

Title 9

Lyons Zoning Regulations

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CHAPTER 1 GENERAL PROVISIONS

9-1-1 Title

This ordinance establishes the regulations and standards governing the use and development of land within the Town of Lyons. Included are provisions for the annexation and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews.

9-1-2 Short Title

This ordinance shall be known and may be cited as the Lyons Zoning Regulations. Within this ordinance the Lyons Zoning Regulations shall simply be referred to as "this Code."

9-1-3 Authority

- A. This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Chapter XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Chapter 20, *et seq.* and Title 31, Chapter 23, *et seq.* of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- B. Whenever a section of the Colorado Revised Statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

9-1-4 Jurisdiction

- A. This Code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town, and where applicable, the land within the Town's Comprehensive Plan boundaries. For purposes of zoning, this Code only applies to lands within the Town's corporate boundaries.
- B. A copy of a map showing the boundaries of the Town and the area within the Comp Plan shall be available for public inspection in the Town offices.

9-1-5 Purpose

- A. The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the

citizens' goals as identified in the Lyons Comprehensive Plan. This Code is designed to:

1. Encourage the most appropriate use of land within the Town;
2. Encourage innovative, quality site design, architecture and landscaping;
3. Encourage new developments to relate to Town's historic development pattern;
4. Promote compact, well-defined, sustainable neighborhoods that enhance the Town's character;
5. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
6. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
7. Provide a variety of lot sizes and housing types in every neighborhood;
8. Protect sensitive natural and historic areas and the Town's environmental quality;
9. Integrate a high quality natural environment into the developed portions of the community;
10. Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
11. Provide protection from geologic, flood and fire hazards and other dangers; and
12. Promote the health, safety, morals and general welfare of Town residents.

9-1-6 Interpretation

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

9-1-7 Applicability of Chapter

- A. The provisions of the Lyons Zoning Regulations shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
- B. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- C. Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
- D. This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Lyons Comprehensive Plan and with adopted regulations, policies and other guidelines.

9-1-8 Relationship to Existing Ordinances

- A. All ordinances or resolutions or motions of the Board of Trustees of the Town or parts thereof in conflict with this Code are to the extent of such conflict hereby superceded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.
- B. In the even of a conflict or inconsistency between this Zoning Code and any previously adopted provision of the Municipal Code, this Zoning Code shall govern.

9-1-9 Relationship to Comprehensive Plan

A. It is the intention of the Town that this Code implement the planning policies adopted in the Lyons Comprehensive Plan ("Comprehensive Plan") for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

1. Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals.
2. Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

9-1-10 Effective Date

The provisions of this Code became effective May 5, 2008 and were originally adopted on March 25, 2008. Development plans approved under previous regulations that received vested property rights through a site specific development plan pursuant to Colorado Revised Statutes § 24-68-101, *et seq.*, shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 2.8.

9-1-11 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town Hall.

9-1-12 Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

9-1-13 Computation of Time

- A. In computing a period of days, the first day is excluded and the last day is included.
- B. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

9-1-14 Miscellaneous

- A. As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
- B. The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive.

9-1-15 Definitions

- A. Terms used in this Code are defined as follows:
 - 1. **Abutting** means bordering or touching, such as sharing a common lot line.
 - 2. **Accessory building** means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.
 - 3. **Accessory use** means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building, or use.
 - 4. **Adjacent** means meeting or touching at some point, or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.

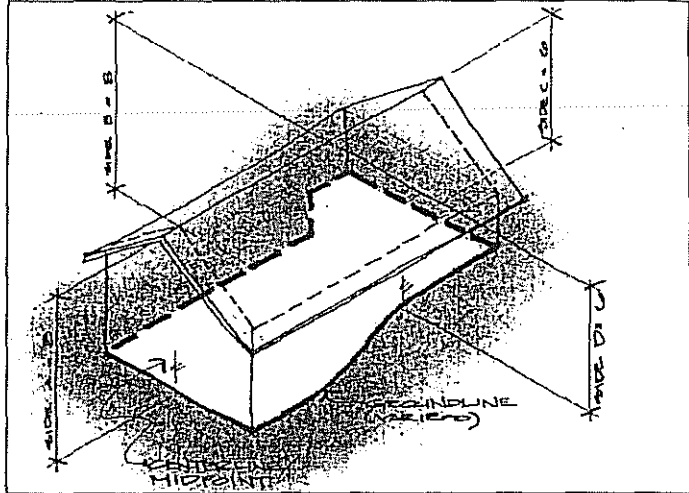
5. **Adjacent property owner** is an owner of record of any estate, right or interest in real property abutting and within a specified distance which can vary.
6. **Adult-oriented use** means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas as the primary attraction to the premises.
7. **Alley** means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
8. **Alter** means the act or result of any change, addition or modification in construction, occupancy or use.
9. **Animal boarding** see "Boarding, animal."
10. **Antenna or antennae** means any transmitting or receiving device(s) or equipment mounted on a tower, building, or structure that radiate, capture, receive, switch, emit, or transmit electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals including, but not limited to, paging, enhanced specialized mobile radio, commercial mobile radio service, personal communication services, microwave link antenna, cellular telephone, and other related technologies.
11. **Antenna, panel** means any antenna with both a vertical and horizontal plane designed to receive, transmit, direct, relay, aim, or switch signals associated with telecommunication services. Panel antennae are mounted to lawfully existing buildings and structures.
12. **Antenna, whip** means any antenna cylindrical in shape and less than 8 inches in circumference that emits signals in a 360-degree horizontal plane for the transmission or reception of wireless communications signals.
13. **Apartment** means a room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than 2 dwelling units.
14. **Applicant** is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.

15. **Area of lot or lot area** means the total horizontal area within the lot lines of a lot.
16. **Assisted living facility** means a state-licensed establishment which provides permanent living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently but who do not need skilled nursing care. The facility may provide supportive health care monitoring, such as assistance with medication, but is limited to services which do not require state or federal licensing.
17. **Associated residential dwelling unit** means a residential dwelling unit that is located in a building in which 50% or more of the first floor area is devoted to a use for which the primary and principal purpose is the sale of goods, products, or services that are subject to local sales tax, with the exception of stairways, entrance areas necessary to serve the associated residential dwelling unit and retail facades. An associated residential dwelling unit must be intended for use on long-term basis, not made available for lease or rent for periods of less than 6 month terms, and shall maintain an exterior entrance separate and apart from any other use within the building.
18. **Automotive repair, major** means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck oriented motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a complete enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
19. **Automotive repair, minor** means an establishment primarily engaged in the repair or maintenance of passenger and light truck oriented motor vehicles, trailer and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
20. **Awning** means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.
21. **Awning sign** means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

22. **Bar** means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.
23. **Bed and breakfast** means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.
24. **Bikeway** means a path designed for use by bicyclists, which may be used by pedestrians.
25. **Board of Trustees** means the governing board of the Town of Lyons.
26. **Boarding house** means a building other than a hotel, cafe or restaurant where, for compensation, directly or indirectly, lodging and/or meals are provided for roomers or boarders exclusive of the occupant's family. The word *compensation* shall include compensation in money, services or other things of value.
27. **Boarding (large animal)** shall mean the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.
28. **Boarding (small animal)** means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted.
29. **Building** means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
- a. Is permanently affixed to the land.
 - b. Has one or more floors and a roof.
30. **Building code** means the set of standards that must be followed in the construction and remodeling of buildings and structures. The building code used by the Town of Lyons is the *Uniform Building Code*.
31. **Building frontage** means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, or other circulation area open to the public and has either a main window display or a public entrance to the building.

32. **Building height** means the average of the vertical height measured from the finished grade at the center of each wall to the highest roof beam. The horizontal measurement point is three feet from each wall.

Diagram shows the building height of this structure as 7, determined by adding sides A, B, C and D (8+8+6+6) and dividing by 4.



