

**TOWN OF LYONS,  
COLORADO**

**ORDINANCE NO. 1029**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
LYONS REZONING CERTAIN TOWN-OWNED PROPERTY FROM MEDIUM-  
HIGH DENSITY RESIDENTIAL DISTRICT (R2-A) TO THE MUNICIPAL  
FACILITIES AND SERVICES DISTRICT (M), AND AMENDING THE  
OFFICIAL ZONING MAP OF THE TOWN OF LYONS**

WHEREAS, the Town of Lyons is the sole owner of certain real property described as follows:

A strip of land being generally one hundred feet in width running through the southeast quarter of Section 18, Township 3 North, Range 70 West of the 6th principal meridian, County of Boulder, State of Colorado; said strip of land, located in the Town of Lyons, Colorado, runs westerly between the westerly line of Third Avenue and the easterly line of Fifth Avenue along the said right-of-way for railroad now known as Railroad Avenue, thence westerly by the most practicable route to the east right-of-way of Fifth Avenue ("Subject Property").

Excluding any portion of the Subject Property included within Lot 1, Town of Lyons Amended Plat recorded on 04/30/2004 at Reception No. 2582358 in the real property records of Boulder County, Colorado.

(the "Town-Owned Property"); and

WHEREAS, the Town-Owned Property is fully described and shown in the zoning amendment map, a copy of which is on file with the Town's Community Development Department and Town Clerk, and which map is incorporated herein by reference; and

WHEREAS, the Town-Owned Property consists of 2.41 acres, more or less; and

WHEREAS, the Town-Owned Property is currently zoned Medium-High Density Residential District (R2-A); and

WHEREAS, the Town, as the sole owner of the Town-Owned Property and applicant for the proposed rezoning, is requesting that the Town-Owned Property be

zoned Municipal Facilities and Services District (M) under Section 16-3-260 of the Lyons Municipal Code (“LMC”); and

WHEREAS, the Town’s Planning and Community Development Commission (“PCDC”) considered the proposed rezoning of the Town-Owned Property at a duly noticed public hearing held on January 22, 2018, and subsequently forwarded its favorable recommendation to Board of Trustees; and

WHEREAS, at a public hearing held and concluded on February 5, 2018, the Board of Trustees considered rezoning the Town-Owned Property under Section 16-3-260 of the *Lyons Zoning Regulations*, specifically, the Board of Trustees considered rezoning the Town-Owned Property to the Municipal Facilities and Services District (M); and

WHEREAS, public notice has been properly given of the proposed rezoning of the Town-Owned Property by publication in the *Lyons Recorder*, a newspaper of general circulation within the Town of Lyons, and notice has been given in accordance with applicable requirements of the *Lyons Zoning Regulations*; and

WHEREAS, a public hearing on the proposed rezoning of the Town-Owned Property was held before the Board of Trustees at 432 5<sup>th</sup> Avenue, Lyons, Colorado, at which time evidence and testimony were presented to the Board of Trustees concerning the proposed rezoning of the Town-Owned Property; and

WHEREAS, the administrative record for this case includes, but is not limited to, the Town of Lyons Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all Town of Lyons policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the Town, any evidence or correspondence submitted by members of the public at the public hearing, the zoning amendment map (Lyons Municipal Center), and the staff files and reports of the Town’s planner pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, the Board of Trustees has determined that the proposed rezoning of the Town-Owned Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; conforms with the Town’s Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the *Lyons Zoning Regulations*; and

WHEREAS, the Board of Trustees has found and determined that one or more of the Zoning Map amendment approval criteria set forth in Section 16-15-40 of the LMC has been satisfied; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law and the *Lyons Zoning Regulations* by setting a public hearing in order to provide Town Staff and the public an opportunity to present testimony and evidence regarding the application; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Board of Trustees, supports, approves, rejects, or denies the proposed rezoning of the Town-Owned Property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO, as follows:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Rezoning of Town-Owned Property Approved. The Board of Trustees approves the rezoning of the Town-Owned Property to the Municipal Facilities and Services District (M) under the Town's zoning regulations. Following the effective date of this Ordinance, the Town-Owned Property shall be zoned Municipal Facilities and Services District (M).

Section 3. Amendment of Official Zoning Map. The Official Zoning Map of the Town of Lyons shall be amended to conform to and reflect the Town-Owned Property's Municipal Facilities and Services District (M) zoning in accordance with Section 16-15-60 of the LMC. Town Staff is authorized and directed to: (a) change the zoning of the Town-Owned Property on the Town's Official Zoning Map; and (b) to take all post-approval actions set forth in Section 16-15-30(i) of the LMC ("*Step 9: Post-Approval Actions*") including but not limited to submitting the zoning amendment map for the Town-Owned Property and a copy of this Ordinance to the Boulder County Clerk and Recorder's Office for recordation.

Section 4. 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 5. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that 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 heretofore repealed or superseded and 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 the taking effect of this ordinance.

Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the LMC.

**INTRODUCED AND PASSED ON FIRST READING THIS 16th DAY OF JANUARY, 2018.**

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**TOWN OF LYONS, COLORADO**

\_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

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Debra K. Anthony, Town Clerk