

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2020- 656

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, COLORADO, EXTENDING AND TERMINATING AN EXISTING MORATORIUM AND AMENDING SEVERAL SECTIONS OF CHAPTER 19 OF THE TOWN CODE CONCERNING ZONING AND DEVELOPMENT STANDARDS FOR MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS AND DECLARING AN EMERGENCY

WHEREAS, the Town of Lochbuie (the “Town”) is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, the Town is authorized pursuant to Section 31-23-301, *et seq.* C.R.S., to regulate the use of land for the purpose of promoting the health, safety and welfare of the Town; and

WHEREAS, the Board of Trustees adopted comprehensive zoning and development regulations codified in Chapter 19 of the Lochbuie Municipal Code which regulations are known as the Town’s Land Development Code (“LDC”); and

WHEREAS, the LDC (Section 19-2-230) currently regulates the establishment of “Motor Vehicle Fueling/Gas Station” and “Truck stop” uses within the Town; and

WHEREAS, “Motor Vehicle Fueling/Gas Station” is defined pursuant to 19-7-520, “Words and terms”, of the LDC, as:

“Motor vehicle fueling/gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. Gasoline station shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted;” and

WHEREAS, “Truck stop” is not further defined in the LDC; and

WHEREAS, the Town is undertaking large roadway improvement projects; and

WHEREAS, the Town has limited commercial property available generally within the boundaries of the Town; and

WHEREAS, the Board has reviewed the LDC and its standards for certain of the uses listed as Motor Vehicle Related Sales and Service Operations as listed in the Schedule of Principal Uses

of the LDC (Section 19-2-230) to ensure that the Town’s limited commercial space is not filled with or dominated by only one use-type and that these uses are compatible with the zone district in which they are permitted or conditionally permitted and that any residential zones within the Town are adequately protected from deleterious effects of these uses; and

WHEREAS, it is the opinion of the Town Board of Trustees that the current provisions of the LDC do not sufficiently address both the actual and potential impacts of certain Motor Vehicle Related Sales and Service Operations uses in terms of, but not limited to, access, building quality and aesthetics, lighting and noise control, available and appropriate locations, use saturation (the number of same uses in a given area), buffering from residential uses and diversity of land uses within the Town; and

WHEREAS, by Ordinance 2020-653, the Town imposed a temporary suspension and delay (moratorium) on the acceptance or processing of any form of application or approval, including building permits, which would authorize a Motor Vehicle Fueling/Gas Station or Truck stop use, which temporary suspension and delay shall automatically terminate at midnight on July 21, 2020, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance; and

WHEREAS, by Ordinance 2020-654, the Town imposed a temporary suspension and delay (moratorium) on the acceptance or processing of any form of application or approval, including building permits, which would authorize a Motor Vehicle Wash, which temporary suspension and delay shall automatically terminate at midnight on July 21, 2020, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance; and

WHEREAS, the Board of Trustees desires to extend the moratoriums imposed by Ordinances 2020-653 and 2020-654 for an additional period to cover the period until this Ordinance becomes effective; and

WHEREAS, the Board has determined that it is necessary to define the “Truck stop” use and differentiate it from the Motor Vehicle Fueling/Gas Station use as contemplated by the LDC, to limit the zoning districts in which such uses, along with the motor vehicles wash use and all other uses listed as Motor Vehicle Related Sales and Service Operations (as listed in the Schedule of Principal Uses of the LDC (Section 19-2-230)) are permitted and conditionally permitted, and to define the conditions upon which such conditional uses approvals may be granted, in order to ensure that (a) truck stop uses, which attract or accommodate a large volume of interstate-class trucks, are of minimal negative impact on the street network, on the ability of the Town to attract more diverse employment centers in the same geographic sector of the community, and on the quality of life in nearby residential areas as a result of lights, noise, traffic increases and pollution caused by travelling and idling large commercial trucks; and (b) motor vehicle fueling/gas station uses and motor vehicle wash uses and all other uses listed as Motor Vehicle Related Sales and Service Operations (as listed in Section 19-2-230 of the Town Code, Schedule of principal uses, under the heading “Motor Vehicle Related Sales and Service Operations”) are also of minimal negative impact on the street network, on the ability of the Town to attract more diverse employment centers in the same geographic sector of the community, and on the quality of life in nearby residential areas as a result of lights, noise, traffic increases and pollution; and