33. **Building, principal** means one building housing the principal (primary or most important) uses permitted for the lot upon which it is located.
34. **Campground** means an area established, maintained, operated or used by a public or private entity for temporary occupancy of recreational vehicles, tents, or other camping equipment.
35. **Canopy sign** means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
36. **Cemetery** means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.
37. **Character** means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.
38. **Child care center** see "Day care center, child."
39. **Church or place of worship and assembly** means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.

40. **Clinic** means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
41. **Clubs and lodges** means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.
42. **Commercial mineral deposits** means aggregates, stone and other natural deposits that may be extracted from a property for economic benefit.
43. **Common open space** means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.
44. **Community facility** means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.
45. **Compatibility** means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.
46. **Condominium** means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
47. **Conservation easement** means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance. See also §38-30.5-102 C.R.S. (NOTE: For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).
48. **Constant care facility** see "Nursing facility."
49. **Container** (also known as cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a

vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. A standard container may be 20 feet, 40 feet, 45 feet, 48 feet or 53 feet in length, eight feet (8'0") or 8'6" in width, and 8'6" or 9'6" in height.

50. **Covenants** means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town of Lyons. In the event of conflict between the covenants and this Code, this Code controls.
51. **Cul-de-sac** means a local street with only one outlet and having the other end for the reversal of traffic movement.
52. **Day care** means a use which is the temporary care and supervision of persons not related to the care giver. Day Care facilities shall have limited hours of operation and shall not offer permanent full time care. Day care facilities are not considered schools.
53. **Day care center, adult** means a facility, which is maintained for a part of a day for the care of persons over the age of 16, who are not related to the owner, operator or manager, whether such facility is operated with or without compensation.
54. **Day care center, child** means a facility, which is maintained for a part of a day for the care of children under the age of 16 years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation. The term includes, but is not limited to, facilities commonly known as day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children, but specifically excludes any family-care home as defined in this Code.
55. **Dedication** means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.
56. **Density** means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Density is calculated by dividing the total number of units by the total acreage. This calculation is frequently referred to as "gross density".
57. **Department store** means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services

are housed, enclosed, and are exhibited and sold directly to the customer for whom the goods and services are furnished.

58. **Design standard** means the standard that sets forth specific improvement requirements.
59. **Developer** means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
60. **Development** means any man-made change to improved or unimproved real estate, including but not limited to the alteration, construction, reconstruction, conversion, or enlargement of any structure; any change in use of a property, building, or structure; and any mining, dredging, filling, grading, paving, excavation or drilling operation. The term "development" shall include the act of subdivision.
61. **Development plan** means the written and graphical documents that detail the provisions for any development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.
62. **Discount store** means a bulk-purchase retail establishment that is usually membership-based wherein a variety of unrelated merchandise and services are housed, enclosed, and are exhibited and sold directly to the customer for whom the goods and services are furnished.
63. **Downtown** means the downtown neighborhood as defined in the Town of Lyons Comprehensive Plan.
64. **Drive aisle** means the lane in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.
65. **Drive-in use** means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
66. **Driveway, private** means a constructed vehicular access connecting one or more properties to a private or public road or street.

67. **Dry-cleaning retail outlet** means a dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.
68. **Dwelling** means a building or a portion thereof used exclusively for residential occupancy.
69. **Dwelling, multiple-family** means a building occupied by three or more families living independently of each other but not including motels or hotels, and containing three or more dwelling units.
70. **Dwelling, one-family (Single Family)** means a detached building designed exclusively for, and occupied by, one family and containing one dwelling unit.
71. **Dwelling, one-family attached** means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
72. **Dwelling, one-family detached** means a single-family dwelling which is not attached to any other dwelling or building by any means, including manufactured housing on a permanent foundation.
73. **Dwelling, two-family** means a building occupied by two families living independently of each other, and containing two dwelling units.
74. **Dwelling unit** means one or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a one-family, two-family or multi-family dwelling or mixed-use building.
75. **Easement** means a right to use or control the property of another for a designated purpose, such as access, conservation, drainage, or utility, generally established by deed or dedication on a recorded plat.
76. **Entertainment facilities** means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.
77. **Family** means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
 - b. Any unrelated group of persons consisting of not more than three persons.
78. **Floodplain** means areas which have been designated by FEMA as susceptible to flooding.
79. **Floor area, also called gross floor area**, means the total square footage of the building measured along the outside walls of the building and including each floor level basement areas, but not including open balconies, garages or other enclosed automobile parking areas.
80. **Freestanding facility** means a telecommunication facility that consists of a stand-alone structure such as a monopole or lattice tower, attached antenna(e), and associated equipment storage shelter(s).
81. **Functional open space** means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archaeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.
82. **Funeral chapel** means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.
83. **Gallery** means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art, excluding libraries, museums, or non-commercial art galleries.
84. **Garage** means an accessory building or portion of a principal building that is intended or used primarily for the storage of motor vehicles, and which is enclosed in such a manner that the stored or parked motor vehicle is contained entirely within the building.
85. **Gasoline station** means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold.
86. **Geologic hazard** means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire or similar

naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

87. **Grade, finished** means the final elevation of the ground surface after development.
88. **Green Building** means the practice of reducing resource consumption while also reducing harmful environmental impacts throughout the life cycle of a building. Four main concepts of Green Building include (1) creating efficient buildings that reduce the consumption of energy, water, non-renewable building materials and other resources in their construction, renovation, operations and maintenance, (2) creating a healthy environment for building users, including air quality, lighting, electromagnetic fields, and enhanced opportunity for healthy activities, (3) reducing off-site negative impacts such as construction waste, storm-water runoff, wastewater, air pollution, and (4) implementing site design that integrates the site with surrounding properties. Green Building strives to maximize the long term economic and social benefits of a building while participating in the protection of a stable and sustainable environment.
89. **Grocery store** means a retail establishment which primarily sells food, but also may sell other convenience and household goods.
90. **Gross floor area** means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
91. **Group Care Home** means a facility which provides 24-hour care or supervision of persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager thereof, and who do not meet the definition of family under this Code.
92. **Home business** means an accessory use of a dwelling unit (or of an accessory structure allowed on a residential lot) for gainful employment of the residents of the dwelling unit, which use does not change the essential residential character or appearance of the dwelling unit.
93. **Hotel/motel** means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals.
94. **Illumination** means lighting by means of a light source.
95. **Impound lot or yard** means an area used exclusively for the temporary storage of automobiles, motor vehicles and recreational vehicles impounded pursuant to order of a public law enforcement agency or insurance organization licensed to conduct business in the State, and stored solely for the purposes of law enforcement investigation, insurance

investigation, title clearance and transfer and/or litigation. This definition does not include the dismantling or disassembly of vehicles except pursuant to litigation, the sale of vehicle parts nor the storage of non-impounded vehicles or their parts.

96. **Junkyard** means an industrial use contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.
97. **Kennel** see "Boarding, small animal."
98. **Laundry, self-service** means a laundry business which consists primarily of serving retail customers, provided that any laundry processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.
99. **Livestock** means animals customarily and commonly associated with the practice of agriculture and ranching activities, such as horses, cattle, sheep, and goats; but not including dogs, cats, or similar common household pets.
100. **Lot** means a parcel of land created through a subdivision plat with a separate legal description for purpose of conveyance or use.
101. **Lot, corner** means a lot situated at the junction of a front street and a side street.
102. **Lot, double frontage** means lots which front on one public street and back on another.
103. **Lot line, front** means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line.
104. **Lot line, rear** means the line opposite the front lot line.
105. **Lot line, side** means any lot lines other than front lot lines or rear lot lines.
106. **Lot size** see "Area of lot or lot area."
107. **Lot width** means the distance parallel to the front lot line, measured at the front building setback line.

108. **Lyons Comprehensive Plan** means the plan, which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S § 31-23-206, to guide the future growth, protection and development of the town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.
109. **Machine shop** means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.
110. **Manufactured home** means a single-family dwelling which:
- a. Is partially or entirely manufactured in a factory;
 - b. Is permanently affixed to and installed on an engineered permanent foundation;
 - c. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.
111. **Medical and dental offices and clinics** means an establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists, osteopaths, physical therapy, massage therapy, and acupuncture, where patients are not lodged overnight but are admitted for examination and/or treatment.
112. **Membership club** see "Clubs and lodges."
113. **Mini-storage facility** means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment.
114. **Mixed use** shall mean the development of a lot tract or parcel of land, building or structure with two or more different uses.
115. **Model home** means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a "model home."
116. **Mortuary** see "Funeral chapel."

117. **Multiple family dwelling** see "Dwelling, multiple-family."
118. **Nonconforming building** means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.
119. **Nonconforming lot** means a lot which does not meet the minimum lot area, lot width or lot depth requirements, but that was lawfully created under the regulations in force at the time it was subdivided.
120. **Nonconforming use** means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
121. **Nursing facility** means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.
122. **Off-street parking area** means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.
123. **Open space** means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Functional (usable) open space shall exclude areas used for streets, parking spaces, parking access ways, private yards and buildings.
124. **Outdoor storage** means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.
125. **Owner** means any person as defined by this chapter, who, alone, jointly or severally with others, or in a representative capacity (including, without

limitation, an authorized agent, executor or trustee) has legal or equitable title to any property in question.

- 126. **Parcel** means a tract or plot of land.
- 127. **Park** means an area open to the general public and reserved for recreational, educational or scenic purposes.
- 128. **Parking garage** means an off-street parking area within a building.
- 129. **Parking lot** means off-street parking area or vehicular use area.
- 130. **Pedestrian scale (human scale)** means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
- 131. **Plan** means the map(s) and supporting documentation for a development which includes but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Code.
- 132. **Planned Unit Development (PUD)** means a land area under unified control designed and planned to be developed in a single phase or a series of phases according to an approved final development plan.
- 133. **Plat** means a map of certain described land prepared in accordance with the requirements of this Code, and C.R.S. § 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.
- 134. **Principal use** means the main use of land or of a structure as distinguished from a subordinate or accessory use.
- 135. **Professional office** means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature.
- 136. **Proof of ownership** means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.
- 137. **Property** means any real property including any buildings or structures or improvements located thereon.

138. **Property interest or interest in the property** means a right, claim, title, estate or legal share in a property.
139. **Property line** means the legally described boundary line that indicates the limits of a parcel, tract, lot, or block to delineate ownership and setback requirements.
140. **Public facilities** means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.
141. **Public hearing** means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.
142. **Public improvement** means any improvement including but not limited to drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement, not limited to streets, alleys, sidewalks, trails, water and sewer lines, electric facilities, storm drainage facilities, arterial right-of-way landscaping, or other facility which benefits the public.
143. **Public open space** means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses.
144. **Public sanitary facilities** means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the buildings containing these units.
145. **Public school** see "School, public."
146. **Public utility** means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but does not include wireless telecommunication facilities (q.v.).
147. **Reception hall** means a building or portion of a building available for lease by private parties for social and dining purposes.
148. **Recreational vehicle (RV)** means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which

either has its own motive power or is mounted or drawn by another vehicle.

- 149. **Recycling collection point** means an accessory use that serves as a drop-off point for temporary storage of recyclable material.
- 150. **Restaurant** means an establishment whose principal business is to serve food and beverages in a ready-to consume state for consumption either within the restaurant building off the premises as carry-out orders; or in an outdoor seating area on the premises.
- 151. **Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main or for another special use.
- 152. **School** means any building or part of any building used for instructional purposes to provide elementary, secondary, post-secondary, or vocational education. "School" does not include "day care centers," but includes the following more specific uses. "Public Schools" are elementary, secondary or post-secondary schools that meet all applicable prescribed Colorado state standards, and "Private school" are schools that are not public and include schools affiliated with particular religion (commonly referred to as "parochial schools"), private boarding schools, private colleges and universities, or military schools.
- 153. **Sanitary waste station** means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
- 154. **Setback** means the minimum distance in linear feet measured on a horizontal plane between the outer perimeter of a building or structure and each of its lot lines. For purposes of this Code, a wheelchair ramp, constructed on any property pursuant to all applicable permit requirements and in accordance with all applicable Building Code requirements, shall not be considered or measured as part of the perimeter of a building or structure and shall not be required to meet any setback requirements. This exception shall apply only to wheelchair ramps and not to any associated deck or porch. A maximum of 30 inches of roof may project into a required yard where it does not conflict with Building Codes. Where all or any part of a public right-of-way, street, road, alley or other thoroughfare bisects, divides, or is included within any lot, the setback shall also apply to the distance in linear feet measured on a horizontal plane between the outer perimeter of a building or structure and the edge of such public right-of-way, street, road, alley or other thoroughfare. (Ord 846, 10-18-2008)
- 155. **Sidewalk** means the hard surface path within the street right-of-way for use by pedestrians.
- 156. **Sight distance triangle** means an area of land at the intersection of streets, or a street and a driveway, within which nothing may be erected, planted, placed, or allowed to grow in a manner which will obstruct the vision of motorists entering or leaving the intersection.

157. **Site Plan** means a scaled drawing for a lot, use, or building, specifying how the entire site will be developed including, but not limited to, building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, landscaping, and signs.
158. **Street** means any public or private thoroughfare which affords a principal means of access to abutting property and including such terms as "public right-of-way," "highway," "road" and "avenue."
159. **Street furniture** means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.
160. **Structure** means anything constructed or erected that is located on the ground or attached to something located on the ground, but not including fences or walls used as fences; or poles, lines, cables or other transmission or distribution facilities of public utilities; patios, concrete slabs, or decks twenty-four inches in height or less; or landscape materials.
161. **Structure, conforming** means any building or structure which complies with all of the regulations of this code and any amendments thereto.
162. **Structure, non-conforming** means a structure which when originally constructed or erected was conforming but which no longer conforms due to changes made to the code after it was constructed or erected.
163. **Studio** means a work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.
164. **Subdivider** means any person, partnership, joint venture, association, corporation, person in a representative capacity, or other legal entity or legal representative who participates in any manner in the division of land for the purpose, whether immediate or future, of sale or development.
165. **Subdivision** means the division re-division of a lot, tract, parcel, structure into two or more parcels, building sites, tracts, lots, or estates in land.
166. **Supermarket** see "Grocery store."
167. **Tavern** see "Bar."

168. Telecommunication facility, structure- or building-mounted means any telecommunication facility, antenna, or equipment attached to or mounted upon any structure or building. The phrase "structure or building mounted facility" does not include a "freestanding facility."

169. Telecommunications support facilities means support buildings, structures, equipment cabinets, electrical and mechanical equipment, utilities poles and lines, and other forms of physical improvements used in support of towers or structure- or building-mounted facility for the provision of telecommunication services.

170. Telecommunications facility means the plant, equipment, buildings, fencing, and other real and personal property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, structures, electronics, and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services. The term telecommunications facility shall not include:

- a. Amateur radio operators' equipment licensed by the FCC;
- b. Any non-commercial satellite earth station antenna 2 meters in diameter or less which is located in an area zoned industrial or commercial;
- c. Any non-commercial satellite earth station antenna 1 meter or less in diameter, regardless of zoning category; or
- d. Any antennae expressly exempted from local regulation by federal law or federal regulation that receives television broadcast signals, direct broadcast satellite service, or multi-channel multipoint distribution services, or that receives or transmits fixed wireless communication signals, as such phrases are defined by federal law or federal regulation.

171. Telecommunications provider means a person, whether public or private, providing a telecommunications service.

172. Telecommunications service means the providing or offering of any transmission, reception, relay, aiming, switching, or other manipulation of voice, data, image, graphic and video programming, or other form of information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities.

173. Telecommunications site means the real property and physical area upon which telecommunications facilities are located or proposed to be

located, as described in an application for a special use permit in accordance with this Chapter.

174. **Temporary use** means a use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.
175. **Tourist facility** means an establishment set up to primarily provide local tourist information to visitors.
176. **Townhouse** means a single-family dwelling attached by party walls to one or more single family dwellings, and oriented so that all exits open to the outside.
177. **Tower** means any structure designed and constructed primarily to support one or more antennae for the purpose of providing telecommunications service, including but not limited to monopole towers and lattice towers. This term also includes any antenna or antenna array lawfully attached to the tower.
178. **Tower height** means, when referring to a tower or other structure used for the purpose of erecting, concealing, or supporting one or more antennae, the distance measured from the lowest point within 10 feet of the tower or other structure to the highest point on the tower or other structure, including the base pad and any antenna attached to the tower.
179. **Tower, Lattice** means any tower or structure designed and constructed primarily to support antenna or antennae and comprised of interconnected poles, pipes, bars, beams, strips, wires, or cross-members. A lattice tower shall include any type or form of tower that incorporates guy or supporting wires. A lattice tower is not a monopole tower.
180. **Tower, Monopole** means any structure designed and constructed to support antenna or antennae for the purpose of providing telecommunications services and which consists solely of a stand-alone ground mounted support pole, pipe, or other solid structure. A monopole tower shall not include any tower supported or attached to guy or support wires. A monopole tower is not a lattice tower.
181. **Town** means the Town of Lyons, a municipal corporation in the County of Boulder and State of Colorado, and representatives and boards of the Town.
182. **Use** means the activity occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

183. **Use, special** see "Use, conditional."
184. **Use, conditional** means a use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.
185. **Vacation of easement** means to abandon publicly dedicated easements. When an easement is vacated, the right to use the land for the purpose established in the easement dedication is terminated. Easements that have dedicated to the public may only be vacated by ordinance of the Board of Trustees.
186. **Vacation of right-of-way** means to abandon a right-of-way dedicated to the public. When a right-of-way is vacated, the ownership of property reverts to the abutting properties as contemplated by state law. Rights-of-way that have been dedicated to the public may only be vacated by ordinance of the Board of Trustees.
187. **Vacation, plat** is any termination, elimination, and vacation of a previously approved and recorded Minor Plat or Final Plat so as to return all of the previously platted property to an unplatted and unsubdivided condition. A plat vacation is not a vacation of a public street or right-of-way.
188. **Variance** means is a waiver, modification, reduction, or other dispensation concerning a standard or requirement imposed by these Subdivision Regulations for an identifiable lot, block, or property.
189. **Vested property right** means the right to undertake and complete the type and intensity of development and use of property under the terms and conditions of an approved site-specific development plan for a period of three years from the date of approval.
190. **Veterinary hospital** means a facility rendering surgical and medical treatment to large animals and household pets, providing overnight accommodations, outdoor runs, or crematory facilities.
191. **Veterinary facilities, small animal clinic** means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

192. **Visual impact analysis** means written and graphic assessment which determines the appropriate contextual relationship of a proposed building with respect to architectural composition and compatibility.
193. **Warehouse and distribution** means a use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.
194. **Wetland** means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
195. **Yard** means an open space not occupied by any principal building or accessory building for a depth or width specified by the regulation for the district in which the lot is located.
196. **Yard, front** means a yard extending across the full width of the lot between the front lot line and nearest line or point of the building.
197. **Yard, rear** means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
198. **Yard, side** means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.
199. **Zero lot line** means a common lot line on which a wall of a structure may be constructed.
200. **Zoning district** means any designated area delineated on the official zoning district map under the terms and provisions of this code or which may hereinafter be created subsequent to the enactment of this code for which regulations governing the area, height, use of buildings, or use of land, and other regulations relating to development or maintenance of existing uses or structures, are uniform.
201. **Zoning map** means the official zoning map adopted by the Town of Lyons by ordinance, as amended.

9-1-16Acronyms

A. Acronyms used in this Code are defined as follows: **BOT** means Board of Trustees.

1. **CSS** means Colorado State Statute.

2. **DIP** means Downtown Improvement Plan.

3. **IGA** means Intergovernmental Agreement.

4. **PCDC** means Planning and Community Development Commission.

5. **POST** means Parks, Open Space, and Trails.

6. **PUD** means Planned Unit Development.

7. **RV** means Recreational Vehicle.

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