

**TOWN OF LYONS,
COLORADO**

ORDINANCE NO. 1036

**AN ORDINANCE REZONING CERTAIN PROPERTY IN
THE TOWN OF LYONS FROM THE LOW DENSITY
RESIDENTIAL DISTRICT (R-1) TO THE MEDIUM-HIGH
RESIDENTIAL ZONE DISTRICT (R-2A)**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons possesses the authority to zone, rezone, change, supplement and revise the zoning classifications or designation of property and to regulate land uses within the Town; and

WHEREAS, Scott Young and Emma Young (collectively, "Owner") has filed an application with the Town to rezone property legally described as Lot 3 and the East 10 feet of Lot 4, Block 9, Town of Lyons, County of Boulder, State of Colorado (Schedule No. R0050399, Parcel ID Number 1203018429002) (the "Subject Property"); and

WHEREAS, the Subject Property has a street address of 109 Park Street and consists of 8,404 square feet, more or less; and

WHEREAS, the Subject Property is currently zoned Low Density Residential District (R-1); and

WHEREAS, the Owner is requesting a rezoning to the Medium-High Residential Zone District (R-2A); and

WHEREAS, the Subject Property conforms to the minimum lot standards for the R-2A zone district, as set forth in Section 16-3-170(d) of the *Lyons Zoning Regulations*; and

WHEREAS, the Town's Planning and Community Development Commission (PCDC) considered the proposed rezoning of the Subject Property at a duly noticed public hearing held on Monday, March 12, 2018, and subsequently forwarded its favorable recommendation to Board of Trustees; and

WHEREAS, at a public hearing held and concluded on April 2, 2018, the Board of Trustees considered the proposed rezoning of the Subject Property under Section 16-3-170 and Section 16-15-40 of the *Lyons Zoning Regulations*, specifically, the Board of Trustees considered the proposed rezoning of the Subject Property from the R-1 zone district to the R-2A zone district; and

WHEREAS, public notice has been properly given of the proposed rezoning of the Subject Property by publication, in the *Lyons Recorder*, a newspaper of general circulation within the Town of Lyons, and notice has been given in accordance with applicable requirements of the *Lyons Zoning Regulations*; and

WHEREAS, the administrative record for this case includes, but is not limited to, the Town of Lyons Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all Town of Lyons policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the Owner and the Town, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the Town's planner pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, Board of Trustees has determined that the proposed rezoning of the Subject Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; conforms with the Town's Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the *Lyons Zoning Regulations*; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law and the *Lyons Zoning Regulations* by setting a public hearing in order to provide Town Staff and the public an opportunity to present testimony and evidence regarding the application. Approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Board of Trustees, supports, approves, rejects, or denies the proposed rezoning.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO, as follows:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Rezoning of Subject Property Approved. The property legally described as Lot 3 and the East 10 feet of Lot 4, Block 9, Town of Lyons, County of Boulder, State of Colorado (Schedule No. R0050399, Parcel ID Number 1203018429002), with a street address of 109 Park Avenue, Lyons, is rezoned from the Low Density Residential District (R-1) to the Medium-High Residential Zone District (R-2A).

Section 3. Approval of this rezoning shall be and is subject to each of the following conditions:

- a) The Owner's compliance with all conditions of approval stated in the motion of the Board of Trustees for approval of this Ordinance; and
- b) The Owner shall resolve and correct any technical issues as directed by Town staff prior to recordation of the zoning amendment map; and
- c) The Owner shall pay any and all remaining fees and costs incurred by the Town and its consultants in review and processing of the rezoning application in full prior to recordation of the zoning amendment map.

Section 4. Amendment of Official Zoning Map. The Official Zoning Map of the Town of Lyons shall be amended to conform to and reflect the Subject Property's R-2A zoning in accordance with Section 16-15-60 of the Lyons Municipal Code (LMC). Town Staff is authorized and directed to: (a) change the zoning of the Subject Property on the Town's Official Zoning Map; and (b) to take all post-approval actions set forth in Section 16-15-30(i) of the LMC ("Step 9: Post-Approval Actions") including but not limited to submitting the zoning amendment map for the Subject Property and a copy of this Ordinance to the Boulder County Clerk and Recorder's Office for recordation.

Section 5. 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.

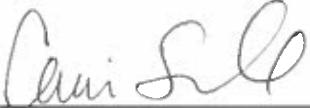
Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the LMC.

INTRODUCED AND PASSED ON FIRST READING THIS 19th DAY OF March, 2018.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 2nd DAY OF April, 2018.

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TOWN OF LYONS, COLORADO



Connie Sullivan, Mayor

ATTEST:



Debra K. Anthony, Town Clerk
