

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1108

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO APPROVING AN APPLICATION FOR THE REZONING OF LOTS 1, 2, AND 3 OF BLOCK 32, COMMONLY KNOWN AS 431 4TH AVENUE, WITHIN THE TOWN OF LYONS, FROM THE (C) COMMERCIAL ZONE DISTRICT TO THE A GENERAL INDUSTRIAL ZONING DISTRICT (“GI”) WITH CONDITIONS

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, pursuant to Lyons Municipal Code (“LMC”) § 16-15-30(h) the Board of Trustees (the “Board”) shall hold a public hearing and act upon an application for proposed zoning amendments; and

WHEREAS, the Applicant has submitted an application for the rezoning of 431 4th Avenue (the “Subject Property”) from the Commercial Zone District (“C”) to the General Industrial Zoning District (“GI”) (the “Application”); and

WHEREAS; pursuant to LMC § 16-15-30(f) the Lyons Planning and Development Commission (“PCDC”) held a public hearing on August 9, 2021 and issued a recommendation to deny the Application; and

WHEREAS, LMC § 16-15-40 provides the relevant criteria for the approval for rezoning; and

WHEREAS, the Board conducted a public hearing following the provision of lawfully required notice to the public; and

WHEREAS, the Board hereby finds that the Application for the proposed rezoning meets the criteria established by LMC § 16-15-40 for approval with conditions necessary to protect surrounding properties from the impacts of the rezoning; and

WHEREAS, the Board 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); and

WHEREAS, specifically, the Board finds that the recent acquisition of municipal property on the eastern corridor of the Town has changed the need for municipal property in the area of the Subject Property and preservation local privately-owned businesses is consistent the goals of the Comprehensive Plan; and

WHEREAS, 16-15-30(h) authorizes the Board to approve an application for rezoning with conditions; and

WHEREAS, the properties surrounding the Subject Property have less intensive uses than the proposed GI zoning proposed in the Application; and

WHEREAS, approving the Application with the conditions intended to shield surrounding less intensive uses from the rezoned GI property is consistent with the Land Use Plan from the Lyons Comprehensive Plan which has a zoning objective of separating GI uses from surrounding less intensive uses; and

WHEREAS, specifically, the approval of the following conditions furthers the zoning objectives of the Land Use Plan from the Lyons Comprehensive Plan:

1. Heavy equipment access to the Subject Property shall be limited to the Railroad Avenue entry to the Subject Property.
2. Applicant shall install a 6-foot privacy screen in compliance with 16-6-70(c) along Railroad Ave and Park Drive to be completed within 6 months of rezoning approval.
3. Applicant shall install 36-to-42-inch fence along 4th Ave in compliance with 16-6-70(a) along 4th Avenue to be completed within 3 months completion the Town installed sidewalk along 4th Avenue. The Town shall give 3 months' notice to the Applicant prior to starting the sidewalk install.
4. All fencing shall be installed within property lines of the Subject Property and outside of the Town right of way.

WHEREAS, the Board hereby finds that the Applicant provided sufficient and competent evidence at the hearing as is necessary to recommend the rezoning of the Subject Property to GI with conditions; and

WHEREAS, the Board hereby approves the Application with the conditions provided herein.

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. The Town of Lyons Board of Trustees hereby approves the Application for rezoning from Commercial (C) to General Industrial GI with conditions for the following property:

Lots 1, 2 and 3, Block 32, Town of Lyons Plat, Town of Lyons, Boulder County, Colorado.

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 4. The Rezoning approval is conditioned on compliance with the following conditions intended to shield surrounding less intensive uses from the rezoned GI property:

1. Heavy equipment access to the Subject Property shall be limited to the Railroad Avenue entry to the Subject Property.
2. Applicant shall install a 6-foot privacy screen in compliance with 16-6-70(c) along Railroad Ave and Park Drive to be completed within 6 months of rezoning approval.
3. Applicant shall install 36-to-42-inch fence along 4th Ave in compliance with 16-6-70(a) along 4th Avenue to be completed within 3 months completion the Town installed sidewalk along 4th Avenue. The Town shall give 3 months’ notice to the Applicant prior to starting the sidewalk install.
4. All fencing shall be installed within property lines of the Subject Property and outside of the Town right of way.

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.

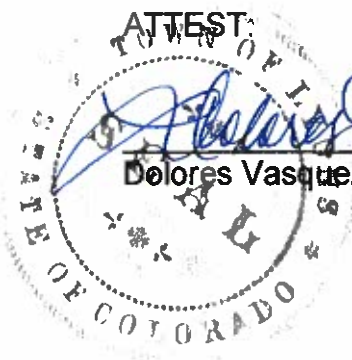
INTRODUCED AND PASSED ON FIRST READING THIS 10th DAY OF August 2021.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 7th DAY OF September 2021.

TOWN OF LYONS, COLORADO

Nicholas Angelo
Nicholas Angelo, Mayor

ATTEST:
Dolores Vasquez
Dolores Vasquez, CMC, Town Clerk

The seal of the Town of Lyons, Colorado, is circular. It features a central emblem with a mountain range and a sun. The words "TOWN OF LYONS" are written in a circle around the top, and "STATE OF COLORADO" is written around the bottom. The year "1878" is also visible within the seal.