

**PLANNING AND COMMUNITY DEVELOPMENT COMMISSION
TOWN OF LYONS, COLORADO
RESOLUTION 2024-07-PCDC**

**A RESOLUTION OF THE PLANNING AND COMMUNITY DEVELOPMENT
COMMISSION OF THE TOWN OF LYONS, COLORADO RECOMMENDING THAT
THE TOWN OF LYONS BOARD OF TRUSTEES ADOPT AN ORDINANCE
AMENDING SECTION 15-1-340(B)(2) CONCERNING ANNEXATION**

WHEREAS, pursuant to Section 2-8-170 of the Lyons Municipal Code (“LMC”), the Town’s Planning and Community Development Commission (“PCDC”) is charged with advising, recommending, and assisting the Board of Trustees in matters relating to planning the physical growth of the Town of Lyons (“the Town”) in accordance with the powers granted pursuant to Article 23 of Title 31, C.R.S.; and

WHEREAS, the Town is authorized by C.R.S. § 31-23-301 to regulate zoning and land use within the Town’s boundaries, and the Town has in fact adopted a comprehensive zoning scheme; and

WHEREAS, Section 16-15-10 of the LMC authorizes the Town to initiate text amendments to Chapter 16 of the LMC titled *Lyons Zoning Regulations*; and

WHEREAS, the text of Chapter 16 of the LMC shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which, among other criteria, permits an amendment “to accommodate innovations in land use and development practices that were not contemplated at [the time of the adoption of the *Lyons Zoning Regulations*]” and “to further the implementation of the goals and objectives of the Comprehensive Plan” among other reasons; and

WHEREAS, the Town seeks to promote smart growth and allow its citizens to help determine future growth areas; and

WHEREAS, to achieve these goals the Town seeks to amend its zoning provisions with respect to annexation; and

WHEREAS, the PCDC recommends that the Town of Lyons Board of Trustees adopt the Proposed Ordinance in substantially the form attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND COMMUNITY DEVELOPMENT COMMISSION OF THE TOWN OF LYONS, COLORADO:

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

Section 2. The PCDC finds that the text of the proposed Ordinance, a copy of which is attached hereto as **Exhibit A** complies with the criteria set forth in LMC Sections 16-15-50 of the LMC and is supported by the Town of Lyons Comprehensive

Plan.

Section 3. Based on the findings set forth in Section 2 above, the PCDC recommends that the Town of Lyons Board of Trustees approve and adopt **Exhibit A** in substantially the form attached hereto.

Section 4. This resolution shall become effective immediately upon approval by the PCDC.

ADOPTED this 24th DAY OF JUNE 2024.

**PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION FOR THE
TOWN OF LYONS, COLORADO**

By: Neal Evers
Neal Evers (Jun 27, 2024 13:05 MDT)
Neil Evers, Chair

ATTEST:

Maria Marquez-Rubio

Maria Marquez-Rubio
Deputy Town Clerk

EXHIBIT A

Proposed Ordinance

TOWN OF LYONS, COLORADO

ORDINANCE **XXXX**

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTION 15-1-340(B)(2) CONCERNING ANNEXATION

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town has the authority to create and publish ordinances; and

WHEREAS, the Colorado Revised Statutes and the Colorado Constitution, Chapter XX, Section 6 provide broad authority to local governments to plan for and regulate the use of land within their jurisdictions, as authorized in Article 20 of Title 29, *et seq.*, and Article 23 of Title 31, *et seq.*, C.R.S.; and

WHEREAS, Section 16-15-10 of the Lyons Municipal Code (“LMC”) authorizes the Town to initiate text amendments to Chapter 16 of the LMC titled *Lyons Zoning Regulations*; and

WHEREAS, the text of Chapter 16 of the LMC shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which, among other criteria, permits an amendment “to accommodate innovations in land use and development practices that were not contemplated at [the time of the adoption of the *Lyons Zoning Regulations*]” and “to further the implementation of the goals and objectives of the Comprehensive Plan” among other reasons; and

WHEREAS, the Town desires to enact a text amendment to the Town’s zoning code pursuant to LMC Section 15-1-340(B)(2); and

WHEREAS, the Town seeks to promote smart growth and allow its citizens to help determine future growth areas; and

WHEREAS, to achieve these goals the Town seeks to amend its code provisions with respect to annexation; and

WHEREAS, the PCDC recommended the proposed ordinance to the Board of Trustees (“the Board”) for consideration Pursuant to Resolution 2022-XX-PCDC, attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the Board finds that the proposed amendments to the LMC are in

the best interests of the public health, safety, and welfare of the residents of Lyons and further the intent of the Comprehensive Plan; and

WHEREAS, The Board has conducted a public hearing to consider evidence and testimony, thus providing adequate opportunity for interested residents, businesses, and visitors to be heard; and

WHEREAS, the Board desires to enact an ordinance amending SECTION 15-1-340(B)(2) regarding annexation.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Lyons Municipal Code Section 15-1-340(B)(2) is hereby amended as follows (additions in blue and underlined):

Sec. 15-1-340. - Annexations to be approved by voters.

(a) No ordinance annexing property into the Town shall be effective unless and until the ordinance is referred to the registered electors of the Town at a regular or special election and such ordinance is approved by a majority of the registered electors voting thereon.

(b) The following annexations shall be exempt from this Section:

(1) Any annexation of property owned by the Town.

(2) Any annexation of property smaller than five (5) acres in size; provided that simultaneous or serial annexations of two (2) or more properties that together comprise a parcel of five (5) or more acres in size shall not be exempt from this Section. It is further provided that any annexation of property smaller than five (5) acres which has been subdivided, severed or otherwise carved out from a property of five (5) acres or more since September 5, 2000, shall not be exempt from this Section.

Section 3. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

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, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. 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. 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 this ordinance taking effect.

Section 6. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

Section 7. 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 _____
2024.**

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON
SECOND READING THIS ____ DAY OF _____ 2024.**

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk

Reso 2024-07 -PCDC - 5ac Rule (Dittman edits 6-21-2024)

Final Audit Report

2024-06-27

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|-----------------|---|
| Created: | 2024-06-25 |
| By: | Maria Marquez-Rubio (mmarquezrubio@townoflyons.com) |
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| Transaction ID: | CBJCHBCAABAAb6YbK7y-LQwTqp4LnpGvMd38IovK_vFY |

"Reso 2024-07 -PCDC - 5ac Rule (Dittman edits 6-21-2024)" History

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