

**TOWN OF LYONS,
COLORADO**

ORDINANCE NO. 1047

**AN ORDINANCE OF THE TOWN OF
LYONS AMENDING SECTION 16-10-70 OF THE LYONS MUNICIPAL CODE
TO PROVIDE FOR TINY HOMES AS ACCESSORY DWELLING UNITS**

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town has the authority to create and publish ordinances; and

WHEREAS, the Colorado Revised Statutes and the Colorado Constitution, Chapter XX, Section 6 provide broad authority to local governments to plan for and regulate the use of land within their jurisdictions, as authorized in Article 20 of Title 29, *et seq.*, and Article 23 of Title 31, *et seq.*, C.R.S.; and

WHEREAS, by Resolution 2016-43 adopted April 18, 2016, the Lyons Board of Trustees adopted, for the multiple reasons stated therein, a policy encouraging the addition of more affordable housing units within the Town of Lyons; and

WHEREAS, the conditions resulting in a shortage of affordable housing units in Lyons as outlined in such resolution continue to exist, and

WHEREAS, since the flood of September 2013 reduced the number of affordable housing units in Lyons, the Lyons Board of Trustees has also adopted Section 16-10-70 of the Lyons Municipal Code ("Accessory Dwelling Units") for the stated purposes of providing a mix of housing responsive to changing demographics and family needs, encouraging a range of affordability in Town housing, providing a broader range of more affordable housing, and creating new housing compatible with the scale and look of single-family neighborhoods; and

WHEREAS the increasing availability and popularity of "tiny homes" has resulted in inquiries from Lyons citizens regarding whether tiny homes may be acceptable as accessory dwelling units ("ADUs") in Lyons, and

WHEREAS, at the request of the Board of Trustees, the Lyons Planning and Community Development Commission ("PCDC") undertook a study of the feasibility and desirability of allowing tiny homes as ADUs and received input from local citizens, Town staff and tiny home builders regarding such matters and conducted a public hearing regarding tiny homes as ADUs; and

WHEREAS, the Planning and Community Development Commission ("PCDC") held a public hearing at its regular meeting of November 26, 2018 to consider a proposed ordinance amending the Section 16-10-70 of the LMC to provide for tiny homes to as ADUs as more specifically described in **Exhibit A**, which is attached hereto and made a part hereof by this reference; and;

WHEREAS, the PCDC considered evidence and testimony concerning the proposed ordinance at said public hearing, voted to recommend the proposed ordinance to the Board of Trustees (“the Board”) for consideration; and

WHEREAS, the Board finds that the proposed amendments to the LMC are in the best interests of the public health, safety, and welfare of the residents of Lyons; and

WHEREAS, the Board of Trustees has determined that allowing tiny homes as ADUs in R-1 and A residential districts in Lyons, subject to the conditions and restrictions set forth in this ordinance, would be beneficial in addressing the affordable housing shortage in Lyons,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO THAT:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Amendments to Municipal Code. Section 16-10-70 of the Lyons Municipal Code ("LMC") is hereby amended as follows:

(1) The following shall be added as subsection (d):

(d) Tiny Homes As ADUs

(1) Definitions.

"ANSI Standards" is defined as the version of American National Standards Institute Park Model Recreational Vehicle Standard 119.5 in effect as of the date an application for approval of a Tiny Home as an ADU is filed with the Town Planner.

"NEC Standards" is defined as National Electrical Code Standards 551 and 552 in effect as of the date an application for approval of a Tiny Home as an ADU is filed with the Town Planner.

"NFPA Standards" is defined as the version of National Fire Protection Association Standard 1192 in effect as of the date an application for an ADU is filed with the Town Planner.

A "Tiny Home" means a dwelling unit built: (i) at a location other than the property on which it is proposed to be located, (ii) on a permanent chassis with wheels, (iii) with no attached motor as the means of propulsion, (iv) constructed by a manufacturer certified to comply with ANSI Standards, NFPA Standards and NEC Standards in its Tiny Home construction, (v) to be used as a dwelling unit, (vi) with the exterior appearance of a single-family dwelling unit, and (vii) otherwise complying with the provisions of this Section. Tiny Homes shall not include a small dwelling unit constructed on the site where it is proposed to be located. Such "stick-built" units constructed on-site shall be governed by the building standards and processes set forth in Chapter 18 of the LMC. Tiny Homes may not exceed (i) 400 square feet in size, exclusive of porches or decks, or (ii) 17 feet in height, from ground to roof peak.

(2) Tiny Homes Allowed as ADUs

Tiny Homes may be allowed as ADUs in any R-1 and A zoning districts in Lyons Town limits subject to conditional use approval in accordance with (15) below.

(3) Minimum Construction Standards

Tiny Homes shall be (i) certified in writing by their manufacturer as being constructed to ANSI Standards, NFPA Standards and NEC Standards, and (ii) constructed by a manufacturer certified as complying with ANSI Standards, NFPA Standards and NEC Standards by a certification agency accredited pursuant to American Society for Testing and Materials Appendix E541.

(4) Additional Standards

In addition to ANSI, NFPA and NEC Standards, Tiny Homes must have:

- Working smoke and carbon monoxide detectors;
- Working fire extinguisher [size or rating];
- In addition to the main entrance, a minimum egress/rescue opening of at least 20 inches (width) by 24 inches (height) must be accessible from sleeping areas; and
- A minimum of R-13 insulation levels in the floor, walls, and roof.

(5) Exterior Appearance Single Family in Character

Tiny Homes shall be finished on all sides with wood panel siding, vinyl siding, brick or stone veneer siding, stucco finish siding, other architecturally-finished veneer, or with other similar types of siding as approved by the Town Planner. Tiny Homes shall also have premanufactured insulated residential grade exterior doors, premanufactured insulated residential grade windows, and residential style/type roofing materials. Tiny Homes shall not have fiberglass or aluminum siding or aluminum roofing materials.

(6) Compatibility With Neighborhood

As part of the conditional use review process, the owner of the property on which a Tiny Home is proposed to be located shall provide evidence that the Tiny Home is compatible in style with nearby principal residences in the neighborhood and is not a traditional mobile home or recreational vehicle. Design features indicative of single-family residential style include the following:

- More than one type of exterior siding listed above in subsection (5) on a single side in an integrated manner;
- Exterior accessories, such as permanent shutters, fixed sunshade Devices or gutters/downspouts;
- Pitched roofing (3:12 pitch or steeper);
- Dormers;

- Premanufactured skylights;
- Built-in porch or deck;
- Exterior residential light sconces or downcans; or
- Other features as otherwise approved by the Town Planner

(7) Screening

Tiny Home wheels, running gear, and hitch components shall be screened from view with (i) skirting of the same exterior siding and materials as the Tiny Home, or (ii) other materials approved by the Town Planner.

(8) Utilities

Tiny Homes must be connected to Town water, wastewater and electric systems. They may also be connected to gas lines but may not have external propane or other combustible fuel tanks. A permit from the Town is required for all Town utility connections. Such connections must meet the requirements of the utility provider and, as to Town utilities, must be certified as compliant with Town standards by the Town Building Official. A reasonable fee may be set by the Board of Trustees for such certification. For purposes of determining applicable fees, Tiny Homes shall be considered as detached ADUs governed by Sections 13-3-90 and 13-4-80 of the LMC.

(9) Anchoring; Tie-Downs

A Tiny Home must be tied down in a safe and secure manner sufficient to withstand wind gusts of up to 120 miles per hour. A certificate of compliance with such standard must be obtained from a structural engineer licensed in the State of Colorado and such certificate must be provided to the Town Planner and Town Engineer prior to the Tiny Home being occupied or Town utilities being provided to the Tiny Home.

(10) Interior Storage of Water Prohibited

No interior water storage tank, other than a hot water heater or toilet, shall be allowed within a Tiny Home.

(11) Interior Storage of Wastewater Prohibited

No interior storage of wastewater shall be allowed within a Tiny Home.

(12) Separation from Other Structures

Tiny Homes used as ADUs must be separated from other structures on the property by at least ten (10) feet.

(13) Setbacks, Floodway, Floodplain

In no event may any Tiny Home used as an ADU be located within fifty (50) feet of the bank of a river or creek, measured as of normal flow on June 1 of each year. No Tiny Home used as an ADU may be located in a floodway. Any Tiny Home proposed to be used as an ADU in a floodplain must comply with all Town and Federal Emergency Management Agency requirements for structures located within a floodplain.

(14) Occupancy Limit

No more than four (4) persons may occupy a Tiny Home utilized as an ADU.

(15) Applications; Site Plan Review

A Tiny Home site plan shall be submitted along with an application to approve a Tiny Home as an ADU. Such plan and application shall be filed with the Town Planner, who shall prepare the form of application. A reasonable fee or fees may be set by the BOT for filing and review of such applications and plans. Tiny Home residential site plans shall, at a minimum, include the following:

- Proposed location on a lot, including setback distance from lot boundaries;
- Proof of method of complying with minimum construction standards set forth in paragraph (d)(3) above
- Elevation drawings of the Tiny Home to indicate the method of screening /skirting;
- Identification of type of siding and roofing materials;
- Floorplan of the Tiny Home;
- Proof of utility connections (availability and location);
- Landscaping plan;
- Identification of engineers to provide compliance certificates pursuant to paragraph (d)(9) above;
- Additional documentation as required by the Town Planner that may be necessary, in his or her opinion, to approve the site plan.

(16) Conditional Use Review

An application to use a Tiny Home as an ADU shall be subject to and governed by the Conditional Use Review Process in Section 16, Article 7 of the LMC.

(17) No Short-Term Rental

There shall be no short-term lodgers within Tiny Homes to be used as ADUs pursuant to Section 16-10-70 and shall not be eligible for short term rental permits or bed and breakfast licensing.

(18) Limitation in Number

No more than ten (10) Tiny Homes may be used as ADUs within Lyons town limits. Upon approval of the tenth such Tiny Home, the Board of Trustees may review the effects of Tiny

Homes on Lyons' affordable housing inventory and may, in its discretion, increase the total allowable number of tiny homes.

(19) Expiration Date, Amendment, Repeal

This subsection (d) of LMC Section 16-10-70 shall expire on the 5th (fifth) anniversary of its adoption by the Board of Trustees unless the BOT extends the effective date thereof. No application for a Tiny Home as an ADU shall be considered or approved unless filed with the Town Planner prior to such expiration date. The BOT may amend or repeal this subsection (d) at any time.

(20) Removal of Tiny Homes

At least thirty (30) days prior to moving a Tiny Home off its approved site, the property owner shall notify the Town Planner in writing that the Tiny Home is to be moved and shall identify how utility connections will be secured or removed. Utility connections shall be inspected upon disconnection and shall be secured by the property owner to the satisfaction of the Town Building Official.

Section 3. Subsequent Sections Redesignated. Existing subsections (d), (e) and (f) of this Section 16-10-70 shall be re-designated as subsections (e), (f) and (g) respectively.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, 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, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provisions 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.

Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the LMC.

INTRODUCED AND PASSED ON FIRST READING THIS ___ DAY OF _____, 2019.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ___ DAY OF _____, 2019.

TOWN OF LYONS, COLORADO

Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, Town Clerk