

**TOWN OF LYONS,
COLORADO ORDINANCE NO.
2019-1071**

**AN ORDINANCE AMMENDING CERTAIN SECTIONS OF
CHAPTER 16 OF THE LYONS MUNICIPAL CODE
REGULATING TINY HOMES AS ACCESSORY
DWELLING UNITS IN R-2 AND R-2A ZONE DISTRICTS**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons ("Town") possesses the authority to zone, rezone, change, supplement, and revise the zoning classifications or designation of property and to regulate land uses within the Town; 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 in fact adopted a comprehensive zoning scheme; and

WHEREAS, pursuant to C.R.S. §31-15-103 and the Local Government Land Use Control Enabling Act of 1974 set forth in Article 20 of Title 29, C.R.S., the Board of Trustees of the Town of Lyons (the "Board") has the power to regulate land use on the basis of the impact thereof on the community or surrounding areas and to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town; and

WHEREAS, the Town's Planning and Community Development Commission has studied the question of Tiny Homes on Wheels as accessory dwelling units in R2 and R2-A, among other options, and has recommended that the Board of Trustees make changes to the Lyons Municipal Code that allow Tiny Homes on Wheels in certain zone districts; and

WHEREAS, the Board also desires to allow traditional accessory dwelling units in R2 and R2-A; and

WHEREAS, the Board recognizes that R2 and R2-A properties allow two principle dwelling units to be built, but must pay for tap fees prior to construction and that this ordinance would allow Tiny Homes on Wheels as accessory dwelling units and traditional accessory dwelling units in R2 and R2-A zone districts and accessory dwelling units do not require tap fees; and

WHEREAS, the Town's Board of Trustees desires to provide for a mix of housing options, 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, the text of Chapter 16 of the Lyons Municipal Code ("LMC") shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which permits amendments that accommodate innovations in land use and development practices that were not contemplated at the time and adoption of Chapter 16 or that provide for changes in administrative practices as may be necessary to accommodate changing needs of the community, or that further the implementation of the goals and objectives of the Comprehensive Plan; and

WHEREAS, the Board finds that permitting Tiny Homes on Wheels and traditional accessory dwelling units in R2 and R2-A is an innovation in land use not contemplated at the

time that the provisions in Chapter 16 of the LMC were adopted, and therefore amendment of Chapter 16 is permitted; and

WHEREAS, pursuant to Section 2-8-170(b)(1) of the LMC, the Planning and Community Development Commission ("PCDC") is charged with advising, recommending, and assisting the Board of Trustees in matters relating to planning the physical growth of the Town in accordance with the powers granted pursuant to Article 23 of Title 31, C.R.S.; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, the Board of Trustees finds that the amendments to the Town's regulations 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, as amended and updated; and otherwise meet the applicable criteria set forth in Chapter 16 of the LMC; and

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. Section 16-10-70(C)(1) of the Lyons Municipal Code is hereby amended to read:

Districts permitted as attached use by right or as detached subject to conditional use review. Accessory dwelling units shall be allowed as accessory uses to single-family residential uses in the R-1, R-2, R-2A, E, EC and A residential districts.

Section 3. Section 16-10-70(f) of the Lyons Municipal Code is hereby amended to read:

Utilities. All accessory dwelling units shall be served with municipal water, municipal sanitary sewer and municipal electric service. 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. As applicable, if at any point an accessory dwelling unit is converted to a non-accessory dwelling unit secondary dwelling (with or without separate ownership), installation of separate water, wastewater, and electric services shall be required.

Section 4. Section 16-10-70 (d) (2) of the Lyons Municipal Code is hereby amended to read:

Tiny Homes on Wheels may be allowed as ADUs in any R-1, R-2, R-2A and A zoning districts in Lyons Town limits subject to conditional use approval in accordance with (15) below. A Tiny Home on Wheels ADU may have separate ownership than the principal dwelling unit. A Tiny Home on Wheels ADU may not be used as a Short Term Rental. A Tiny Home on Wheels ADU is only allowed in R-2 and R-2A districts that do not have an existing second dwelling unit. Any subsequent application to construct a second dwelling unit on lot with an existing Tiny Home on Wheels shall require removal of the Tiny Home on Wheels and either installation of separate water, wastewater, and electric services or utilization of existing utility taps prior to approval of the detached second dwelling unit.

When a second dwelling unit utilizes existing utility taps, all tap fees and water share dedication requirements shall be provided to the Town.

Section 5. 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 6. 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.

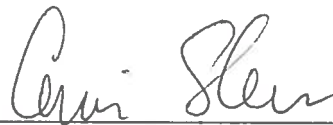
Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

Section 8. Codification 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 Sections 2, of this Ordinance within the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 4th DAY OF, NOVEMBER 2019.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 18th DAY OF NOVEMBER, 2019.

TOWN OF LYONS, COLORADO



Mayor Connie Sullivan

ATTEST:


Debra K. Anthony, Town Clerk