

TOWN OF LYONS, COLORADO
ORDINANCE NO. 1005

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 13 OF THE LYONS MUNICIPAL CODE
REGULATING CONNECTIONS TO TOWN UTILITIES FOR
ACCESSORY DWELLING UNITS**

WHEREAS, the Town of Lyons, Colorado ("Town"), is authorized pursuant to Article 35 of Title 31, C.R.S., to enact general regulations concerning utility services; and

WHEREAS, the Lyons Comprehensive Plan establishes a goal of recognizing and accommodating the housing needs of a diverse population; and

WHEREAS, Housing Objective 1.3 of the Lyons Recovery Action Plan describes the importance of replacing the affordable housing lost to the September 2013 flood; and

WHEREAS, the Town's Board of Trustees desires to provide for a mix of housing options, including a range of affordable housing, particularly in the aftermath of the devastating flood of September 2013, but also in response to the aging of the population and changing family needs; and

WHEREAS, pursuant to Resolution 2016-43, the Board of Trustees authorized Town staff to examine opportunities and propose lawful means for adopting and implementing affordable housing measures; and

WHEREAS, pursuant to Section 2-8-200 of the Lyons Municipal Code ("LMC"), the Utilities and Engineering Board ("UEB") is charged with making recommendations to the Board of Trustees regarding utility rates, capital projects or other matters related to the Town enterprise funds and utilities; and

WHEREAS, in furtherance of the goals, strategies, and directives stated above, Town staff and the UEB have studied what additional strategies may be employed to encourage the creation and use of Accessory Dwelling Units ("ADUs"); and

WHEREAS, as a result of this evaluation, staff determined that the costs associated with Town's water and wastewater connection fees present an obstacle to the establishment of ADUs; and

WHEREAS, the UEB has evaluated options for eliminating that obstacle via changes to the water and wastewater connection fees established in Chapter 13 of the LMC and has recommended to the Board of Trustees an ordinance to implement those changes; and

WHEREAS, such changes will eliminate the requirement that a property owner pay separate water and wastewater connection fees for ADUs prior to connecting that ADU to the Town's water and wastewater systems; and

WHEREAS, as required by law, the Board of Trustees conducted a duly noticed public hearing, considered the evidence presented, and approved this Ordinance; and

WHEREAS, the Town Clerk possesses the publisher's affidavits of publication concerning the notice of public hearing before the Board of Trustees on this Ordinance; and

WHEREAS, the Board of Trustees finds that the amendments to Chapter 13 of the Lyons Municipal Code as set forth in this Ordinance further the public health, safety, convenience and general welfare of the community, generally conform with the Town's Comprehensive Plan, and are in the best interests of the Town; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law and the LMC by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the proposal. Approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Town Board, supports, approves, rejects, or denies the proposed Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO:

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

Section 2. New Definition of Accessory Dwelling Unit. Section 13-1-10 of the Lyons Municipal Code is hereby amended by adding the following definition:

Dwelling Unit, Accessory (ADU) means a second, subordinate unit co-located on the same lot as a principal residence in a single-family residential zone district. An accessory dwelling unit is no larger than eight hundred (800) square feet and may be either added to, co-located with as a detached unit, or created within a principal single-family detached dwelling. ADUs are created for the purpose of accommodating a second family that lives separately from the family residing in the principal single-family detached dwelling. An ADU is occupied by a second family that enjoys spatially segregated living space that provides for cooking, sanitation and sleeping that is separate from and accessory to and subordinate to the principal single-family detached dwelling. In this definition, "family" refers to that term as it is defined in Section 16-1-160 of this Code.

Section 3. New Definition of Principal Dwelling Unit. Section 13-1-10 of the Lyons Municipal Code is hereby amended by adding the following definition:

Principal dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, either detached or attached to a one-family, two-family or multi-family dwelling or mixed-use building. An accessory dwelling unit as defined here in is not a principal dwelling unit.

Section 4. Section 13-2-110(b) Repealed and Replaced. Section 13-2-110(b) of the Lyons Municipal Code is hereby repealed and replaced in its entirety to read as follows:

(b) For purposes of this Section only, *new construction* shall mean the erection,

construction, fabrication or relocation of a residential or nonresidential building within the Town. *New construction* shall not include:

- (1) The alteration, modification, rehabilitation or expansion of an existing building that does not increase the number of principal dwelling units or increase the gross floor area of the building by more than seventy-five percent (75%);
- (2) Replacement of an existing building with a new building, provided that the new building does not increase the number of dwelling units; or
- (3) An accessory building or structure as defined by Chapter 16 of this Code. Creation of an Accessory Dwelling Unit as defined by this Code shall not constitute an increase in the number of dwelling units for purposes of this Section. Accessory dwelling units must be connected to the water, wastewater and electric utilities of the principal dwelling unit and may not have separate services, unless the Town Administrator determines such to be infeasible.

Section 5. Section 13-3-90(b)(3) Repealed and Replaced. Section 13-3-90(b)(3) of the Lyons Municipal Code is hereby repealed and replaced in its entirety to read as follows:

(3) Where a building served by a single tap includes more than one (1) principal residential dwelling unit, the connection or tap fee provided by this Subsection shall be increased by an additional eleven thousand five hundred dollars (\$11,500.00) for each additional principal dwelling unit. Creation of an Accessory Dwelling Unit as defined by this Code shall not constitute an increase in the number of dwelling units for purposes of this Section. Accessory dwelling units must be connected to the water, wastewater and electric utilities of the principal dwelling unit and may not have separate services, unless the Town Administrator determines such to be infeasible.

Section 6. Table in Section 13-4-80(c) Amended. The table in Section 13-4-80(c) is hereby amended to read as follows:

Connection	Fee
All connections other than multiple-principal dwelling units:	\$8,500.00
Connections for multiple-principal dwelling units:	
First unit	8,500.00
Each additional unit	6,375.00
Accessory dwelling unit:	Does not apply*

* Accessory dwelling units must be connected to the water, wastewater and electric utilities of the principal dwelling unit and may not have separate services, unless the Town Administrator determines such to be infeasible.

Section 7. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 8. 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, the intention being that the various sections and provisions are severable.

Section 9. 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 Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 21st DAY OF NOVEMBER, 2016.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 5TH DAY OF NOVEMBER, 2016.

TOWN OF LYONS, COLORADO

Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, Town Clerk