WHEREAS, the Board of Trustees finds the use regulations for Motor Vehicle Related Sales and Service Operations as set forth in this ordinance to be in the interest of and tailored towards the promotion of town-wide public health, safety, and welfare of all the residents of the Town; and

WHEREAS, the Board of Trustees finds that an emergency exists and that the immediate effectiveness of this ordinance is necessary to protect the public health, safety and welfare and avoid any lapse between the termination of the existing moratoria and the effectiveness of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Amendment of Section 19-2-230. Section 19-2-230 of the Town Code, Schedule of principal uses, is amended as follows: The Section of rows under the heading “Motor Vehicle Related Sales and Service Operations” are deleted and replaced with the following:

Land use	A	RR	R-1	R-2	R-3		C	MU	LI		OS
Ambulance service							C	C			
Motor vehicle/equipment sales and rentals							C	C	C		
Motor vehicle equipment/storage									C		
Motor vehicle fueling/gasoline station							C	C	C		
Motor vehicle repair, major							C	C	C		
Motor vehicle repair, minor							C	C	C		
Motor vehicle wash							C	C	C		
Motor vehicle wrecking yard									C		
Truck stops									C		

Section 2. Amendment of Section 19-7-520. Section 19-7-520, Words and terms, is hereby amended as follows:

- (a) The definition of motor vehicle fueling/gas station is repealed and replaced to read as follows:

Motor vehicle fueling/gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold through fuel pumps, to include gasoline stations that are part of a convenience store or other retail use, and a place where light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may also be conducted. Motor vehicle fueling/gasoline station shall not include truck stops or premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted. If a gasoline station is included as part of any other use, such as a convenience store or warehouse retail store, the standards and use restrictions for gasoline stations shall apply. This use shall not include a separate diesel fueling island or pumps. Diesel fuel dispensers must be incorporated into the gas dispenser pumps. Maximum lot size for this use is 1.75 acres unless the use is incidental to a larger retail use such as a grocery store or warehouse store (but not a convenience store) as the principal use.

- (b) A definition of Truck stop is added to read as follows in its entirety:

Truck stop means any building, land area, premises or portion thereof, designed to serve or accommodate fueling by two or more tractor trucks or similar heavy commercial vehicles simultaneously that may (but does not always) include related facilities including but not limited to restaurant(s), rest area(s), and/or parking for tractor trucks or similar heavy commercial vehicles.

Section 3. Amendment of Section 19-2-210. Section 19-2-210, Conditional uses, is hereby amended to add a new number (6) to subsection (c), such that subsection (c) shall read as follows with additions in ALL CAPS:

(c) In considering an application for a conditional use, the Board of Trustees shall consider WHETHER AND FIND THAT:

- (1) The use is compatible with all existing uses on land adjacent thereto.
- (2) The use will not unnecessarily scar the land and soil upon which such use is to be placed, leaving deleterious effects such as denuded slopes, uncovered soil piles to be blown away, scars upon areas of natural beauty, unguarded holes or pits.
- (3) Uses with unsightly aspects, odors or noise must be set back a sufficient distance from adjacent property boundaries and proper fencing or screening provided so that the adjacent property is not adversely affected.
- (4) The use shall not create air or water pollution.
- (5) The use is consistent with a contiguous and orderly pattern of development within the Town and is consistent with the adopted Comprehensive Plan.
- (6) THE PROPOSED USE CONFORMS WITH ALL SUPPLEMENTAL REGULATIONS RELATED TO THE USE.

Section 4. Addition of a New Section 19-7-250, Motor Vehicle Related Sales and Service Operations. Division 2, Supplemental Use Standards, of Article VII, Supplemental Regulations, of Chapter 19 (LDC) is hereby amended by the addition of a new Section 19-7-250 to read as follows in its entirety:

Sec. 19-7-250. - Motor Vehicle-Related Sales and Service Operations.

- (a) Landscaping, Buffering and Screening. All uses listed in Section 19-2-230 of the Town Code, Schedule of principal uses, under the heading “Motor Vehicle Related Sales and Service Operations” shall provide landscaping, buffering and screening in compliance with the following.
 - 1. Buffering shall comply with the requirements of Section 19-4-180. At a minimum, a masonry wall at least six feet in height shall be provided along all lot lines adjacent to a residential district.
 - 2. At least 15 percent of the site shall be landscaped and conform to Section 19-4-180. In addition, all landscaped areas shall be permanently maintained and a landscaped planter with a minimum inside width of six feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least three feet shall be provided along all other property lines.
 - 3. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.
- (b) Application Review and Findings for Approval. The decision-making authority shall only approve a conditional use permit for any use listed in Section 19-2-230 of the Town Code, Schedule of principal uses, under the heading “Motor Vehicle Related Sales and Service Operations,” if it finds that all the following are met:
 - 1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
 - 2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
 - 3. Service bay openings, if any, are designed to minimize the visual intrusion on surrounding streets and properties.
 - 4. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.

