type A Accessible~~ **an accessible** dwelling unit according to the City's adopted building codes may be up to 1,000 square feet in size for detached accessory dwelling units, **and** up to 1,200 square feet in size for attached accessory dwelling units, **and may exceed the minimum lot coverage requirements in Sec. 17.12.040 by 20 percent,** provided all other requirements in this Sec. 17.16.035 are met.
 2. *Affordable Housing Incentives* =

~~a. Accessory dwelling units shall not be considered a dwelling unit for the purposes of complying with the inclusionary housing requirements set forth in Chapter 17.76.~~

~~b.~~ Accessory dwelling units that are deed restricted as affordable housing in accordance with Chapter 17.76 may be up to 1,000 square feet in size for detached accessory dwelling units and up to 1,200 square feet in size for attached accessory dwelling units, provided all other requirements in this Sec. 17.16.035 are met.

3. *Historic Preservation Incentives* – an accessory dwelling unit, or portion thereof, that is a designated landmark in accordance with Chapter 15.36 – Historic Preservation may be up to 1,000 square feet in size for detached accessory dwelling units and up to 1,200 square feet in size for attached accessory dwelling units, provided all other requirements in this Sec. 17.16.035 are met.

EF. Accessory Dwelling Units in Planned Unit Developments, General Development Plans, or Other City Approved Plans

1. A maximum of one accessory dwelling unit shall be permitted per lot ~~as an accessory use to a~~ principal single-family dwelling in all Planned Unit Developments, General Development Plans, or other City approved plans.

~~2. No Planned Unit Development, General Development Plan, or other City approved plan may restrict the size of an accessory dwelling unit to less than 750 square feet.~~

32. Any required amendment to a Planned Unit Development or General Development Plan, to allow an accessory dwelling unit in accordance with this Sec. 17.16.035, is considered a minor change eligible for administrative approval under Sec. 17.28.210 – Amendments to final plan and Sec. 17.72.060 – Amendment.

F. *Existing or New Principal Unit on Lot.* A single-family dwelling unit must exist as a primary dwelling unit on the lot or be constructed simultaneously with the accessory dwelling unit. A certificate of occupancy or completion for an

accessory dwelling unit will only be issued after or coincident with issuance of the same for the primary single-family dwelling unit.

G. *Certificate of Exception*

1. Accessory dwelling units constructed prior to the effective date of this ordinance do not qualify as nonconforming uses pursuant to Chapter 17.36 of this Code because accessory dwelling units were not an allowed use in any zone district prior to the adoption of this ordinance.
2. On or before December 31, 2026, any person who has constructed an accessory dwelling unit in any zone district prior to the adoption of this ordinance may apply to the director for a Certificate of Exception, which shall allow such accessory dwelling use to continue, subject to the same requirements and limitations as a nonconforming use and any conditions of approval as may reasonably be imposed by the director. Following that date, and in the absence of City approval of an accessory dwelling unit under this section, unapproved or unpermitted accessory dwelling units shall be subject to enforcement as provided by law.
3. The director shall issue such Certificate of Exception upon a finding the applicant has demonstrated the accessory dwelling unit meets all the requirements of this Sec. 17.16.035. The director may also issue a Certificate of Exception for an accessory dwelling unit that does not fully comply with the requirements of this Sec. 17.16.035 if the director determines the issuance is not detrimental to the public good and will not impair the basic intent of this Section and subject to such conditions as may be imposed by the director.
4. A building permit shall be required for any construction or modification of the accessory dwelling unit to bring the structure into compliance with applicable building codes, to the extent practical, as determined by the director.
5. Regardless of size, accessory dwelling units with an approved Certificate of Exception shall be exempt from paying impact fees for such units pursuant to Sec. 3.18.040.B.

Section 5. Louisville Municipal Code Chapter 17.72 – Planned Community Zone District, is hereby amended as follows (words to be added are underlined):

Sec. 17.72.080. - Residential.

- A. *Generally.* It is the intention of this section to promote the development of balanced residential neighborhoods containing a variety of housing types and related recreational and community facilities.
- B. *Uses permitted.* The following uses may be permitted within any planning area designated for residential use by the adopted planned community general development plan:
1. Single-family detached dwellings;
 2. Single-family attached dwellings;
 3. Multiple-family dwellings;
 4. Churches and synagogues;
 5. Public and private schools;
 6. Municipal recreational areas;
 7. Public libraries;
 8. Golf courses and country clubs;
 9. Institutions for higher education;
 10. Clubs and lodges;
 11. Private, noncommercial, recreational facilities;
 12. Accessory structures and uses necessary and customarily incidental to the uses listed in this section, including accessory dwelling units;
 13. Governmental and public facilities;
 14. Family care home.

Section 6. Section 3.18.B.4 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined):

Sec. 3.18.040. - Development impact fees to be imposed

- B. *Exemptions.* The following types of development shall be exempted from payment of the impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit. Any claim for exemption not made at or before that time shall be waived. The city planning director or designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

4. Accessory structures. Construction of unoccupied accessory structures related to a residential unit and the first 500 square feet of an accessory dwelling unit as defined in Chapter 17.08 of this Code.

Section 7. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 8. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED
PUBLISHED** this 18th day of March, 2025.



Christopher M. Leh, Mayor

ATTEST:



Genny Kline, Interim City Clerk



APPROVED AS TO FORM:

Kelly PC

Kathleen Kelly, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 20th day of
May, 2025.



Christopher M. Leh, Mayor

ATTEST:



Genny Kline, Interim City Clerk



AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF BOULDER

I, Genny Kline, Interim City Clerk for Louisville, Colorado, do solemnly swear and affirm that on March 21, 2025, I published in full a true and correct copy of:

Ordinance No. 1892, Series 2025 – 1st Reading

on the City of Louisville's website:

<https://www.louisvilleco.gov/local-government/public-notice>

Witness my hand and seal this 21st day of March 2025.

G. Kline

Genny Kline
Interim City Clerk

