

LYONS, COLORADO

ORDINANCE 1170

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SEC. 16-3-150 (D)(1), SEC. 16-1-160, AND SEC. 2-8-120 OF THE LYONS MUNICIPAL CODE TO CREATE A MINIMUM LOT AREA VARIANCE PROCESS TO ALLOW FOR THE SUBDIVISION OF LOTS RECORDED ON MARCH 20, 1929

WHEREAS, pursuant to C.R.S. Section 13-15-103 the Town of Lyons (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, the Town is authorized by C.R.S. § 31-23-301 to regulate zoning and land use within the Town’s boundaries, and the Town has adopted a comprehensive zoning scheme; and

WHEREAS, the Town supports the subdivision of larger lots recorded on March 20, 1929, as these lots are generally twice the size of neighboring parcels; and

WHEREAS, the Town recognizes that resulting subdivisions will allow for urban infill, which will help address housing needs; and

WHEREAS, the Town seeks to create a Minimum Lot Area Variance process to allow for the individual review of each subdivision request; and

WHEREAS, Section 16-15-10 of the Lyons Municipal Code (“LMC”) authorizes the Town to initiate text amendments to Chapter 16 of the LMC titled *Lyons Zoning Regulations*; and

WHEREAS, the text of Chapter 16 of the LMC shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which, among other criteria, permits an amendment “to accommodate innovations in land use and development practices that were not contemplated at [the time of the adoption of the *Lyons Zoning Regulations*]” and “to further the implementation of the goals and objectives of the Comprehensive Plan” among other reasons; and

WHEREAS, the Town desires to enact a text amendment to the Town’s zoning code pursuant to LMC Section 16-15-50; and

WHEREAS, the PCDC recommended the proposed ordinance to the Board of Trustees (“the Board”) for consideration pursuant to Resolution 2024-09-PCDC, attached hereto as **Exhibit A** and incorporated by reference; 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 further the intent of the Comprehensive Plan; and

WHEREAS, The Board has conducted a public hearing to consider evidence and testimony, thus providing adequate opportunity for interested residents, businesses, and visitors to be heard; and

WHEREAS, the Board desires to enact an ordinance amending Sec. 16-3-150 (d)(1), Sec. 16-1-160, and Sec. 2-8-120 of the Lyons Municipal Code to create a Minimum Lot Area Variance process to allow for the subdivision of lots recorded on March 20, 1929.

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

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Section 2-8-120 is hereby amended as follows (changes underlined and in blue):

Sec. 2-8-120. - Board of Adjustments.

- a) Board established. There is hereby established a Board of Adjustments that shall act as an advisory committee to the Board of Trustees and exercise the powers granted by Section 31-23-307, C.R.S., and this Code. The Board of Adjustments shall be comprised of seven (7) members. All members must live within the Town limits for a minimum of one (1) year.
- b) Responsibilities. The Board of Adjustments shall:
 - (1) Hear and decide appeals from any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Code.
 - (2) Hear and decide all requests for a variance from the bulk requirements of this Code.
 - (3) Hear and decide all requests for Minimum Lot Area Variance from the minimum lot area requirement of Sec. 16-3-150(d)(1).
 - (4) Recommend the granting or denying of variances to the Board of Trustees.
 - (5) Conduct an administrative review of the decisions of the Town Inspection Division, including, but not limited to, all matters relating to building construction.

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Section 3. Section 16-1-160 is hereby amended as follows (changes underlined and in blue):

Sec. 16-1-160. - Definitions.

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Minimum Lot Area Variance means a reduction or other dispensation concerning the Minimum Lot Area requirement of Sec. 16-3-150(d)(1).

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Section 4. Section 16-3-150 is hereby amended as follows (changes underlined and in blue):

Sec. 16-3-150. - R-1 Low Density Residential District.

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d) Development Standards. Development standards in the R-1 District shall be as follows:

(1) Minimum lot area: Seven thousand (7,000) square feet.

- a. If a legally described standard lot of the Town of Lyons platted blocks, as recorded on March 20, 1929, is less than seven thousand (7,000) square feet, such lot shall be considered sufficient for the minimum lot area development standard.

(2) Variance from Sec. 16-3-150(d)(1).

- a. The Board of Adjustments may approve a variance from the Minimum Lot Area required by Sec. 16-3-150(d)(1). In order to grant a variance from this Section, the Board of Adjustments shall find that all the following have been satisfied:
 - i. The lot to be subdivided is a legally described standard lot or double lot of the Town of Lyons platted blocks, as recorded on March 20, 1929; and
 - ii. No such lot shall be subdivided more than once; and
 - iii. No such lot shall be subdivided into more than two (2) lots; and
 - iv. No resulting lot of a subdivision of a lot recorded on March 20, 1929, shall be less than six thousand (6,000) square feet.
- b. The Board of Adjustments should also consider the following:
 - i. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood; and
 - ii. That the variance, if granted, will not change the character of the zoning district in which the property is located; and
 - iii. That the variance, if granted, is in keeping with the intent of this Code; and
 - iv. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the Town.

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Section 5. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor the substantive content is altered.

Section 6 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 7. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed to the extent that such conflict or inconsistency exists. 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 provision. 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 this ordinance taking effect.

Section 8. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

Section 9. Effective Date. This Ordinance shall become effective thirty (30) days after publication following the final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS ____ DAY OF _____ 2024.

**INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON
SECOND READING THIS ____ DAY OF _____ 2024.**

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk