

**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):

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

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



Hotel or motel, small	P													
Kennel	S													
Long-term care facility	P													
Lumber yard	C													
Machine shop	P													
Major automobile repair	C	*												
Marijuana center	P	P	C	P										
Marijuana-infused products manufacturer	P	C	P											
Cultivation operation	P													
Medical or dental office or clinic	P	P	C	P										
Minor automobile repair	P	*												
Mixed use building	S													

<p>(a building with at least 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 special review use on the ground level)</p>	<p>P</p>
<p><b>Mixed use building</b>            (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		P
Neighborhood business		P					
Nursing and assisted living facility		P					
Optional premises cultivation operation		P	C	P			
Parking garage		P			P		
Parking lot		P		C	C	P	
Permitted principal use with drive-up window							
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							
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				S	
Retail establishment, large						P	
Retail establishment (including grocery)							

store), small							
Retail store or establishment		P	P	P	P		
Studio		P	P	P	P		
Veterinary hospital and veterinary facility			P				
Wholesale commercial facility				C		P	

Industrial Uses							
<i>Ammunition Manufacturing</i>	*						
Extractive or mining industry				C			
<i>Firearms Manufacturing</i>		*					
Impound lot					C		

Junk and salvage yard								
Light industrial use								
Light industrial use not required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment			P					
Light industrial use required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment				S				
Mini-storage facility					S		C	
Research, experimental or						P		

testing laboratory							
Small manufacturing facility with fewer than 10 employees		C		P			
Stone cutting and finishing		C					
Stone cutting, finishing and sales establishment		P					
Telecommunications facility	C	C	C	C	S	C	C
Workshop and custom small industry				P			

· 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.

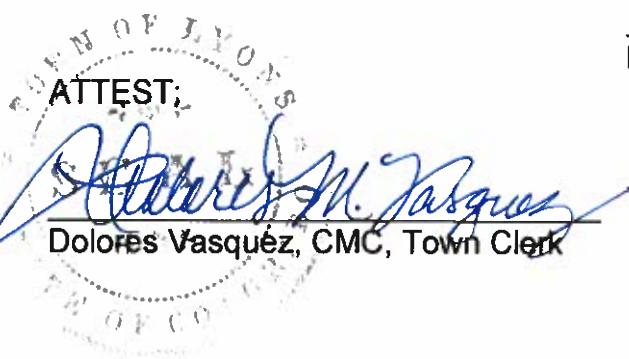
· Section 7. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

· 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.

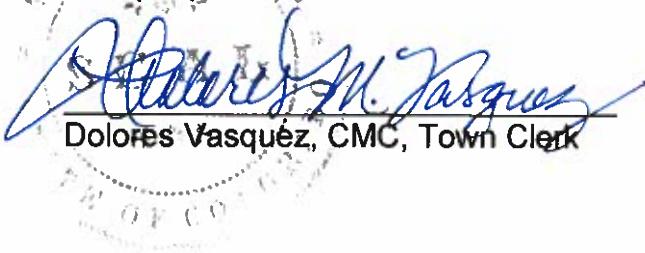
INTRODUCED AND PASSED ON FIRST READING THIS 15<sup>th</sup> DAY OF August  
2022

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

TOWN OF LYONS, COLORADO

   
Hollie Rogin, Mayor

ATTEST:

  
Dolores Vasquez, CMC, Town Clerk

