

**TOWN OF LYONS
COLORADO**

ORDINANCE 1091

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CERTAIN SECTIONS OF SECTION 16-7-50 OF THE LYONS MUNICIPAL CODE CONCERNING ALTERATION/EXTENSION OF NONCONFORMING BUILDINGS AND STRUCTURES

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 alterations to nonconforming buildings and structures in Section 16-7-50 of the Lyons Municipal Code (“LMC”); and

WHEREAS, it is necessary to update the LMC to create more efficient and appropriate regulations related to the alteration and extension of existing nonconforming buildings and structures in the Low-Density Residential (R-1) Zoning District; and

WHEREAS, The Lyons Board of Trustees desire to amend Part “b” of Section 50, Article 7 of Chapter 16, of the LMC, as set forth in this Ordinance, 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. Lyons Municipal Code Sec. 16-7-50(b) is modified to include the following text:

Sec. 16-7-50. - Nonconforming uses and nonconforming buildings and structures.

(b) Alteration/Extension of Nonconforming Structures. A structure conforming as to use, but nonconforming as to height, setback or coverage, may be altered or extended, provided that the alteration or extension does not result in a new violation of this Code or increase the degree or extent of the existing nonconformity.

In the R-1 Zoning District, exterior repairs, additions, and new construction to nonconforming residential structures and accessory buildings on parcels shown on alley-loaded lots are permissible with respect to front, **corner** and rear-yard setback requirements provided that any existing front and or rear-yard setback nonconformity is not increased, except for the addition of a front porch, and provided that any new construction is less than 25% of the existing structure's square footage or 400 square-feet whichever is greater. Such modifications to nonconforming buildings in the setback will be allowed with Administrative approval.

Section 3. 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 4. 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 5. 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 6. 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 Section 2 of this Ordinance within the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 2nd DAY OF November, 2020.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 16th DAY OF November, 2020.

TOWN OF LYONS, COLORADO

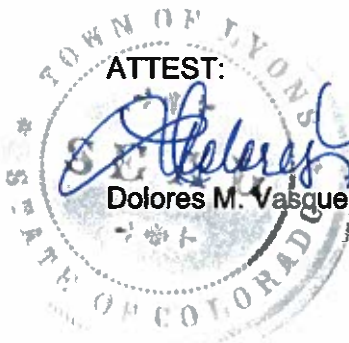


Nicholas Angelo, Mayor

ATTEST:



Dolores M. Vasquez, CMC - Town Clerk



ORDINANCE ##### - EXHIBIT A

Sec. 16-7-50. - Nonconforming uses and nonconforming buildings and structures.

- (a) **Repairs and Maintenance of Nonconforming Buildings.** Ordinary repairs and maintenance of nonconforming buildings shall be permitted.
- (b) **Alteration/Extension of Nonconforming Structures.** A structure conforming as to use, but nonconforming as to height, setback or coverage, may be altered or extended, provided that the alteration or extension does not result in a new violation of this Code or increase the degree or extent of the existing nonconformity.

In the R-1 Zoning District, exterior repairs, additions, and new construction to nonconforming residential structures and accessory buildings on parcels shown on alley-loaded lots are permissible with respect to front and rear-yard setback requirements provided that any existing front and or rear-yard setback nonconformity is not increased, except for the addition of a front porch, and provided that any new construction is less than 25% of the existing structure's square footage or up to 400 square-feet. Such modifications to nonconforming buildings in the setback will be allowed with Administrative approval.

- (c) **Restoration of Damaged Buildings.** A nonconforming building which has been damaged by fire or other unavoidable causes may be restored to its original condition, provided that such work is commenced within one (1) year of such calamity. Notwithstanding the foregoing, the owner of any legal nonconforming building that was damaged by the flood of September 2013 shall have until December 31, 2015 to submit an application for a building permit for the repair of any such structure.
- (d) **Discontinuance of Nonconforming Use.** Whenever a nonconforming use has been discontinued for a period of six (6) months, such use shall not thereafter be re-established.
- (e) **Change of Nonconforming Use.** A nonconforming use shall not be expanded or changed to a different nonconforming use. A nonconforming use may be changed to a conforming use, and the change may be accomplished in phases over time, provided that the phasing is completed in accordance with a development plan approved pursuant to the procedures set forth in this Article.

(Prior code 9-2-8; [Ord. 956 §1. 2014](#) ; [Ord. No. 960. § 1. 12-1-2014](#) ; [Ord. No. 961. § 1. 12-1-2014](#))