

**TOWN OF LYONS, COLORADO
ORDINANCE 1168**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
REZONING 4545 UTE HIGHWAY (“LOT 2”) OF THE TEBO ANNEXATION
TO COMMERCIAL EASTERN CORRIDOR (CEC)**

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, a written petition, together with four (4) prints of an annexation map has been filed with the Town of Lyons (“Town”) Clerk requesting annexation of certain property to be known as the “Tebo Property”; and

WHEREAS, the Town of Lyons Board of Trustees (“Board of Trustees”) desires to approve an annexation petition in accordance with the Municipal Annexation Act, Section 31-12-101 *et seq.*, Colorado Revised Statutes and Lyons Municipal Code (“LMC”) Chapter 15; and

WHEREAS, the Board of Trustees previously approved Resolution 2024-55, finding substantial compliance and initiating annexation proceedings for the Tebo Property, as defined therein; and

WHEREAS, the Municipal Annexation Act, Section 31-12-101 *et seq.*, Colorado Revised Statutes and LMC Chapter 15 require that annexed property be zoned; and

WHEREAS, pursuant to LMC 15-1-220, the Town of Lyons Planning and Community Development Commission (“PCDC”) “shall, by resolution, recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial. If the zoning of the property is requested at the time of annexation, the PCDC shall, by resolution, recommend approval with or without modifications and/or conditions or recommend denial of the requested zoning. The PCDC shall refer any such recommendation to the Board of Trustees”; and

WHEREAS, the Tebo Annexation contains two lots, 4602 Highland Dr. or “Lot 1” which is to the north and 4545 Ute Hwy. or “Lot 2” which is to the south; and

WHEREAS, the applicant has proposed Lot 2, as is more particularly described below and as depicted on **Exhibit A**, be rezoned from County zoning Commercial to CEC, Commercial East Corridor; and

WHEREAS, the proposed zoning designation of Parcel is consistent with the Lyon’s Thrive Comprehensive Plan, Future Land Use Plan, and the 2012 Boulder County Land Use IGA; and

WHEREAS, the PCDC held a public hearing on the proposed zoning of Lot 2; and

WHEREAS, the PCDC has determined it is in the best interest of the Town to recommend to the Board of Trustees that Lot 2 be zoned as CEC, Commercial East Corridor; and

WHEREAS, the Board of Trustees held a duly noticed public hearing on the proposed zoning of Lot 2; and

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town to approve a request for Lot 2 to be zoned as CEC, Commercial East Corridor.

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

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

Section 2. The Board of Trustees hereby approves the Application for zoning of the Tebo Property, Lot 2, as CEC, Commercial East Corridor, which is more particularly described in the real property records for Boulder County as;

The West half of the Southeast Quarter of the Northeast Quarter of Section 20, Township 3 North, Range 70 West of the 6th Principal Meridian,
Except the following:

Tract conveyed to Boulder County by deed recorded in Book 624 at Page 426;
Tract conveyed to Hugh Lee Hammonds and Susie Cornelia Hammonds by deed Recorded in Book 642 at Page 16;
Tract conveyed to Fred Dirkes by deed recorded in Book 660 at Page 162;
Tract conveyed to Fred David Dirkes and Dorothy Beth Dirkes by deed recorded September 05, 1957, in Book 1055 at Page 197;
Tract conveyed to City of Longmont by Deed recorded August 3, 1966, at Reception No. 822965;
And except any part of the land lying North of the Boulder County Highway known as the Old Estes Park Highway;

And except a tract in the Northeast corner, as stated to have been conveyed by Deed from William L. Parsons to Thomas McCall, as evidenced by deed recorded September 05, 1957, in Book 1055 at Page 200;

And except that part to the Department of Highways by instrument recorded January 19, 1968, on film 625 as Reception No. 869134,

And except a tract conveyed to Junge by deed recorded July 3, 1959, in Book 1113 at Page 416

Section 3. Specifically, the Town of Lyons Board of Trustees finds that the Application “rezone[s] 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” consistent with LMC § 16-15-40(2).

Section 5. The Town Administrator, Town Planner, and other appropriate Town Staff are authorized and instructed to revise the official zoning map for the Town of Lyons so that the zoning designation described in this Ordinance is illustrated in graphic form. Failure to amend the official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing or precluding the effect or effective date of this Ordinance.

Section 6. 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 7. 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 8. 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

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk