

TOWN OF LYONS, COLORADO

ORDINANCE 1174

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING CHAPTER 16 OF THE LYONS MUNICIPAL CODE TO ALLOW FOR THE DEVELOPMENT OF ELECTRIC VEHICLE CHARGE STATIONS

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, 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 seeks to promote the incorporation and development of Electric Vehicle (EV) Charge Stations within the Town; and

WHEREAS, the PCDC recommended the proposed ordinance to the Board of Trustees (“the Board”) for consideration Pursuant to Resolution 2024-14-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 Chapter 16 of the LMC to allow for the development of EV charge stations in all zone districts.

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 16 -160 of the LMC is hereby amended as follows (additions in

blue and underlined):

Sec. 16-1-160. - Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

...

Easement means a right to use or control the property of another for a designated purpose, such as access, conservation, drainage, or utility, generally established by deed or dedication on a recorded plat.

Electric Vehicle (EV) Charge Station means a device/facility that provides electricity to charge the batteries of EVs and plug-in hybrid vehicles. This definition includes devices/facilities that require solar hoods and battery banks. This definition does not include single-user/private charge stations associated with a private residence.

Entertainment facilities means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

...

Section 3. Section 16-3-110(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-110(c) Conditional Uses. Permitted conditional uses in the A-1 District shall be as follows:

- (1) Assisted living facility.
- (2) Bed and breakfast with seven (7) or more guest rooms.
- (3) Place of worship.
- (4) Day care center.
- (5) Group care home.
- (6) Nursing facility or constant care facility.
- (7) Private school.
- (8) Public or private campground for the temporary parking of travel trailers, campers, and similar traveling units.
- (9) Recreational facility.
- (10) Telecommunications facility.
- (10) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 4. Section 16-3-120(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-120(c) Conditional Uses. Permitted conditional uses in the A-2 District shall be as follows:

- (1) Assisted living facility.
- (2) Place of worship.
- (3) Day care center.
- (4) Group care home.

- (5) Nursing facility or constant care facility.
- (6) Private school.
- (7) Public and private campgrounds for the temporary parking of travel trailers, campers and similar traveling units.
- (8) Recreational facility.
- (9) Telecommunications facility.
- [\(10\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 5. Section 16-3-130(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-130(c) Conditional Uses. Permitted conditional uses in the E District shall be as follows:

- (1) Assisted living facility.
- (2) Bed and breakfast.
- (3) Place of worship.
- (4) Day care center.
- (5) Group care home.
- (6) Nursing facility or constant care facility.
- (7) Private school.
- (8) Recreational facility.
- (9) Telecommunications facility.
- [\(10\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 6. Section 16-3-140(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-140(c) Conditional Uses. Permitted conditional uses in the EC District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.
- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Group care home.
- (7) Nursing facility or constant care facility.
- (8) Private school.
- (9) Recreational facility.
- (10) Telecommunications facility.
- [\(11\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 7. Section 16-3-150(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-150(c) Conditional Uses. Permitted conditional uses in the R-1 District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.

- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Group care home.
- (7) Nursing facility or constant care facility.
- (8) Private school.
- (9) Recreational facility.
- [\(10\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 8. Section 16-3-160(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-160(c) Conditional Uses. Permitted conditional uses in the R-2 District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.
- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Detached second dwelling unit in excess of one thousand two hundred (1,200) square feet in size.
- (7) Group care home.
- (8) Nursing facility or constant care facility.
- (9) Private school.
- (10) Recreational facility.
- [\(11\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 9. Section 16-3-170(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-170(c) Conditional Uses. Permitted conditional uses in the R-2A District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.
- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Detached second dwelling unit in excess of nine hundred (900) square feet in size.
- (7) Group care home.
- (8) Nursing facility or constant care facility.
- (9) Private school.
- (10) Recreational facility.
- [\(11\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 10. Section 16-3-180(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-180(c) Conditional Uses. Permitted conditional uses in the R-3 District shall be as follows:

- (1) Assisted living facility.
- (2) Bed and breakfast.
- (3) Boarding house.
- (4) Place of worship.
- (5) Day care center.
- (6) Group care home.
- (7) Manufactured home park.
- (8) Multiple family attached dwelling units in excess of four (4) units.
- (9) Nursing facility or constant care facility.
- (10) Private school.
- [\(11\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 11. Section 16-3-190(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-190(c) Conditional Uses. Permitted conditional uses in the B District shall be as follows:

- (1) Use with a drive-up window.
- (2) Telecommunications facility.
- [\(3\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 12. Section 16-3-200(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-200(c) Conditional Uses. Permitted conditional uses in the C District shall be as follows:

- (1) Car wash facility.
- (2) Place of worship.
- (3) Day care center.
- (4) Gasoline station.
- (5) Major automobile repair.
- (6) Lumber yard.
- (7) Small manufacturing facility with fewer than ten (10) employees.
- (8) Telecommunications facility.
- (9) Use with drive-up window.
- (10) Wholesale commercial facility.
- (11) Farmer's Market (See Sec. 16-10-90)
- [\(12\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 13. Section 16-3-210(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-210(c) Conditional Uses. Permitted conditional uses in the CD District shall be as follows:

- (1) Place of worship.
- (2) Day care center.
- (3) Medical or dental office or clinic.

- (4) Municipal administrative office.
- (5) Use with drive-up window.
- (6) Artisan manufacturing that does alter the footprint of the existing building.
- (7) Farmer's Market (See Sec. 16-10-90)
- (8) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 14. Section 16-3-220(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-220(c) Conditional Uses. Permitted conditional uses in the CE-1 District shall be as follows:

- (1) State, theatrical, concert and related performances, and the construction of required facilities for such, as specified in the site plan.
- (2) The sale of food and beverages and the operation of restaurant services.
- (3) Educational, teaching, training, research and learning facilities and functions related to the uses and purpose of the site.
- (4) The hand production and sale of equipment and goods and the provision of services related to the uses and purposes of the site.
- (5) Office, business and residency structures and uses, as specified in the site plan.
- (6) Retail and mail-order sales of arts, crafts and gift items.
- (7) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 15. Section 16-3-230(b) of the LMC is hereby amended as follows (additions in blue and underlined):

(b) Permitted Uses. Permitted principal uses in the CEC District shall be as follows:

- (1) Accessory building or use.
- (2) Accessory dwelling.
- (3) Agri-tourism business and sustainable agricultural use.
- (4) Artisan studio and/or gallery.
- (5) Bed and breakfast.
- (6) Day care center (all ages).
- (7) Event center, small.
- (8) Farmer's market.
- (9) Financial institution.
- (10) Greenhouse and plant nursery.
- (11) Group home for people with disabilities.
- (12) Hospital.
- (13) Hotel or motel, small.
- (14) Light industrial uses not required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment.
- (15) Long-term care facility.
- (16) Medical and dental office and clinic.
- (17) Marijuana center.
- (18) Marijuana-infused product manufacturer.
- (19) Marijuana optional premises cultivation operation.
- (20) Mixed-use building (a building with less than fifty percent (50%) of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a permitted nonresidential use on the ground level).

- (21) Museum.
- (22) Personal and business service shop.
- (23) Professional office.
- (24) Public and private schools, including college, vocational training, and technical training.
- (25) Public facilities, including municipal offices, parks and trails.
- (26) Recreational facility limited indoor and limited outdoor.
- (27) Research, experimental or testing laboratory.
- (28) Restaurant and/or bar without drive-up food or beverage service, small (four thousand [4,000] square feet or less).
- (29) Retail establishment (including grocery store), small.
- (30) Solar garden, as an accessory use.
- (31) Stone cutting, finishing and sales establishment.
- (32) Veterinary hospital and veterinary facility.
- (33) Workshop and custom small industry.
- (34) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 16. Section 16-3-230(c) of the LMC is hereby amended as follows (additions in blue and underlined):

(b) Uses by Special Review. Uses allowed only upon approval by special review in the CEC District shall be as follows:

- (1) Automobile, boat, and motorcycle rental and sales.
- (2) Automotive and motorcycle repair (major and minor).
- (3) Campground.
- (4) Dog day care facility.
- (5) Event center, large.
- (6) Gasoline station.
- (7) Hotel/motel, large.
- (8) Kennel.
- (9) Mini storage facility.
- (10) Mixed-use building (a building with at least fifty percent (50%) of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a special review use on the ground level).
- (11) Light industrial uses required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment.
- (12) Restaurant and/or bar with a drive-up window for food or beverage service, or that otherwise serves food or beverages to customers in parked motor vehicles, or a restaurant and/or bar with more than four thousand (4,000) square feet.
- (13) Retail establishment, large.
- (14) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 17. Section 16-3-240(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-240(c) Conditional Uses. Permitted conditional uses in the LI District shall be as follows:

- (1) Special nonpolluting developments, such as research facilities, testing laboratories and facilities for the manufacturing, fabrication, processing or assembly of products, provided that

such facilities are completely enclosed and located in planned industrial parks.

(2) Telecommunications facility.

This District may only be used in conjunction with the PUD Overlay District.

(3) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 18. Section 16-3-250(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-250(c) Conditional Uses. Permitted conditional uses in the GI District shall be as follows:

(1) Adult-oriented use.

(2) Extractive or mining industry.

(3) Impound lot.

(4) Junk and salvage yard.

(5) Mini-storage facility.

(6) Stone cutting and finishing.

(7) Telecommunications facility.

(8) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 19. Section 16-3-260(d) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-260(d) Conditional Uses. Permitted conditional uses in the M District shall be as follows:

(1) Arts and cultural facilities and services.

(2) Nonprofit organization facilities and services.

(3) Telecommunications facility.

(4) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 20. Section 16-3-270(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-270(c) Conditional Uses. Permitted conditional uses in the POS District shall be as follows:

(1) Accessory building or use.

(2) Agricultural use (e.g., grazing of livestock and growing of crops).

(3) Athletic field or athletic amenity.

(4) Amphitheatre.

(5) Aquarium.

(6) Botanical garden.

(7) Campground.

(8) Cemetery.

(9) Community garden.

(10) Golf course.

(11) Museum.

(12) Parking lot.

(13) Permanent structure (e.g., restrooms or concession stand).

(14) Playground.

- (15) Recreational use with structure.
- (16) Solar energy generation facilities and associated appurtenances including battery storage facilities.
- (17) Residence, caretaker.
- (18) Swimming pool.
- (19) Telecommunications facility.
- (20) Trailhead.
- (21) Zoo.
- (22) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 21. A new Section 16-10-100 of the LMC is hereby added as follows
(additions in blue and underlined):

Sec. 16-10-100. Electric Vehicle (EV) Charge Station

- 1) In all zone districts, Electric Vehicle (EV) Charge Stations shall be permitted as a secondary/accessory use with a permitted Principal Use and as a Use by Special Review in the CEC District.
- 2) Setbacks. All required infrastructure (excluding charging bollards and spaces) shall be located at least twenty-five (25) feet from all property lines.
- 3) Screening. Screening of electrical boxes, battery banks, and solar hoods is required. Screening should be incorporated into existing building architecture where possible and utilize the same materials as the principal building to the greatest degree possible. If facilities stand alone on the property, screening should include walls, fences or flame-resistant plantings to provide complete screening from normal eye level (six-foot height recommended) on all sides where access is not needed.
- 4) Submittal Requirements.
 - a. Electric Vehicle (EV) Charge Station Narrative Required. A written statement shall address the following:
 - i. Litter control, trash collection, on-site storage, and pick-up (if applicable)
 - ii. Parking standards and hours of operation (No overnight parking shall be permitted)
 - b. Electric Vehicle (EV) Charge Station Site Plan Required. A site plan showing all facility infrastructure and utility connections.

Section 22. Section 16-5-10 of the LMC is hereby amended as follows (additions in blue and underlined):

Permitted Uses	A-1	A-2	E	EC	R-1	R-2	R-2A	R-3	B	C	CD	CEC	LI	GI	M	POS
<u>Electric Vehicle (EV) Charge Station</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>

Section 22. Code Revisions. Because this Ordinance revises an entire Chapter 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 23. 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 24. 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 25. 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 this Ordinance within the Lyons Municipal Code.

Section 26. 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