5. The washing facility, if any, will not have an adverse impact on water supply and quality.

- (c) Conditions of Approval. Conditions of approval for any use listed in Section 19-2-230 of the Town Code, Schedule of principal uses, under the heading “Motor Vehicle Related Sales and Service Operations,” may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, litter control or other site elements.
- (d) Motor vehicle/equipment sales and rentals. Motor vehicle repair, major or minor, is permitted as an accessory use for motor vehicle/equipment sales and rentals that offer maintenance and servicing of the type of vehicles sold on site.
- (e) Motor vehicle service or repair uses. In addition to other applicable standards of this section, any uses that involve motor vehicle repair or service, whether major and minor, as well as any other uses, such as motor vehicle/equipment sales and rentals or motor vehicle fueling/gasoline stations or truck stops, that perform auto servicing as an accessory activity, are subject to the following standards.
 - 1. Noise. All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.
 - 2. Work Areas. All work shall be conducted within an enclosed building except pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
 - 3. Vehicle Storage. Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the Town.
 - 4. Litter. The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.
- (f) Motor vehicle wash uses. In addition to all other applicable standards of this section, motor vehicle wash facilities are subject to the following standards.
 - 1. Facilities. No building or structure shall be located within 30 feet of any public street or within 25 feet of any interior property line of a residential

district. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

2. Hours of Operation. Motor vehicle wash facilities are limited to 7:00 a.m. to 9:00 p.m., seven days a week. When abutting a residential district, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.

3. Stacking lane for each wash bay. There shall be stacking lane of 8 vehicles for each wash bay.

4. There shall be a drying area on the exit side of each wash bay.

(g) Motor vehicle fueling/gasoline stations and truck stops. In addition to other applicable standards of this section, motor vehicle fueling/gasoline stations, truck stop and any other commercial use that includes fuel pumps for retail sales of gasoline or other petroleum products or fuels sold through fuel pumps are subject to the following standards.

1. Pump Islands. Pump islands shall be located a minimum of 25 feet from any property line to the nearest edge of the pump island.

2. Work Areas. All work shall be conducted within an enclosed building except pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

3. Truck stops shall prohibit the idling of the engines of tractor trucks or similar heavy commercial vehicles for any period in excess of one hour in any 24-hour period.

4. Abandonment. Any motor vehicle fueling/gasoline stations, truck stop and any other commercial use that includes fuel pumps for retail sales of gasoline or other petroleum products or fuels sold through fuel pumps shall be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

5. Existing motor vehicle fueling/gasoline stations, truck stops and motor vehicle washes are subject to the requirements for nonconforming uses set forth in Section 19-2-235.

Section 5. Extension and Termination of Moratorium. The temporary moratorium on the acceptance, processing, and approval of any and all land use applications and any other requests for approval, including building permits, for a new Motor Vehicle Fueling/Gas Stations, Truck stop uses and motor vehicle wash uses, which temporary suspension and delay was

scheduled to automatically terminate at midnight on July 21, 2020, as adopted by Ordinance 2020-653 and Ordinance 2020-654, is hereby extended to a date and time that is the effective date and time of this Ordinance. Upon the effectiveness of this ordinance, such moratoria are terminated.

Section 6. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 7. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 8. 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 9. Emergency; Effective Date. The Board adopts the findings of the recitals above and legislatively declares that the immediate preservation of the public health and safety requires that the regulations adopted herein go into immediate effect. This Ordinance shall take effect immediately upon its adoption as provided by C.R.S. § 31-16-105.

ADOPTED by a vote of $\frac{3}{4}$ of the members of the Board of Trustees with 7 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 7th day of July, 2020.

TOWN OF LOCHBUIE, COLORADO



Jacob Lotgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of July 7, 2020, and ordered published by title only one time by *The Brighton Blade* newspaper on July 15, 2020.

[SEAL]



Linda Blackston, Town Clerk

