

## **TOWN OF LYONS, COLORADO**

### **ORDINANCE 1150**

#### **AN ORDINANCE OF THE TOWN OF LYONS, COLORADO TO REZONE 109 COUNTY ROAD 69 TO THE PARKS AND OPEN SPACE (POS) ZONING DISTRICT**

**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**, 109 County Road 69 (Boulder County Assessor’s Parcel Number 120319102001) is wholly-owned by the Town of Lyons; and

**WHEREAS**, 109 County Road 69 is currently zoned Rural Residential under the Boulder County zoning rubric, reflecting its former residential status; and

**WHEREAS**, the parcel is a Deed Restricted Buy Out Property following the Flood of 2013, which generally limits land use to non-residential purposes under the Federal Emergency Management Agency’s Hazard Mitigation Grant Program; and

**WHEREAS**, on June 12<sup>th</sup> 2023 at its regularly scheduled meeting, the Planning and Community Development Commission (“PCDC”) recommended approval to the Town Board of Trustees (“Board”) the annexation of 109 County Road 69 under PCDC Resolution 2023-03; and

**WHEREAS**, on June 20<sup>th</sup> 2023 at its regularly scheduled meeting, the Town Board moved to approve the annexation of 109 County Road 69 upon first reading under Ordinance 1149; and

**WHEREAS**, pursuant to Lyons Municipal Code (“LMC”) §15-1-120(14), a proposed zoning district designation of a property to be annexed by the Town must be established; and

**WHEREAS**, the most appropriate zoning for the property under the Town’s zoning rubric is the Parks and Open Space Zoning District (“POS”) as established in LMC §16-3-270; and

**WHEREAS**, pursuant to LMC §16-15-30(f), the PCDC has the authority to recommend to the Board a rezoning of 109 County Road 69; and

**WHEREAS**, on June 26<sup>th</sup> 2023 at its regularly scheduled meeting, the PCDC recommended approval to the Town Board the rezoning of 109 County Road 69 to a POS designation on the Town’s zoning rubric under PCDC Resolution 2023-04; and

**WHEREAS**, the rezoning of 109 County Road 69 to a POS designation will attain

several component goals of the 2023 Lyons Thrive! Comprehensive Plan, in particular PR-1 regarding parks and open space, TSM-2 regarding outdoor recreation, NE-1 regarding wildlife habitat, as well as the aspirations of Future Land Use in Open Space and Natural Areas as outlined on Page 80; and

**WHEREAS**, Town Staff finds the application for rezoning meets the rezoning review criteria of LMC §16-15-40(2) and (4); and

**WHEREAS**, pursuant to LMC §16-15-30(h), the Board shall consider the recommendation of the PCDC to rezone 109 County Road 69 and shall evaluate the application in accordance with the criteria found in LMC §16-15-40. The Board shall approve, approve with conditions, or deny the rezoning application in whole or in part.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:**

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations of the Town Board.

Section 2. Legality. The Board finds and determines that the Town-owned real property described in Section 4 of this Ordinance is eligible for rezoning per one or more criterion of LMC §16-15-40:

**Sec. 16-15-40. - Official Zoning Map amendment approval criteria.**

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property.
- (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.
- (3) The land to be rezoned is inconsistent with the policies and goals of the Comprehensive Plan.
- (4) The proposed rezoning is necessary to provide land for a municipal-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.
- (5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will be consistent with the goals

and policies of the Comprehensive Plan.

(6) A rezoning to a Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

Section 3. The Board hereby approves the Rezoning of the Subject Property, as follows:

POS designation.

Section 4. Legal Description of Subject Rezoning.

LOT 1 LESS TRI TR NW COR & LOT 2 LESS SMALL TR SOLD TO BO CO  
BLK 1 MEADOW PARK FRUIT FARMS 6.60 ACS M/L, COUNTY OF  
BOULDER, STATE OF COLORADO

Section 5. 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  
\_\_\_\_\_, 2023.**

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2023.  
TOWN OF LYONS, COLORADO**

**THE BOARD OF TRUSTEES  
FOR THE TOWN OF LYONS, COLORADO**

\_\_\_\_\_  
Hollie Rogin, Mayor

ATTEST:

\_\_\_\_\_  
Dolores Vasquez, CMC  
Town Clerk