

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1130

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTION 16-3-260 OF THE LYONS MUNICIPAL CODE TO LIST ARTS AND CULTURAL FACILITIES AND SERVICES AND NONPROFIT ORGANIZATION FACILITIES AND SERVICES AS CONDITIONAL USES WITHIN THE MUNICIPAL FACILITIES AND SERVICES ZONING DISTRICT (M)

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 improve upon regulations the within the Town's Municipal Facilities and Services Zoning District (M) and to make other minor corrective changes to the Lyons Zoning Regulations; 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 allowing arts and cultural facilities and services AND nonprofit organization facilities and services within the M Zoning District was not contemplated the time of the adoption of the *Lyons Zoning Regulations*; and

WHEREAS, allowing for arts and cultural facilities and services AND nonprofit organization facilities and services to locate as Conditional Uses is consistent with the intent of the Municipal Facilities and Services (M) 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 Planning & Community Development Commission (PCDC) recommended the proposed ordinance to the Board of Trustees ("the Board") for consideration Pursuant to Resolution 2022-07-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 allow the uses of "Arts and Cultural Facilities and Services" and "Nonprofit Organization Facilities and Services" as Conditional Uses in the Municipal Facilities and Services (M) 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 1, Section 160, is hereby amended as follows (changes italicized and bold):

Sec. 16-1-160. - Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

...

Place of Worship or Church means a building containing a hall, auditorium or other suitable rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. **Place of worship or church** shall include churches, synagogues, **mosques**, or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.

...

Section 3. Chapter 16, Article 3, Section 110, is hereby amended as follows

(changes italicized and bold):

Sec. 16-3-110. - A-1 Agricultural District.

...

(c) Conditional Uses. Permitted conditional uses in the A-1 District shall be as follows:

...

(3) **Place of Worship.**

...

Section 4. Chapter 16, Article 3, Section 120, is hereby amended as follows (changes italicized and bold):

Sec. 16-3-120. - A-2 Agricultural District.

...

(c) Conditional Uses. Permitted conditional uses in the A-2 District shall be as follows:

...

(2) **Place of Worship.**

...

Section 5. Chapter 16, Article 3, Section 130, is hereby amended as follows (changes italicized and bold):

Sec. 16-3-130. - E Estate Residential District

...

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

...

(3) **Place of Worship.**

...

Section 6. Chapter 16, Article 3, Section 140, is hereby amended as follows
(changes italicized and bold):

Sec. 16-3-140. - EC Estate Country Residential District.

...

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

...

(4) **Place of Worship.**

...

Section 7. Chapter 16, Article 3, Section 150, is hereby amended as follows
(changes italicized and bold):

Sec. 16-3-150. - R-1 Low Density Residential District.

...

(c) Conditional Uses. Permitted conditional uses in the R-1 District shall be as follows:

...

(4) **Place of Worship.**

Section 8. Chapter 16, Article 3, Section 160, is hereby amended as follows
(changes italicized and bold):

Sec. 16-3-160. - R-2 Medium Density Residential District.

...

(c) Conditional Uses. Permitted conditional uses in the R-2 District shall be as follows:

...

(4) **Place of Worship.**

Section 8. Chapter 16, Article 3, Section 170, is hereby amended as follows

(changes italicized and bold):

Sec. 16-3-170. - R-2A Medium-High Density Residential District.

...

(c) Conditional Uses. Permitted conditional uses in the R-2A District shall be as follows:

...

(4) **Place of Worship.**

...

Section 9. Chapter 16, Article 3, Section 180, is hereby amended as follows (changes italicized and bold):

Sec. 16-3-180. - R-3 High Density Residential District.

...

(c) - Conditional Uses. Permitted conditional uses in the R-3 District shall be as follows:

...

(4) **Place of Worship.**

Section 10. Chapter 16, Article 3, Section 200, is hereby amended as follows (changes italicized and bold):

Sec. 16-3-200. - C Commercial District.

...

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

....

(2) **Place of Worship.**

Section 11. Chapter 16, Article 3, Section 210, is hereby amended as follows

(changes italicized and bold):

Sec. 16-3-210. - CD Commercial Downtown District.

...

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

....

(1) Place of Worship

Chapter 16, Article 3, Section 260, Subsection (d) is hereby amended as follows (changes italicized and bold):

...

Section 12. Chapter 16, Article 3, Section 260, is hereby amended as follows (changes italicized and bold):

Sec. 16-3-260. - M Municipal Facilities and Services District.

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

(1) *Arts and cultural facilities and services.*

(2) *Nonprofit organization facilities and services.*

(3) Telecommunications facility.

...

Section 13. Chapter 16, Article 5, Section 10 is hereby amended as follows (changes italicized and bold):

....

| <i>Permitted Uses</i> | <i>A- 1</i> | <i>A -2</i> | <i>E</i> | <i>EC</i> | <i>R- 1</i> | <i>R- 2</i> | <i>R- 2A</i> | <i>R- 3</i> | <i>B</i> | <i>C</i> | <i>CD</i> | <i>C EC</i> | <i>LI</i> | <i>G I</i> | <i>M</i> | <i>P O S</i> |
|-----------------------|-----------------|-----------------|----------|-----------|-----------------|-----------------|------------------|-----------------|----------|----------|-----------|-----------------|-----------|----------------|----------|----------------------|
|-----------------------|-----------------|-----------------|----------|-----------|-----------------|-----------------|------------------|-----------------|----------|----------|-----------|-----------------|-----------|----------------|----------|----------------------|

Institutional/Civic/Public Uses

| | | | | | | | | | | | | | | | | |
|--|----------|----------|----------|----------|----------|----------|----------|----------|--|----------|----------|--|--|--|----------|----------|
| <i>Arts and cultural facilities and services</i> | | | | | | | | | | | | | | | C | |
| Cemetery | | | | | | | | | | | | | | | P | C |
| House of Worship | C | C | C | C | C | C | C | C | | C | C | | | | | |
| Community garden | | | | | | | | | | | | | | | | C |
| Electric power facility | | | | | | | | | | | | | | | P | |
| Emergency alert system | | | | | | | | | | | | | | | P | |
| Fire suppression facility | | | | | | | | | | | | | | | P | |

[illegible]

Section 14. 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 15. 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 16. 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 17. 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 18. 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 6th DAY OF September 2022.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 19th DAY OF September 2022.

TOWN OF LYONS, COLORADO

Hollie Rogin
Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez
Dolores Vasquez, CMC, Town Clerk

EXHIBIT A