

**Town of Lyons, Colorado
Board of Trustees
Agenda Cover Sheet
Agenda Item No: VIII.1
Meeting Date: January 3, 2023**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: David Kimmett, Planner II

DATE: December 29, 2022

ITEM: Ordinance 1139 – An Ordinance of The Town of Lyons, Colorado Approving the Overlay Zoning Designation of PUD-R to 317 Evans Street

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** An application for a Rezoning of 317 Evans Street with a PUD-R Overlay designation, Second Reading.
- II. **RECOMMENDED ACTION / NEXT STEP:** Following the public hearing, consider input and approve the ordinance on second reading.
- III. **FISCAL IMPACTS:** None.
- IV. **BACKGROUND INFORMATION:** Pursuant to Lyons Municipal Code (“LMC”) § 16-15-10, the Board may find cause to amend, supplement, change, or repeal the Town’s zoning regulations, and pursuant to LMC § 16-15-30(h), the Board has the authority to approve, approve with conditions, or deny a rezoning request that alters Chapter 16 of the LMC entitled *Zoning*.

A Major Development Review case currently under review by Planner Kimmett at 317 Evans Street requests to utilize this PUD-R Overlay designation in order to proceed; the current underlying zoning of R-1 allows for only single family detached housing on this property that already contains six rental units, and in the past has contained up to nine units at various points in time.

Such a change would be consistent with the aspirations of the Board to assist in retaining / attaining affordable housing and is consistent with Housing Objective 1.2 of the 2010 Comprehensive Plan (“Increase opportunities for affordable housing”) and with the 2022/2023 Lyons Thrive! Comprehensive Plan’s Goal HN-2 (“Expand and preserve workforce and affordable housing options”).

- V. **LEGAL ISSUES:** None.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None.

VII. SUMMARY AND ALTERNATIVES: The Board of Trustees has the following options: 1) approve the Ordinance; 2) approve the Ordinance with Conditions; 3) not approve the Ordinance; or 4) continue to a date certain.

VIII. PROPOSED MOTIONS:

SAMPLE MOTION OF APPROVAL:

The Board may propose a motion of approval of the proposal based on the following suggested outline:

"I move that the Board approve the Second Reading of the Rezoning of 317 Evans Street with a PUD-R Overlay designation, finding that the application complies with the standards contained in Lyons Municipal Code 16-15-40."

SAMPLE MOTION OF APPROVAL WITH CONDITIONS:

The Board may propose a motion of approval of the proposal with conditions based on the following suggested outline:

"I move that the Board approve the Second Reading of the Rezoning of 317 Evans Street with a PUD-R Overlay designation with the following conditions:

and finding that the application with these listed conditions complies with the standards contained in Lyons Municipal Code 16-15-40."

SAMPLE NEGATIVE MOTION:

The Board may propose a motion of denial of the proposal based on the following suggested outline:

"I move that the Board deny the ordinance on Second Reading of the Rezoning of 317 Evans Street with a PUD-R Overlay designation, finding that the application does not comply with the standards contained in Lyons Municipal Code 16-15-40."