

Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: VI. 4
Meeting Date: September 3, 2024

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Andrew Bowen, Senior Planner

DATE: 08/29/2024

ITEM: 2nd reading of Ordinance 1170 – an Ordinance of the Town of Lyons, Colorado, Amending Sec. 16-3-150 (D)(1), and Sec. 2-8-120 Of the Lyons Municipal Code to Create a Minimum Area Variance Process to Allow for the Subdivision of Lots Recorded on March 20, 1929

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Staff is requesting that the BOT consider a Text Amendment to Sections 16-1-160. – Definitions, 2-8-120. - Board of Adjustments, and 16-3-150. - R-1 Low-Density Residential District of The Lyons Municipal Code to allow the subdivision of lots recorded on March 20, 1929.
- II. **PROJECT HISTORY:** The subject of allowing the subdivision of said lots (lots recorded on March 20, 1929) has been brought up before. Ordinance 1137 sought to allow this, as shown by the following minutes snippets. Unfortunately, the code amendment (below) was not written to address this need.

(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 as sufficient for the minimum lot area development standard.*

5. 1st Reading – Ordinance 1137 – An Ordinance Of The Town Of Lyons, Colorado, Amending Section 16-3-150 Of The Lyons Municipal Code To Allow One Standard Town Of Lyons Lot, As Recorded On The Plat Of March 20, 1929, To Be Considered As Meeting The Minimum Lot Area Development Standards In The Low-Density Residential Zoning District (R-1) – Planner Kimmell presented potential development requested splitting existing old, platted lot into two. Affects zoning code with densification, affordable housing; any lots platted in 1929 in R1 Zone can now subdivide affects maybe 10 parcels. Discussion on variances; minimum lot requirements. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Williams **Motion passes unanimously with MPT Farrell recusing herself.**

5. Public Hearing – 2nd Reading – Ordinance 1137 – An Ordinance Of The Town Of Lyons, Colorado, Amending Section 16-3-150 Of The Lyons Municipal Code To Allow One Standard Town Of Lyons Lot, As Recorded On The Plat Of March 20, 1929, To Be Considered As Meeting The Minimum Lot Area Development Standards In The Low-Density Residential Zoning District (R-1) – Planner Kimmell presented; deficiencies on lots in the older parts of town in R1 zone. Discussion on splitting lots, water share dedication, mandating which direction lot should be split, variances on setbacks, and rezoning. Criteria for granting setback variances; is a use issue, hardship **Public Hearing opened at 8:20 pm no speakers Public Hearing closed at 8:20 pm Motion:** move to approve **Moved by:** Trustee Oetting **Seconded by:** Trustee Elson Trustee Oetting discussed high costs of water, building. I would appreciate discussing ADU's with these property owners. Can we discuss IGA with Longmont for accepting Lake Mac shares for infill lots? **Motion passes unanimously**

On July 15th, staff proposed Ordinance 1164, which sought to address the issue noted above. However, the BOT decided not to move forward with the amendment as written, as a less broad and more publicly inclusive process was desired.

This amendment creates a process which requires applicants to go through both a variance process and a minor subdivision process, thus two public feedback loops and hearings will be required for each lot to be subdivided and developed.

III. RELATIONSHIP WITH OTHER PLANS: As noted above, this request seeks to amend a section of code that has previously been amended. This action would create additional housing opportunities in the heart of Lyons and meet the goal of infill and redevelopment and possible housing affordability as created by Accessory Dwelling Units.

Lyons Thrive states the following about infill and redevelopment:

Central Neighborhoods:

Characteristics Represent traditional development patterns in Lyons. Predominantly composed of smaller, detached single-family homes, some of which are contributing structures in the Town's historic district. While these neighborhoods are largely built out, opportunities for infill development and redevelopment could expand the mix of housing options and densities in the future

Infill development. While the Central Neighborhoods are largely built out, some vacant lots remain. Where larger sites exist, infill projects should be encouraged to provide variety of housing types and/or unit sizes. The scale, design, and intensity of infill development this area should respect the traditional character of Lyons Central neighborhoods and the modest scale of existing

homes.

ED-2d: Assess Lyons' municipal code to understand barriers to adaptive reuse, infill, and redevelopment projects. (Lead: Staff & PCDC, Partners: EVC)

Lyons is recognized and valued for its historic small-town character, scenic views, sensitive natural areas, and easy access to parks, open space, and trails. The desirability of these assets and projected regional growth will continue to draw new residents to the area. However, growth opportunities in Lyons are limited. A mix of "greenfield" development and targeted infill/redevelopment will be required to protect the things that make Lyons special and ensure that growth accomplishes community goals. Future growth parameters are discussed in Chapter 3.

Policy NE-2.1: Sustainable development practices Encourage the integration of sustainable development practices—energy and water conservation, use/generation of renewable energy, stormwater capture and filtration, and others—as part of new development and infill/redevelopment to the extent practicable (i.e., balance the goals of environmental and economic sustainability with community character and property owners' rights).

Policy LU-1.2: Infill and redevelopment Encourage targeted infill and redevelopment to maximize the use of existing infrastructure, increase density where appropriate, improve access to services and amenities, and maintain a compact development footprint. Ensure infill and redevelopment is consistent with area-specific policy guidance provided in Chapter 3, and applicable design and development standards.

Policy LU-2.3: Housing Support the incremental diversification of housing options available in Lyons through targeted infill and redevelopment in existing areas of the community or through future annexation. (See Goals HN-1, HN-2, and HN-3 for additional guidance on housing and neighborhoods.

Policy HN-1.1: Housing options Support the incremental diversification of housing options available in Lyons through targeted infill and redevelopment or future annexation. Encourage a mix of housing types, tailored to different areas of the community, including but not limited to small homes, accessory dwelling units, townhomes, live/work units, and apartments or condominiums.

Goal LU-1: Promote the efficient use of buildable land and infrastructure

LU-1c: Develop a map of opportunity areas for infill development and redevelopment.

LU-3a: Establish and adopt infill design standards for Lyons Central Neighborhoods (Lead: Staff, Partners: PCDC)

Development capacity. Limited vacant land remains within the Town's boundary for future development. However, opportunities for targeted infill and redevelopment do offer a potential means of accommodating additional residential and non-residential development on parcels that are currently underutilized. To support expanded housing options in established areas of the community, the Town has adopted ordinances to encourage the construction of Accessory Dwelling Units (ADUs) on existing residential lots and the expansion of existing, non-conforming residences in certain areas. Additionally, the Town's Urban Renewal Plan and Authority functions as a tool to attract private investment, utilize underdeveloped land, and leverage public investment needed to expand infrastructure to blighted areas within the municipal boundary.

Note: A separate document has been provided to show all mentions of ADUs within Lyons Thrive.

IV. RECOMMENDED ACTION / NEXT STEPS: Staff recommends that the BOT schedule a public hearing and 2nd reading for this amendment to solicit public comment on the proposed amendments.

V. FISCAL IMPACTS: The subdivision of these lots could create up to twelve new residential lots in the core parts of town (please see the spreadsheet attached). The property owners would be required to pay all appropriate utility fees. The Town's infrastructure could handle the additional impacts of this number of housing units.

VI. LEGAL ISSUES: The town attorney has reviewed the issue and drafted the ordinance.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES: Concern has been raised that this amendment could alter the character of the affected neighborhoods and the expectations of neighboring property owners.

Another concern raised is neighbor notification. Like all text amendments, this change requires a first and second reading with a public hearing held by the BOT. This means that direct neighbor notices and referrals are not required. Staff will make arrangements if the BOT desires further community input to be solicited.

If any property owner seeks to take advantage of this new language, all LMC Article 3—Minor Subdivision standards will be required for each proposed subdivision. This includes a public hearing before the PCDC, which requires neighbor notification.

Lastly, a concern has been raised that by allowing the subdivision of these lots, the Town will limit the development of ADUs on large lots. However, the staff sees these lots as a way to provide more opportunities for ADU development, as two lots could result in two primary residential units and two ADUs. This concept is supported by several sections of Lyons Thrive (please see pages 2-3).

VIII. SUMMARY AND ALTERNATIVES: The BOT could decide not to proceed with the requested code amendment.

PROPOSED MOTION: “I move to approve Ordinance 1170 (an Ordinance of the Town of Lyons, Colorado, Amending Sec. 16-3-150 (D)(1), and Sec. 2-8-120 Of the Lyons Municipal Code to Create a Minimum Area Variance Process to Allow for the Subdivision of Lots Recorded on March 20, 1929) on second reading.”