

**TOWN OF LYONS,  
COLORADO**

**ORDINANCE 1102**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING CERTAIN  
SECTIONS OF CHAPTER 17 OF THE LYONS MUNICIPAL CODE TO INCLUDE  
SUBDIVISION PROCESSES FOR CONDOMINIUMS**

**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**; the Lyons Municipal Code (“LMC”) does not adequately address the issue of the review and approval process for condominiums; and

**WHEREAS**, the Planning and Community Development Commission (“PCDC”) held a workshop on June 14, 2021 to consider a proposed ordinance amending Chapter 17 of the LMC to establish regulations and subdivision processes for condominiumization; and

**WHEREAS** the PCDC recommended the proposed ordinance to the Board of Trustees (“the Board”) for consideration; 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

**WHEREAS**, The Board has conducted a public hearing to consider evidence and testimony, thus providing adequate opportunity for interested residents and customers to be heard; and

**WHEREAS**, the Board desires to enact an ordinance amending Chapter 17 of the LMC to establish regulations and subdivision processes for condominiumization.

**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.** Chapter 17, Article 3, Section 10 is hereby amended as follows (changes italicized):

### **Sec. 17-3-10. Definition of minor subdivision.**

A minor subdivision is the division of land that:

- (1) Divides a previously undivided parcel of land held in one (1) ownership into three (3) or fewer lots, outlots, *or condominium units within a single plat*;
  - a. *Or that creates condominium units within an existing building that do not include land dedication;*
- (2) Does not divide property zoned as a Planned Unit Development;
- (3) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, minimum frontage, building height, setbacks, street or private drive width, parking or access; and
- (4) Does not involve property that was previously subdivided in accordance with a minor subdivision procedure or process described in this Chapter or in Title 10 of the Lyons Municipal Code as such Code existed on June 1, 1999.

Section 3. A new Article 15 of Chapter 17 is hereby created as follows (changes italicized):

### **Article 15 - Condominiumization**

#### **Sec. 17-15-10 – Purpose**

*The condominiumization procedure provides a mechanism to ensure that condominium subdivisions and conversions will comply with the applicable provisions of this Code.*

#### **Sec. 17-15-20 – Applicability**

- (1) *Condominiumization resulting in the creation of three (3) or fewer condominium units shall follow the procedures for a minor subdivision pursuant to Chapter 17, Article 3 of the Lyons Municipal Code.*
- (2) *Condominiumization resulting in the creation of four (4) or more condominium units shall follow the procedures for major subdivision, pursuant to Chapter 17, Article 4 of the Lyons Municipal Code.*

**Sec. 17-15-30 – Condominiumization of Existing Structures.**

*When reviewing a proposal to condominiumize an existing structure, the Town Administrator, Planning and Community Development Commission, and/or Board of Trustees shall require the subject property to come into compliance with this Code and other Town regulations as necessary to safeguard the public health, safety, and welfare. A subdivision application shall be denied for failure to comply with this Code including compliance with the underlying zoning of the property and required utility dedications.*

**Sec. 17-15-40 – Utility Fees and Dedications.**

*Prior to any approval of a proposal to condominiumize an existing structure which includes the creation of one or more dwelling units, the applicant shall provide additional water share dedications, tap fees and utility connection fees required by this Code for residential units, unless waived by the Board of Trustees for good cause shown.*

**Sec. 17-15-50 – Waivers.**

*Waiver Criteria for Approval. Town staff is authorized to grant written waivers of submittal requirements required by this Chapter if such requirement would not provide meaningful information to the staff or governing body, is redundant, or is otherwise unduly burdensome given the nature of the application. No such waiver may be granted if it would be detrimental to the public health, safety or welfare, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Chapter.*

**Section 4. Code Revisions.** Because this Ordinance revises multiple sections within a 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 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.

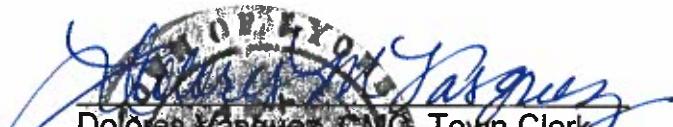
INTRODUCED AND PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_  
2021.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON  
SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021.

TOWN OF LYONS, COLORADO

  
Nicholas Angelo, Mayor

ATTEST:

  
Dolores Vasquez, CMC, Town Clerk  
