

TOWN OF LYONS, COLORADO

ORDINANCE # 1139

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO
APPROVING THE OVERLAY ZONING DESIGNATION OF PUD-R
TO 317 EVANS STREET**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the “Town”) possesses the authority to regulate land uses within the Town; and

WHEREAS, 317 Evans Street in the Town is currently within the R-1 Zoning District, which allows single-family detached housing only, but since a June 20, 1983 Board of Trustees (“Board”) decision has been permitted to contain six housing units; and

WHEREAS, 317 Evans Street at various times had more than six allowed housing units; and

WHEREAS, 317 Evans Street is under contract for sale, and the anticipated owner plans to redevelop the property with a sound and affordable housing plan to be considered under a forthcoming Major Development Review; and

WHEREAS, it is an expressed goal of the 2010 and 2022 Comprehensive Plans to promote affordable and workforce housing opportunities; and

WHEREAS, pursuant to Lyons Municipal Code (“LMC”) § 16-15-30(f), the Planning and Community Development Commission (“PCDC”) for the Town has the authority to recommend to the Board the Rezoning of an underlying Zoning District of R-1 to receive a Planned Unit Development (“PUD-R”) Overlay Zoning designation; and

WHEREAS, the PCDC conducted a public hearing following the provision of the lawfully required notice to the public and the Applicant provided sufficient and competent evidence at the hearing as is necessary to recommend the Rezoning of a PUD-R Overlay Zoning designation to 317 Evans Street; and

WHEREAS, the PCDC found the application asking for a PUD-R Overlay Zoning designation of 317 Evans Street met the Review Criteria under LMC § 16-15-40 and approved this designation on December 12, 2022, under PCDC Resolution 2022-12; and

WHEREAS, pursuant to LMC § 16-15-10, the Board may amend, supplement, change, or repeal the Town’s zoning regulations and provisions; and

WHEREAS, pursuant to LMC § 16-15-30(h), the Board has the authority to approve, approve with conditions, or deny the Rezoning of an underlying Zoning District of R-1 to receive a PUD-R Overlay Zoning designation; and

WHEREAS, the Board conducted two public hearings following the provision of the lawfully required notice to the public and the Applicant provided sufficient and competent evidence at the hearing as is necessary to recommend the Rezoning of a PUD-R Overlay Zoning designation to 317 Evans Street.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board hereby approves the Rezoning of the Subject Property, as follows:

A PUD-R Overlay Zoning designation.

Section 3. The Board finds that the Applicant established the need for such rezoning as an appropriate measure, that the Applicant satisfies the spirit of Article 15 of the LMC regarding zoning amendments, and that public safety and welfare are secured and substantial justice is done by approving the PUD-R Overlay Zoning designation.

Section 4. 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 19TH DAY OF DECEMBER 2022.

INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND READING THIS _____ DAY OF _____ 202_.

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk