

**Town of Lyons, Colorado
Board of Trustees
Agenda Cover Sheet
Agenda Item No: XI.2.
Meeting Date: 2/22/22**

TO: Board of Trustees

FROM: Philip Strom, Director of Community Development

ITEM: ORDINANCE 1119 - AN ORDINANCE OF THE TOWN OF LYONS AMENDING CHAPTER 16, ARTICLE 3, SECTION 270 OF THE LYONS MUNICIPAL CODE TO ALLOW FOR SOLAR GENERATION FACILITIES AS A CONDITIONAL USE IN THE POS ZONE

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE:

This Ordinance amends Chapter 16, Article 3, Section 270 of the Lyons Municipal Code to allow for solar generation facilities as a Conditional Use in the Parks and Open Space Zoning District (POS).

II. RECOMMENDED ACTION / NEXT STEP:

Approve Ordinance 1119.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

In 2016 the Town enacted Ordinance 959 revising the POS zoning to require that any change in zoning of POS land be referred to the registered voters of the Town at an election and be approved by a majority of voters.

In 2021, the Town passed Ordinance 1107 which referred the following question to the registered voters at the November 2, 2021 Election:

SHALL THE CONSTRUCTION OF A SOLAR GENERATION AND BATTERY STORAGE FACILITY BE PERMITTED ON APPROXIMATELY ONE ACRE OF BOHN PARK SOUTHWEST OF THE BOHN PARK DIRT JUMP BIKE PARK IN THE TOWN OF LYONS? YES or NO

Voters approved the measure.

In January 2022, the Town was awarded a \$1,000,000 grant by the Department of Local Affairs (DOLA) to construct a solar generation and battery storage facility in Bohn Park.

However, the location of the facility, which was approved by the voters, is not an allowed use in the POS.

The text of Chapter 16 of the LMC shall not be amended unless the changes comply the criteria set forth in LMC 16-15-50 which permits an amendment that “[t]o accommodate innovations in land use and development practices that were not contemplated at the time of adoption of this Chapter.”

On January 24th, 2022 the Planning and Community Development Commission passed PCDC Resolution 2022-01 recommending a text amendment to the Town’s zoning code to accommodate innovations in land use and development practices that were not contemplated at the time of adoption of the Chapter and allow for solar generation facilities as a conditional use in the Parks and Open Space Zoning District.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

1. Approve Ordinance 1119 on the first reading and schedule a public hearing and second reading.
2. Amend and approve Ordinance 1119 on the first reading and schedule a public hearing and second reading.
3. Deny Ordinance 1119.

VIII. PROPOSED MOTION:

“I move to approve Ordinance 1119 on First Reading and call for a public hearing.”

IX. ATTACHMENTS:

1. Ordinance 1119
2. PCDC Resolution 2022-01