

TOWN OF LYONS, COLORADO

ORDINANCE 1180

AN ORDINANCE AMENDING THE LYONS MUNICIPAL CODE TO COMPLY WITH HB24-1007 AND IMPLEMENTING OCCUPANCY LIMITS BASED ON HEALTH AND SAFETY CODES

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, in 2024 the Colorado General Assembly passed HB 24-1007 which prohibits occupancy limits based on whether the occupants are related or a “family”; and

WHEREAS, the LMC currently contains restrictions based on family status; and

WHEREAS, the LMC also contains numerous references to family status; and

WHEREAS, it is necessary to update the LMC to comply with the requirements of HB 24-1007; and

WHEREAS, the PCDC recommended the proposed ordinance to the Board of Trustees (“the Board”) for consideration Pursuant to Resolution 2025-01-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 the LMC to comply with HB 24-1007.

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:

...

Apartment means a room or suite of rooms with cooking facilities available which is occupied as a residence by ~~a single family or~~ a group of individuals living together ~~as a single-family unit and is rented~~. This includes any unit in buildings with ~~more than~~ two (2) ~~or more~~ dwelling units.

...

Boarding house means a building other than a hotel, cafe or restaurant where, for compensation, directly or indirectly, lodging and/or meals are provided for roomers or boarders ~~exclusive of the occupant's family~~. The word compensation shall include compensation in money, services or other things of value.

...

Dwelling, ~~multi-unit multiple-family~~ means a building ~~consisting of occupied by~~ three (3) or more dwelling units ~~families living independently of each other~~, but not including motels or hotels, ~~and containing three (3) or more dwelling units~~. A multiple-unit dwelling may also be known as multi-family dwelling units, multiple-family dwelling units, duplexes, triplexes, fourplexes, condominiums, apartment buildings or similar multiple dwelling unit arrangements.

Dwelling, ~~one-family~~ attached means a residential building containing principal dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes. ~~An attached dwelling may also be referred to as a one-family attached dwelling or single-family dwelling, attached.~~

Dwelling, ~~one-family~~ detached means a ~~single-family~~ dwelling which is not attached to any other dwelling or building by any means, including manufactured housing on a permanent foundation. An attached dwelling may also be referred to as a one-family attached dwelling or single family dwelling, attached. ~~A detached dwelling may also be referred to as a one-family detached dwelling or single family dwelling, detached.~~

Dwelling, ~~single detached one-family (single-family)~~ means a detached building ~~designed exclusively for, and occupied by, one (1) family and~~ containing one (1) dwelling unit.

Dwelling, ~~duplex two-family~~ means a building ~~occupied by two (2) families living independently of each other and~~ containing two (2) principal dwelling units.

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, ~~located in a one-family, two-family or multifamily dwelling or mixed-use building.~~

Dwelling unit, accessory (ADU) means a second, subordinate unit co-located on the same lot as a principal residence in a ~~single detached dwelling 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 single detached dwelling~~. ADUs are created for the purpose of accommodating a second ~~family dwelling unit~~ that lives separately from the ~~family residing the principal single-family primary single detached dwelling~~. An ADU is ~~occupied by a second family that enjoys~~ a separate 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 the Section 16-1-160.~~

...

~~*Family* means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:~~

~~a.~~

~~Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or~~

~~b.~~

~~Any unrelated group of persons consisting of not more than three (3) persons.~~

...

Group care home means a facility which provides twenty-four-hour care or supervision of persons ~~who are not related by blood, marriage or adoption to the owner, and the operator or manager thereof, and who do not meet the definition of family under this Chapter.~~

...

Manufactured home means a single-family detached dwelling which:

- a. Is partially or entirely manufactured in a factory.
- b. Is permanently affixed to and installed on an engineered permanent foundation.
- c. Complies with HUD or IBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

...

Multiple family unit dwelling. See "Dwelling, multiple-family-unit."

...

Principal dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bedroom, 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 multifamily dwelling or mixed-use building~~. An accessory dwelling unit as defined herein is not a principal dwelling unit.

...

Townhouse means a single-family dwelling attached by ~~party~~ walls to one (1) or more ~~single-family additional dwellings~~ ~~units~~ and oriented so that all exits open to the outside.

...

Section 3. A new Section 16-1-180 of the LMC is hereby created (additions in red and underlined):

Sec. 16-1-180. Occupancy Limitations Generally

The number of persons occupying each Dwelling Unit for each dwelling type as provided for in this Chapter shall not exceed the maximum permitted by the applicable adopted building code or safety code, or by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the Dwelling Unit.

Section 4. Code Revisions. Because this Ordinance revises multiple Sections and Chapters 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 substantive content is altered.

Section 5. 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 6. 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 of 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 7. 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 8. Effective Date. 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 ____ DAY OF _____ 2025.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS ____ DAY OF _____ 2025.

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk