

**PLANNING AND COMMUNITY DEVELOPMENT COMMISSION  
TOWN OF LYONS, COLORADO  
RESOLUTION 2021-03-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 CHAPTER 16, ARTICLE 3 OF THE LYONS MUNICIPAL CODE TO AMENDING CERTAIN SECTIONS OF CHAPTER 16 OF THE LYONS MUNICIPAL CODE TO ALLOW FOR MARIJUANA CENTERS, MARIJUANA-INFUSED PRODUCT MANUFACTURERS, AND CULTIVATION OPERATIONS IN TOWN ZONING DISTRICTS PREVIOUSLY ALLOWING FOR MEDICAL MARIJUANA CENTERS, MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURERS, AND MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION**

**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 that corrects a manifest error in the *Lyons Zoning Regulations*; and

**WHEREAS**, in 2014 the Town of Lyons Board of Trustees (the “Board”) enacted Ordinance 952 amending the Lyons Municipal Code (“LMC”) with concern the licensing of marijuana businesses; and

**WHEREAS**, November 2012, Colorado voters enacted Amendment 64 allowing for the sale of retail marijuana; and

**WHEREAS**, the Colorado General Assembly subsequently adopted legislation

creating the Colorado Retail Marijuana Code creating the regulatory framework for licensing retail marijuana; and

**WHEREAS**, Ordinance 952 created a new category of marijuana uses in the Town: “Marijuana Center,” “Marijuana-Infused Product Manufacturer,” and Cultivation Operations”; and

**WHEREAS**, prior to Ordinance 952 the LMC had previously only permitted “Medical Marijuana Centers,” “Medical Marijuana-Infused Product Manufacturer,” and “Medical Marijuana Optional Premises Cultivation Operation”; and

**WHEREAS**, Ordinance 952 took away the distinction between medical and retail marijuana licensing, however, it did not accordingly update the corresponding uses in the *Lyons Zoning Regulations*; and

**WHEREAS**, the PCDC desires to enact a text amendment to the Town’s zoning code pursuant to LMC Section 16-15-50 to correct an existing manifest error in the text of the *Lyons Zoning Regulations* created by the failure to update the zoning code upon the enactment of Ordinance 952; and

**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. The PCDC hereby authorizes Philip Strom, Interim Town Planner, or his designee, to finalize the Proposed Ordinance consistent with discussion held at the November 22, 2021 PCDC meeting and to provide the final Proposed Ordinance to the Town Clerk for consideration by the Board of Trustees.

Section 4. This resolution shall become effective immediately upon approval by the Planning and Community Development Commission.

**ADOPTED this 22<sup>nd</sup> DAY OF November 2021.**

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

By: \_\_\_\_\_  
David Hamrick , Chair

ATTEST:

\_\_\_\_\_  
Marissa Davis  
Deputy Town Clerk

**EXHIBIT A**

Proposed Ordinance

**TOWN OF LYONS,  
COLORADO**

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING CERTAIN SECTIONS OF CHAPTER 16 OF THE LYONS MUNICIPAL CODE TO ALLOW FOR MARIJUANA CENTERS, MARIJUANA-INFUSED PRODUCT MANUFACTURERS, AND CULTIVATION OPERATIONS IN TOWN ZONING DISTRICTS PREVIOUSLY ALLOWING FOR MEDICAL MARIJUANA CENTERS, MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURERS, AND MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION.**

**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**, in 2014 the Town of Lyons Board of Trustees (the “Board”) enacted Ordinance 952 amending the Lyons Municipal Code (“LMC”) with concern the licensing of marijuana businesses; and

**WHEREAS**, November 2012, Colorado voters enacted Amendment 64 allowing for the sale of retail marijuana; and

**WHEREAS**, the Colorado General Assembly subsequently adopted legislation creating the Colorado Retail Marijuana Code creating the regulatory framework for licensing retail marijuana; and

**WHEREAS**, Ordinance 952 created a new category of marijuana uses in the Town: “Marijuana Center,” “Marijuana-Infused Product Manufacturer,” and Cultivation Operations”; and

**WHEREAS**, prior to Ordinance 952 the LMC had previously only permitted “Medical Marijuana Centers,” “Medical Marijuana-Infused Product Manufacturer,” and

“Medical Marijuana Optional Premises Cultivation Operation”; and

**WHEREAS**, Ordinance 952 took away the distinction between medical and retail marijuana licensing, however, it did not accordingly update the corresponding uses in the Town’s zoning code; 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 that corrects a manifest error in the *Lyons Zoning Regulations*; and

**WHEREAS**, the Town desires to enact a text amendment to the Town’s zoning code pursuant to LMC Section 16-15-50 to correct an existing manifest error in the text of the *Lyons Zoning Regulations* created by the failure to update the zoning code upon the enactment of Ordinance 952; and

**WHEREAS**, the PCDC recommended the proposed ordinance to the Board of Trustees (“the Board”) for consideration Pursuant to Resolution 2021-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

**WHEREAS**, The Board has conducted a public hearing to consider evidence and testimony, thus providing adequate opportunity for interested residents and customers to be heard; and

**WHEREAS**, the Board desires to enact an ordinance amending Chapter 16 of the LMC to establish the uses of “Marijuana Centers,” “Marijuana-Infused Product Manufacturers,” and Cultivation Operations” by replacing the uses of Medical Marijuana Centers, Medical Marijuana-Infused Product Manufacturer, and Medical Marijuana Optional Premises Cultivation Operation everywhere those terms appear in the *Lyons Zoning Regulations* and other related amendments.

**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. Chapter 16, Article 3, Section 200 is hereby amended as follows (changes italicized and bold):

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.***
    - ....

Section 3. Chapter 16, Article 3, Section 230 is hereby amended as follows (changes italicized and bold):

Sec. 16-3-230. - CEC Commercial East Corridor District.

- (a) Intent.
  - (1) The Commercial East Corridor District (CEC) is intended to help localize Lyons' economy, provide employment opportunities in Town and encourage the Town's economic sustainability. It is intended to serve as an employment area within the Town and to provide locations for a variety of workplaces, including but not limited to office and business parks, tourism-related uses, light industrial uses, research and development offices and educational facilities. Further, the CEC District is intended to complement the downtown area, be compatible with Lyons' small-town character and

quality of life, and protect the St. Vrain River and its associated riparian areas and floodplain.

- (2) Because the CEC District is intended to be along Lyons' eastern gateway and the St. Vrain River, it shall promote excellence in environmentally sensitive design and construction of buildings, outdoor spaces and streetscapes. The corridor's commercial viability relies on careful planning for automobiles, but it should be designed and improved to accommodate pedestrians, bicycles and transit as well. Because of the highway traffic, special design features may be necessary for the buildings to be accessible and visible to passing motorists, while also accommodating practical multi-modal transit.

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

- (1) Accessory building or use.
- (2) Accessory dwelling.
- (3) Agri-tourism business and sustainable agricultural use.
- (4) Artisan studio and/or gallery.
- (5) Bed and breakfast.
- (6) Day care center (all ages).
- (7) Event center, small.
- (8) Farmer's market.
- (9) Financial institution.
- (10) Greenhouse and plant nursery.
- (11) Group home for people with disabilities.
- (12) Hospital.
- (13) Hotel or motel, small.
- (14) Light industrial uses not required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment.
- (15) Long-term care facility.

(16) Medical and dental office and clinic.

***(17) Marijuana center.***

***(18) Marijuana-infused product manufacturer.***

***(19) Cultivation operation.***

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Section 4. Chapter 16, Article 3, Section 240 is hereby amended as follows (changes italicized and bold):

**Sec. 16-3-240. LI Light Industrial District.**

(a) Intent. The LI District is intended to provide locations for a variety of workplaces, including light industrial uses, research and development offices and institutions.

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

***(1) Marijuana center.***

***(2) Marijuana-infused products manufacturer.***

***(3) Cultivation operation.***

...

Section 5. Chapter 16, Article 3, Section 250 is hereby amended as follows (changes italicized and bold):

**Sec. 16-3-250. GI General Industrial District.**

(a) Intent. The GI District is intended to provide a location for a variety of employment opportunities, such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations.

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

(1) Any use permitted in the C and CEC Districts.

(2) Any manufacturing operation or industrial use (including outdoor storage) which does not create any danger to safety in surrounding areas, does not cause water pollution and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat and

glare.

- (3) **Marijuana center.**
- (4) **Marijuana-infused products manufacturer.**
- (5) **Cultivation operation.**

...

Section 6. Chapter 16, Article 5, Section 10 is hereby amended as follows (changes italicized and bold):

....

<b><i>Permitted Uses</i></b>	<b><i>A-1</i></b>	<b><i>A-2</i></b>	<b><i>E</i></b>	<b><i>EC</i></b>	<b><i>R-1</i></b>	<b><i>R-2</i></b>	<b><i>R-2A</i></b>	<b><i>R-3</i></b>	<b><i>B</i></b>	<b><i>C</i></b>	<b><i>CD</i></b>	<b><i>CEC</i></b>	<b><i>LI</i></b>	<b><i>GI</i></b>	<b><i>M</i></b>	<b><i>POS</i></b>
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<b>Business/Commercial/Retail Uses</b>																
Adult-oriented use															C	
Agritourism business and sustainable agricultural use												P				
Artisan studio											P	P				
Artisan manufacturing											P/C					
Automobile, boat and motorcycle rental and sales												S				
Automobile sales											*					
Automotive and												S				

motorcycle repair (major and minor)																	
Bed and breakfast	C	C	C	C	C	C	C	C				P					
Boarding or rooming house								C									
Business use									P	P	P				P		
Campground												S					C
Car wash										C					P		
Club or lodge									P	P	P				P		
Day care center	C	C	C	C	C	C	C	C		C	C	P			P		
Department store									*	P	P				P		
Discount store									*	P	P				P		
Dog day care facility												S					
Entertainment facility										P	P				P		
Event center, large												S					

Event center, small												P				
Financial institution										P	P	P		P		
Gallery										P	P	P		P		
Gasoline station								*	C	*	S		P			
Greenhouse and plant nursery												P				
Grocery store												P				
Group home for people with disabilities												P				
Hospital												P				
Hotel or motel										P	P			P		
Hotel or motel, large												S				
Hotel or motel, small												P				
Kennel												S				

Long-term care facility												P					
Lumber yard										C					P		
Machine shop														P			
Major automobile repair										C	*			P			
<b><i>Marijuana center</i></b>										P		P	C	P			
<b><i>Marijuana-infused products manufacturer</i></b>												P	C	P			
<b><i>Cultivation operation</i></b>												P					
Medical or dental office or clinic									P	P	C	P		P			
Minor automobile repair										P	*			P			
Mixed use building (a building with at least 50% of the total gross floor area of the building consisting												S					

of residential uses, all of which residential uses are located on upper floors, where combined with a special review use on the ground level)																
Mixed use building (a building with less than 50% of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a permitted nonresidential use on the ground level)												P				
Mortuary or funeral chapel										P	*				P	
Neighborhood business									P							

Nursing and assisted living facility												P				
Optional premises cultivation operation												P	C	P		
Parking garage										P				P		
Parking lot										P				P		C
Permitted principal use with drive-up window										C	C			P		
Personal and business service shop												P				
Personal service shop									P	P	P	P		P		
Professional office									P	P	P	P		P		
Restaurant and/or bar without drive-up food or beverage service, small												P				

Restaurant, bar or other eating and/or drinking place									P	P	P			P		
Restaurant and/or with a drive-up window for food or beverage service, or that otherwise serves food or beverages to customers in parked motor vehicles, or a restaurant and/or bar with more than 4,000 square feet												S				
Retail establishment, large												S				
Retail establishment (including grocery store), small												P				
Retail store or establishment										P	P	P		P		
Studio										P	P	P		P		

Veterinary hospital and veterinary facility												P				
Wholesale commercial facility										C				P		

Section 7. Code Revisions. Because this Ordinance revises multiple sections within a chapter of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 8. 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 9. 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 10. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

Section 11. 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 \_\_\_\_ DAY OF \_\_\_\_\_  
202\_.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON  
SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 202\_.

TOWN OF LYONS, COLORADO

\_\_\_\_\_  
Nicholas Angelo, Mayor

ATTEST:

\_\_\_\_\_  
Dolores Vasquez, CMC, Town Clerk