

## TOWN OF LASALLE, COLORADO

### ORDINANCE 3-2024

#### AN ORDINANCE AMENDING CHAPTER 16, ARTICLE IV OF THE MUNICIPAL CODE, CONCERNING RESTORATION OF RESIDENTIAL USES IN THE COMMERCIAL DISTRICT

**WHEREAS**, the LaSalle Municipal Code prohibit nonconforming residential uses in the Commercial District to be rebuilt or restored if they are damaged by fire, or otherwise, to more than 50% of their value; and

**WHEREAS**, this restriction creates a hardship for homeowners in the commercial zone when selling or refinancing their properties; and

**WHEREAS**, the Planning Commission after a public hearing on the matter at their regular meeting of February 20, 2024 by motion recommended the Town Board adopt an ordinance amending the municipal code to allow residential uses in the commercial district be restored even if damaged or destroyed, provided the footprint of the building is not increased.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of LaSalle, Weld County, Colorado, that:

**Section 1.** Chapter 16, Article IV, Section 16-85 (c) of the LaSalle Municipal Code is hereby amended to read as follows:

(c) *Restoration.* Except as provided for in this section, If a nonconforming building is damaged by fire, elements or otherwise to the extent of 50 percent of its value or less, such nonconforming building may be rebuilt or restored only if the proposed use of such structure is conforming with the provisions of the building code as adopted by the town.

- (1) In the C- Commercial District only, residential uses lawfully existing as of the date of this code adopting the boundaries of the Commercial District, may be rebuilt, or restored even if damaged greater than 50% of value, upon approval of a building permit.
- (2) A residential building rebuilt or restored under this section shall not be increased in floor area from the original building footprint.

**Section 2. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 3. Remaining provisions.** Except as specifically amended hereby, all other provisions of the LaSalle Municipal Code shall continue in full force and effect.

**Section 4. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 5. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.


**Section 6. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**PASSED AND APPROVED** on first reading at a regular meeting of the Town Board of the Town of LaSalle on this 27<sup>th</sup> day of February, 2024.


**PASSED, ADOPTED, SIGNED AND APPROVED** by the Board of Trustees this 12<sup>th</sup> day of March, 2024.

**TOWN OF LASALLE, COLORADO**



By:   
Andrew J. Martinez - Mayor

**ATTEST:**

  
Gail Odenbaugh - Town Clerk