

**TOWN OF LYONS
COLORADO**

ORDINANCE 1094

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CERTAIN SECTIONS OF SEC. 16-3-360, SEC. 16-4-10, SEC. 16-4-70, AND SEC. 16-4-100 OF THE LYONS MUNICIPAL CODE CONCERNING PUD-MU ZONING DISTRICTS AND PUD-MU OVERLAY DISTRICTS

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the Town of Lyons (“the Town”) has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

WHEREAS, the Town previously adopted regulations regarding the establishment of Mixed-Use Planned Unit Development (“PUD-MU”) zoning districts and PUD-MU overlay districts in Sections 16-3-360, 16-4-10, 16-4-70, and 16-4-100 of the Lyons Municipal Code (“LMC”); and

WHEREAS, it is necessary to update the LMC to create more accurate and understandable regulations related to PUD-MU zoning districts and overlay districts; and

WHEREAS, the Planning and Community Development Commission (“PCDC”) met to discuss this issue during their regular meeting held on November 2, 2020; and

WHEREAS, the PCDC passed PCDC Resolution 2020-08 to recommend to the Board of Trustees a text amendment to the LMC to address the inconsistencies in the code related to PUD-MU zoning districts and overlay districts; and

WHEREAS, The Lyons Board of Trustees desire to amend the Lyons Municipal Code as set forth in this Ordinance and as particularly described in the attached “**Exhibit A,**” and determines that such amendments promote the health, safety and welfare of the citizens of and visitors to the Town of Lyons.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, 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. The Lyons Municipal Code, Section 16-3-360 is amended as follows:

Sec. 16-3-360. - PUD-MU Mixed Use Planned Unit Development.

(a) **Specific Purpose.** The purpose of the PUD-MU District is to establish areas facilitating the integration of residential, commercial and light industrial development, incorporating high-quality architectural design, on parcels of sufficient size to support a self-sustaining project.

(b) **Allowed uses.** In PUD-MU Districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD Plan:

- (1) Principal permitted, conditional or accessory uses allowed in the C, CD, or CEC Districts unless such specific uses are explicitly omitted in the PUD Plan;
- (2) Detached residential uses allowed without attached commercial.
- (3) Single or multiple-family dwelling units may be constructed in the same building as a permitted nonresidential use, provided that separate access to the dwelling units is provided.
- (4) Other uses expressly approved as part of the PUD Plan.

(c) Density.

- (1) For PUD-MU Districts established through initial zoning or rezoning, density shall be established by the allowed density in a comparable zoning district unless varied through the PUD review process. The decision-making body may increase density for any of the amenities described in Section 16-4-200 of this Chapter.
- (2) The decision-making body shall establish maximum allowable floor-to-area ratio for nonresidential and residential uses, as appropriate, in the PUD-MU Districts, using the floor-to-area ratio of existing comparable development and comparable base zoning districts as guides.

Section 3. The Lyons Municipal Code, Section 16-4-10, is amended as follows:

Sec. 16-4-10. - Allowed uses generally.

In a PUD District established as an overlay to an existing residential, commercial or industrial zoning district, principal permitted, conditional and accessory uses of the underlying zoning district shall be allowed as appropriate and approved in the PUD Plan. In the case of any conflict between the use or development standards applicable in the underlying zoning district and the restrictions, controls and incentives stated in an approved PUD Plan, the PUD Plan shall apply and control in the overlay area.

Section 4. The Lyons Municipal Code, Section 16-4-70, is amended as follows:

Sec. 16-4-70. - Review and approval procedures for district establishment.

The permitted PUD Districts may be established through one (1) of the following procedures:

- (1) Initial zoning when petitioning for annexation;
- (2) A rezoning to a PUD District; or
- (3) Approval of a permitted PUD District as an overlay to an existing residential, commercial or industrial zoning district, as follows:
 - a. PUD-R may be established as an overlay in the R-1, R-2, R-2A, and R-3 zoning districts;
 - b. PUD-C may be established as an overlay in the C zoning district;

- c. PUD-I may be established as an overlay in the LI and GI zoning districts; and
- d. PUD-MU may be established as an overlay in the C, CD, and CEC zoning districts.

Section 5. The Lyons Municipal Code, Section 16-4-100, is amended as follows:

Sec. 16-4-100. - PUD-MU District supplemental review criteria.

In addition to the general review criteria stated above, all PUD-MU Districts shall comply with the following criteria:

- (1) The applicant shall establish that the addition of residential units to the planned commercial or industrial development benefits both the owners of commercial units and residents of the PUD District.
- (2) The design and operations of the nonresidential land uses in the PUD District will not result in adverse impacts on the residential uses in the PUD District.

