

**TOWN OF LYONS, COLORADO  
ORDINANCE NO. 1066**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CHAPTER 16,  
ARTICLE 3 OF THE LYONS MUNICIPAL CODE TO ADD ARTISAN MANUFACTURING AS A  
PERMITTED AND CONDITIONAL USE IN THE COMMERCIAL DOWNTOWN ZONE  
DISTRICT**

**WHEREAS**, pursuant to C.R.S. § 31-23-301 the Town of Lyons (“the Town”) has the authority to zone, rezone, change, supplement and revise zoning classifications or designation of property and regulate land uses within the Town; and

**WHEREAS**, pursuant to C.R.S. § 31-15-103 the Town of Lyons (“the Town”) has the authority to make and publish ordinances; 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 Lyons Comprehensive Plan establishes a goal of economic sustainability through promoting a business-friendly environment that encourages commercial and job growth, and creating an environment in which local business may prosper; and

**WHEREAS**, the Planning and Community Development Commission (PCDC) determined that certain changes to Article 3 of Chapter 16 of the Lyons Municipal Code (LMC) are required to promote economic development within the commercial downtown zone district to permit small-scale artisan manufacturing with a retail component, a use which was not contemplated at the time of the passage of the *Lyons Zoning Regulations*, and directed staff to prepare this Ordinance; and

**WHEREAS**, Section 16-15-10 of the LMC authorizes the PCDC 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 furthers the implementation of the goals and objectives of the Comprehensive Plan and to accommodate innovations in land use and development practices that were not contemplated at the time of adoption of *the Lyons Zoning Regulations*; and

**WHEREAS**, pursuant to §16-15-30(f) of the LMC (“Step 6: PCDC Public Hearing and Action on Zoning Amendment”), the PCDC held a public hearing on the Application, and following the conclusion of said hearing, adopted Resolution 2019-PCDC-5, recommending that the Board of Trustees proceed with the consideration and adoption of this Ordinance; and

**WHEREAS**, as set forth in Resolution 2019-PCDC-5, PCDC has determined that the Application complies with the criteria set forth in § 16-15-50 of the LMC by furthering the

implementation of the goals and objectives of the Comprehensive Plan and to accommodate innovations in land use and development practices that were not contemplated at the time of adoption of *the Lyons Zoning Regulations*; and

**WHEREAS**, as required by law, the Board of Trustees conducted a duly noticed public hearing on the Application, considered the evidence presented, and approved this Ordinance; and

**WHEREAS**, the Town Clerk is in possession of the publisher's affidavits of publication concerning the notice of public hearings before the PCDC and the Board of Trustees on the Application and this Ordinance; and

**WHEREAS**, pursuant to Article 23 of Title 31, C.R.S., as amended, the Board of Trustees finds that the amendments to the Town's zoning regulations as set forth in this Ordinance further the public health, safety, convenience and general welfare of the community; generally conform with the Town's Comprehensive Plan, as amended and updated; and otherwise meet the applicable criteria set forth in Chapter 16 of the LMC; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law and the LMC by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the Application. Approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Town Board, supports, approves, rejects, or denies this Ordinance.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:**

Section 1. Recitals Incorporated. The above recitals are hereby incorporated by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Based on the evidence in the record and testimony provided at the public hearing, the Board of Trustees specifically finds that: (a) the Application complies with the criteria set forth in § 16-15-50 of the LMC by furthering the implementation of the goals and objectives of the Comprehensive Plan and to accommodate innovations in land use and development practices that were not contemplated at the time of adoption of the Lyons Zoning Regulations.

Section 3. Section 16-1-160 of the LMC, entitled "Definitions," is amended to read as follows.

	Zone District				
Sec. 16-1-160. - Definitions.	C	CD	CEC	LI	GI
For purposes of this Chapter, the following terms shall have the meanings indicated:					

<p><i>Artisan studio and gallery</i> means the workshop or studio of an artist, craftsman, sculptor or photographer, which workshop is primarily used for onsite production of unique custom goods through the use of hand tools or small-scale equipment, and may be used as an accessory gallery or for sales.</p>		P	P		
<p><i>Artisan Manufacturing</i> means the small-scale firms that focus on direct sales rather than the wholesale market, who are involved in the on-site production of hand-fabricated or hand manufactured goods through the use of hand tools or small scale, light mechanical equipment. Artisan production includes fabrication and textiles such as apparel manufacturing, jewelry making, wood and metal working, pottery and glass making, and equivalents typically not permitted in non-industrial zone districts.</p> <p>Artisan manufacturing is intended to be compatible with surrounding commercial development. An allowance for public viewing or customer service space is required, such as teaching, equipment rentals or showrooms and ancillary sales of goods produced on-premises.</p> <p>In general, artisan manufacturing limits external impacts associated with nuisances such as odor, vibration, smoke, gas, dust, sound, soot, heat, glare or lighting. It also limits utility usage. All activities except loading and outdoor product displays shall occur within buildings; outdoor storage/repair is prohibited. Loading docks and service doors should not face residential uses.</p>		P/C			
<p><i>Light industrial</i> means engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. Light industrial uses are generally non-polluting and do not have external impacts on surrounding areas such as excessive noise, light, air, water, pesticide, and solid waste pollution. Light industrial shall not include uses such as heavy manufacturing, mining and extracting industries, junk and salvage yards, petrochemical industries, rubber refining, primary metal or related industries.</p>	C		C	C	P

<i>Studio</i> means a workspace for artists or artisans, including individuals practicing one (1) of the fine arts or skilled in an applied art or craft.	P	P	P		P
<i>Workshop and custom small industry</i> means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects or other similar uses.			P		

Section 4. Section 16-3-210 of the LMC, entitled "CD Commercial Downtown District," is amended to read as follows.

- (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

- (3) Residential use, but only if a business use occupies the portion of the building immediately adjacent to the street frontage.
- (4) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

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

- (1) Church.
- (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

(d) Prohibited Uses. Prohibited uses in the CD District shall include those uses that cause excessive air, water, pesticide, or solid waste pollution or create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat and glare. Prohibited uses shall include, but not be limited to, the following:

- (1) Automobile sales and repair.
- (2) Gasoline station.
- (3) Minor or major automotive repair.
- (4) Mortuary or funeral chapel.
- (5) Use with drive-up window.

(e) Development Standards. Development standards in the CD District shall be as follows:

- (1) Minimum lot area: three thousand (3,000) square feet.
- (2) Minimum lot frontage: fifty (50) feet.
- (3) Minimum setbacks:
  - a. Front yard - zero (0) feet.
  - b. Side yard - zero (0) feet.
  - c. Rear yard - zero (0) feet, or twenty-five (25) feet if abutting a residential district.
- (4) Maximum building height: forty (40) feet.

Section 5: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance 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.

Section 6: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 7. 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 Section 2 of this Ordinance within the Lyons Municipal Code.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

**INTRODUCED AND PASSED ON FIRST READING THIS 19<sup>th</sup> DAY OF AUGUST, 2019  
INTRODUCED, PASSED AND ADOPTED AND ORDERED PUBLISHED THIS 3<sup>RD</sup> DAY OF  
SEPTEMBER 2019.**

TOWN OF LYONS

By:   
Mayor Pro Tem Barney Dreistadt

ATTEST:

