

TOWN OF LYONS, COLORADO

ORDINANCE 1172

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTIONS 16-3-200.(b)(2), 16-3-200.(c), 6-3-210.(b)(2), 6-3-210.(c), and Sec. 16-5-10 OF THE LYONS MUNICIPAL CODE TO ALLOW FARMERS MARKETS AS A PERMITTED USE (SECONDARY/ACCESSORY OR CONDITIONAL USE) IN THE COMMERCIAL AND COMMERCIAL-DOWNTOWN DISTRICTS

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, 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, the Town supports incorporating Farmers markets (including artisan markets) into the downtown core.

WHEREAS, the Town recognizes that these uses help to encourage a vibrant downtown core and commercial district.

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 16-15-50; and

WHEREAS, the PCDC recommended the proposed ordinance to the Board of Trustees ("the Board") for consideration pursuant to Resolution 2024-09-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 Sec. 16-3-150.(1) of the Lyons Municipal Code to allow the subdivision of lots recorded on March 20, 1929.

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. Sections 16-3-200.(b)(2), 16-3-200.(c), 6-3-210.(b)(2), 6-3-210.(c), and the following sections are hereby amended as follows (additions in blue and underlined):

Sec. 16-10-90. – Farmers Markets.

(a) Districts Permitted. It shall be unlawful to operate or to cause or permit the operation of a Farmers Market except in the following zone districts.

1. CEC. Use by right
2. C. Use by right if secondary/accessory with a permitted Principal Use. A Conditional Use Permit shall be required if not secondary/accessory with a permitted Principal Use.
3. CD. Use by right if secondary/accessory with a permitted Principal Use. A Conditional Use Permit shall be required if not secondary/accessory with a permitted Principal Use

(b) Permitted Hours of Operation. Farmers Markets shall only be operated from 7:00 am to 7:00 pm.

(c) Frequency of Operation. Farmers Markets shall be operated no more than twice per week.

Sec. 16-3-200. - C Commercial District.

(a) Intent. The C District is intended to provide commercial uses to meet community-wide needs.

(b) Principal Uses. Permitted principal uses in the C District shall be as follows:

- (1) Accessory building or use.
- (2) Business use, including but not limited to the following:
 - a. Club or lodge.
 - b. Entertainment facility.
 - c. Financial institution.

- d. Gallery.
- e. Hotel or motel.
- f. Medical or dental office or clinic.
- g. Marijuana center.
- h. Minor automobile repair.
- i. Mortuary or funeral chapel.
- j. Museum.
- k. Professional office.
- l. Parking garage or lot.
- m. Personal service shops, such as barber shop, beauty parlor, computer repair shop, dry-cleaning retail outlet, self-service laundry, shoe repair shop, or television or small appliance repair shop.
- n. Recreational facility.
- o. Restaurant, bar, or other eating and drinking place.
- p. Retail business, such as bakery, department store, discount store, drug store, florist shop, furniture store, gift shop, grocery store, hardware store or pet store.
- q. Studio.
- r. [Farmers Market. \(See Sec. 16-10-90\)](#)

(c) Conditional Uses. Permitted conditional uses in the C District shall be as follows:

- (1) Car wash facility.
- (2) Place of worship.
- (3) Day care center.
- (4) Gasoline station.
- (5) Major automobile repair.
- (6) Lumber yard.
- (7) Small manufacturing facility with fewer than ten (10) employees.
- (8) Telecommunications facility.
- (9) Use with drive-up window.
- (10) Wholesale commercial facility.
- (11) [Farmers Market \(See Sec. 16-10-90\)](#)

Sec. 16-3-210. - CD Commercial Downtown District.

(a) Intent. The CD District is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community with zero-lot-line development. The desired character for the Commercial Downtown District includes retail uses and restaurants on the first floor of buildings, with offices and residential uses on the upper floors.

(b) Principal Uses. Permitted principal uses in the CD District shall be as follows:

- (1) Accessory building or use.
- (2) Business use, including, but not limited to, the following:
 - a. Club or lodge.
 - b. Entertainment facility.
 - c. Financial institution.
 - d. Gallery.
 - e. Hotel or motel.
 - f. Museum.

- g. Professional office.
- h. Personal service shops, such as a barber shop, beauty parlor, computer repair shop, dry-cleaning outlet, self-service laundry, shoe repair shop, television, or small appliance repair shop.
- i. Recreational facility.
- j. Restaurant, bar, or other eating and drinking place.
- k. Retail stores, such as bakery, department store, discount store, drug store, furniture store, gift shop, grocery store, or pet store.
- l. Studio.
- m. Artisan manufacturing that does not alter the footprint of the existing building.
- n. Artisan studio and gallery.
- o. [Farmers Market. \(See Sec. 16-10-90\)](#)

(c) Conditional Uses. Permitted conditional uses in the CD District shall be as follows:

- (1) Place of worship.
- (2) Day care center.
- (3) Medical or dental office or clinic.
- (4) Municipal administrative office.
- (5) Use with drive-up window.
- (6) Artisan manufacturing that does alter the footprint of the existing building.
- (7) [Farmers Market \(See Sec. 16-10-90\)](#)

ARTICLE 5 - District Uses and Standards

Sec. 16-5-10. - Permitted and conditional uses and uses by special review by zoning district.

Permitted Uses	A-1	A-2	E	EC	R-1	R-2	R-2A	R-3	B	C	CD	CEC	LI	GI	M	POS
Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises	P		P													C
Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock provided that the value of products produced on the premises is at least 60% of the value of all products sold		P														
Farmers' market										P/C	P/C *	P				
Grazing of livestock including supplementary feeding, provided such grazing is not a part of nor conducted in conjunction with any dairy, feed, yard or livestock sales yard	P															

* [\(See Sec. 16-10-90\)](#)

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