Section 6. **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 7. **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.

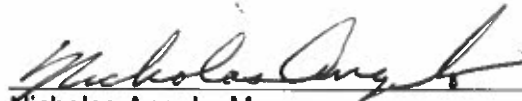
Section 8. **Effective Date.** This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

Section 9. **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, 3, 4, and 5 of this Ordinance within the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 21ST DAY OF DECEMBER 2020.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 4TH DAY OF JANUARY 2021.

TOWN OF LYONS, COLORADO



Nicholas Angelo, Mayor

ATTEST:


Dolores M. Vasquez, CMC Town Clerk



The seal is circular with a double border. The outer border contains the text 'TOWN OF LYONS' at the top and 'STATE OF COLORADO' at the bottom, separated by small stars. The inner border contains the word 'ATTEST' at the top. In the center of the seal, there is a stylized 'S' and 'L' logo.

Attachments:
1. Exhibit A

Sec. 16-3-360. - PUD-MU Mixed Use Planned Unit Development.

- (a) **Specific Purpose.** The purpose of the PUD-MU District is to establish areas facilitating the integration of residential, commercial and light industrial development, incorporating high-quality architectural design, on parcels of sufficient size to support a self-sustaining project.
- (b) **Allowed uses.** In PUD-MU Districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD Plan:
 - (1) Principal permitted, conditional or accessory uses allowed in the C, CD, or CEC Districts unless such specific uses are explicitly omitted in the PUD Plan;
 - (2) Detached residential uses allowed without attached commercial.
 - (3) Single or multiple-family dwelling units may be constructed in the same building as a permitted nonresidential use, provided that separate access to the dwelling units is provided.
 - (4) Other uses expressly approved as part of the PUD Plan.
- (c) **Density.**
 - (1) For PUD-MU Districts established through initial zoning or rezoning, density shall be established by the allowed density in a comparable zoning district unless varied through the PUD review process. The decision-making body may increase density for any of the amenities described in Section 16-4-200 of this Chapter.
 - (2) The decision-making body shall establish maximum allowable floor-to-area ratio for nonresidential and residential uses, as appropriate, in the PUD-MU Districts, using the floor-to-area ratio of existing comparable development and comparable base zoning districts as guides.

(Sec. 16-4. – Overlay Districts)

Sec. 16-4-10. - Allowed uses generally.

In a PUD District established as an overlay to an existing residential, commercial or industrial zoning district, principal permitted, conditional and accessory uses of the underlying zoning district shall be allowed as appropriate and approved in the PUD Plan. ~~Because there is no underlying mixed use zone district, a PUD-MU District can only be used as an overlay when initial zoning is being established through annexation, provided that an underlying zone district is simultaneously established as required by Section 16-2-10 of this Chapter.~~ In the case of any conflict between the use or development standards applicable in the underlying zoning district and the restrictions, controls and incentives stated in an approved PUD Plan, the PUD Plan shall apply and control in the overlay area.

Sec. 16-4-70. - Review and approval procedures for district establishment.

The permitted PUD Districts may be established through one (1) of the following procedures:

- (1) Initial zoning when petitioning for annexation;
- (2) A rezoning to a PUD District; or
- (3) ~~Except for a PUD-MU, a~~ Approval of a permitted PUD District as an overlay to an existing residential, commercial or industrial zoning district, as follows:
 - a. PUD-R may be established as an overlay in the R-1, R-2, R-2A, and R-3 zoning districts;
 - b. PUD-C may be established as an overlay in the C zoning district; ~~and~~

- c. PUD-I may be established as an overlay in the LI and GI zoning districts; and
 - d. PUD-MU may be established as an overlay in the C, CD, and CEC zoning districts.
- ~~(4) A PUD-MU District may be established as an overlay only when initial zoning is being established through annexation.~~

Sec. 16-4-100. - PUD-MU District supplemental review criteria.

In addition to the general review criteria stated above, all PUD-MU Districts shall comply with the following criteria:

- (1) The applicant shall establish that the addition of residential units to the planned commercial or industrial development benefits both the owners of commercial units and residents of the PUD District.
- (2) The design and operations of the nonresidential land uses in the PUD District will not result in adverse impacts on the residential uses in the PUD District.
- ~~(3) When a PUD-MU designation is requested for a parcel of an initial annexation, there shall be a declaration of an underlying zoning which would be used should the PUD application expire under the conditions of Section 16-4-150 below.~~