

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1127

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTION
16-3-210 OF THE LYONS MUNICIPAL CODE TO LIST FIREARMS SALES,
FIREARMS MANUFACTURING, AMMUNITION SALES, AND AMMUNITION
MANUFACTURING AS A PROHIBITED USES IN THE COMMERCIAL DOWNTOWN
(CD) ZONING DISTRICT**

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 wishes to regulate where firearms and ammunition may be sold and manufactured within the Town; and

WHEREAS, Section 16-15-10 of the Lyons Municipal Code ("LMC") authorizes the Town to initiate text amendments to Chapter 16 of the LMC titled *Lyons Zoning Regulations*; and

WHEREAS, the text of Chapter 16 of the LMC shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which, among other criteria, permits an amendment "to accommodate innovations in land use and development practices that were not contemplated at [the time of the adoption of the *Lyons Zoning Regulations*]" and "to further the implementation of the goals and objectives of the Comprehensive Plan" among other reasons; and

WHEREAS, specifically prohibiting particular uses was not contemplated the time of the adoption of the *Lyons Zoning Regulations* and is a relatively recent development within the LMC; and

WHEREAS, prohibiting intensive and controversial uses such as firearms and ammunition sales and manufacturing is consistent with the intent of the Commercial Downtown (CD) zoning district within the Comprehensive Plan; 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 2022-06-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 Chapter 16 of the LMC to prohibit the uses of "Firearms Sales," "Firearms Manufacturing," "Ammunition Sales," and "Ammunition Manufacturing" in the Commercial Downtown (CD) zoning district.

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 210, Subsection (d) is hereby amended as follows (changes italicized and bold):

(d) Prohibited Uses. Prohibited uses in the CD District shall include those uses that cause excessive air, water, pesticide, or solid waste pollution, create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat and glare, ***or is a use that does not otherwise fit the intent and character the CD District*** . 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.
- (6) Firearms sales.**

(7) Firearms manufacturing.

(8) Ammunition sales.

(9) Ammunition manufacturing.

Section 3. Chapter 16, Article 5, Section 10 is hereby amended as follows (changes italicized and bold):

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Permitted Uses	A- 1	A -2	E	EC	R- 1	R- 2	R- 2A	R- 3	B	C	CD	C EC	LI	G I	M	P O S
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Business/Commercial/Retail Uses																
Adult-oriented use														C		
Agritourism business and sustainable agricultural use												P				
Ammunition Sales											*					
Artisan studio											P	P				
Artisan manufacturing											P/C					
Automobile, boat and motorcycle rental and sales												S				

Automobile sales															*							
Automotive and motorcycle repair (major and minor)															S							
Bed and breakfast	C	C	C	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									
Club or lodge												P	P	P	P							
Day care center	C	C	C	C	C	C	C	C	C	C	C		C	C	C	P						
Department store													* P	*	P	P						
Discount store													P	*	P	P						
Dog day care facility															S							
Entertainment facility													P		P	P						P

[illegible]

[illegible]

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[illegible]

[illegible]

Section 4. Code Revisions. Because this Ordinance revises an entire Section 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 5. 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 6. 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 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 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 15th DAY OF August
2022

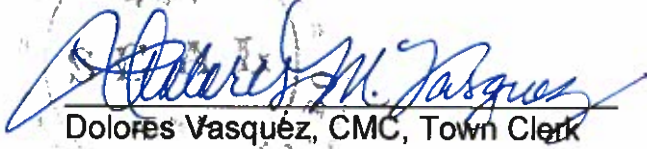
INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON
SECOND READING THIS 6th DAY OF September 2022

TOWN OF LYONS, COLORADO



Hollie Rogin, Mayor

ATTEST;


Dolores Vasquez, CMC, Town Clerk

