

PLANNING AND COMMUNITY DEVELOPMENT COMMISSION
TOWN OF LYONS, COLORADO
RESOLUTION 2024-08-PCDC

**A RESOLUTION OF THE PLANNING AND COMMUNITY DEVELOPMENT COMMISSION OF THE
TOWN OF LYONS, COLORADO RECOMMENDING THAT THE TOWN OF LYONS BOARD OF
TRUSTEES ADOPT AN ORDINANCE 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 FARMER'S MARKETS AS A PERMITTED USE (SECONDARY/ASSOCIATED OR
CONDITIONAL USE) IN THE COMMERCIAL AND COMMERCIAL-DOWNTOWN DISTRICTS**

WHEREAS, pursuant to Section 2-8-170 of the Lyons Municipal Code ("LMC"), the Town's Planning and Community Development Commission ("PCDC") is charged with advising, recommending, and assisting the Board of Trustees in matters relating to planning the physical growth of the Town of Lyons ("the Town") in accordance with the powers granted pursuant to Article 23 of Title 31, 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, Section 16-15-10 of the 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 supports the incorporation of farmers markets (including artisan markets) within the downtown core.

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

WHEREAS, the PCDC recommends that the Town of Lyons Board of Trustees adopt the Proposed Ordinance in substantially the form attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND COMMUNITY DEVELOPMENT COMMISSION OF THE TOWN OF LYONS, COLORADO:

Section 1. Based on the evidence in the record and testimony provided at the public hearing held before the PCDC, the PCDC finds that that the text of the proposed Ordinance, a

copy of which is attached hereto as **Exhibit A** complies with the criteria set forth in LMC Sections 16-15-50 of the LMC and is supported by the Town of Lyons Comprehensive Plan.

Section 2. Based on the findings set forth in **Section 1** above, the PCDC recommends that the Town of Lyons Board of Trustees approve and adopt **Exhibit A** in substantially the form attached hereto.

Section 3. This resolution shall become effective immediately upon approval by the Planning and Community Development Commission.

ADOPTED this 12th DAY OF AUGUST 2024.

**PLANNING AND COMMUNITY DEVELOPMENT
COMMISSION FOR THE TOWN OF LYONS,
COLORADO**

Neal Evers
By: Neal Evers (Aug 14, 2024 20:11 MDT)
Neal Evers, Chair

ATTEST:

Maria Marquez

Maria Marquez-Rubio
Deputy Town Clerk



EXHIBIT A

Proposed Ordinance

**TOWN OF LYONS,
COLORADO**

ORDINANCE XXXX

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING 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 FARMER'S MARKETS AS A PERMITTED USE (SECONDARY/ASSOCIATED 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 the incorporation of farmers markets (including artisan markets) within 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

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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 2022-XX-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 Farmer's Market except in the following zone districts.
 1. CEC. Use by right
 2. C. Use by right if secondary/associated with a permitted Principal Use. A Conditional Use Permit shall be required if not secondary/associated with a permitted Principal Use.
 3. CD. Use by right if secondary/associated with a permitted Principal Use. A Conditional Use Permit shall be required if not secondary/associated with a permitted Principal Use
- (b) Permitted Hours of Operation. Farmer's Markets shall only be operated from 7:00 am to 7:00 pm.
- (c) Frequency of Operation. Farmer's Markets shall only be operated 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 shop, 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. [Farmer's 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) [Farmer's 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 shop, such as barber shop, beauty parlor, computer repair shop, dry-cleaning outlet, self-service laundry, shoe repair shop or television or small appliance repair shop.
 - i. Recreational facility.
 - j. Restaurant, bar or other eating and drinking place.
 - k. Retail store, 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. Farmer's 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) Farmer's 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/E/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

Reso 2022-08 -PCDC - Farmers Markets

Final Audit Report

2024-08-15

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