

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

**ORDINANCE NO. 2020- 661**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
LOCHBUIE, COLORADO, AMENDING SECTIONS OF CHAPTER 19 OF  
THE TOWN CODE CONCERNING ZONING AND DEVELOPMENT AND  
OPERATIONAL STANDARDS FOR MOTOR VEHICLE FUELING/GAS  
STATIONS AND TRUCK STOPS 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, as recently amended by Ordinance 2020-656, regulates “Motor Vehicle Fueling/Gas Station” and “Truck stop” uses within the Town and provides that such uses are conditional uses within certain zone districts of the Town; and

WHEREAS, the Town Board of Trustees has been provided and read studies published by the National Center for Biotechnology Information (NCBI) a division of the National Library of Medicine (NLM) at the National Institutes of Health (NIH) concerning the public health effects of residential proximity to emissions from motor vehicle fueling/gas stations and truck stops, “Residential Proximity to Environmental Hazards and Adverse Health Outcomes” (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222489/>) and “Vent Pipe Emissions from Storage Tanks at Gas Stations: Implications for Setback Distance” (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7059886/>), and finds that the current provisions of the LDC do not sufficiently address both the actual and potential impacts of motor vehicle fueling/gas station and truck stop uses in terms of proximity to residential districts and deleterious public health effects of such proximity; and

WHEREAS, the Town Board of Trustees recognizes that inhalation of compounds released at motor vehicle fueling/gas stations and truck stops such as benzene, toluene and xylene, while not acutely harmful when breathed at low concentrations, do have long-term impacts on health, and the current provisions of the LDC do not provide sufficient setbacks from residences for motor vehicle fueling/gas stations and truck stops within the Town to protect the public health from long term effects of gasses such as may emanate from evaporating or dripped gas, from fuel tank vent pipes, from idling engines, from unsealed tanks on older cars, and from tanker trucks whose drivers may bypass vapor recovery systems to speed up fuel transfer; and

WHEREAS, the Town Board of Trustees is aware that there is information indicating that the amount of toxins produced by refueling increases with the amount of gasoline sold at a single motor vehicle fueling/gas or truck stop station and, therefore, the amount of health risks increases with the volume of fuel delivered and sold, and that setbacks can be varied based on size and/or annual projected fuel at a fueling station or truck stop; however, regardless of size or sales volume, a 300 foot setback from residences is frequently set as a minimum regardless of station size or sales volume; and

WHEREAS, the Board of Trustees finds that there are other jurisdictions that require a 300 foot setback of fueling stations and truck stops from residences to allow fumes to dissipate before encountering homes and that such requirement is reasonable and necessary to protect public health, safety and welfare; and

WHEREAS, the Board of Trustees also recognizes that operational aspects of motor vehicle fueling/gas stations and truck stops can have a deleterious effect on public health safety and welfare and desires to adopt regulations addressing standards for certain operational and site concerns including 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

WHEREAS, the Board of Trustees finds the regulations for motor vehicle fueling/gas station and truck stop uses 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 acceptance or processing of an application for a land use that would be subject to the regulations set forth herein.

**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 subsection (g) of Section 19-7-250.** Subsection (g) of Section 19-7-250 of Division 2, Supplemental Use Standards, of Article VII, Supplemental Regulations, of Chapter 19 (LDC) is hereby replaced to read as follows in its entirety:

- (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. The development standards in this subsection are intended to supplement the standards in the underlying zoning district for motor vehicle fueling/gasoline station and truck stop uses and the requirements of

Section 19-7-205. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this subsection shall apply.

1. Motor vehicle fueling/gasoline stations and truck stops uses shall at all times comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

2. Lot Size. Maximum lot size for a motor vehicle fueling/gas station is as set forth in the definitions in Section 19-7-250. Minimum lot size to accommodate a motor vehicle fueling/gasoline station and/or truck stop is fifteen thousand square feet (15,000 ft<sup>2</sup>) or .34 acre.

3. Lot Coverage. Maximum lot coverage (buildings, pavement, etc.) for a motor vehicle fueling/gasoline station and/or truck stop (including canopies) is seventy (70%) percent of the total lot size. No more than twenty (20%) percent of the total lot area shall be covered by canopy.

4. Pump islands and canopies setback. Pump islands and the edge of canopies shall be located a minimum of 25 feet from any property line to the nearest edge of the pump island.

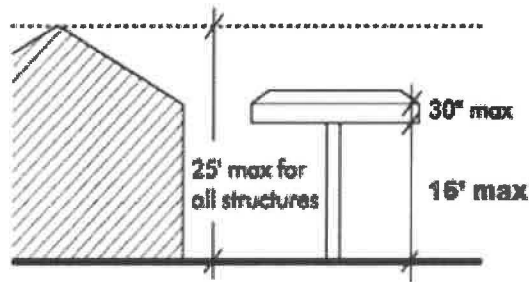
5. Setback from residential. All pump islands, edge of canopies, buildings, including surrounding sidewalk, auto care equipment such as tire inflators and vent pipes or other equipment emitting fumes or noise must be placed internal within the property such that there is a 300 foot setback to the edge of any property line zoned for residential use, or has entitlements in place to allow for residential use.

6. Internal circulation. The internal circulation system shall allow for vehicle stacking without blocking ingress and egress on and off the site. The pump island(s) shall be situated to provide stacking space for a minimum of two (2) vehicles behind the vehicle parked at the pump closest to the entrance and/or exit driveway. The town may consider deviations from this requirement through the conditional use design review process.

7. Building and canopy design. Motor vehicle fueling/gas station and truck stop buildings and/or canopies shall be designed for architectural compatibility with the surrounding area. The maximum height for all fueling/gas station and truck stop buildings shall be twenty-five (25' 0") feet. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be sixteen (16' 0") feet and the maximum width of the canopy fascia shall be thirty (30") inches. Canopy fascia shall match the color and texture of the primary building. See figure 19-7-250(g).1.

**FIGURE 19-7-250(g).1**

## FUELING STATION/TRUCK STOP BUILDING AND CANOPY DESIGN



8. Additional landscaping requirements. In addition to the landscaping requirements set forth in subsection (a) of this Section:

(i) Trees along all street frontages shall be a combination of deciduous and evergreen species, a minimum of twenty-four (24") inch box in size, planted no farther apart on center than the mature diameter of the proposed species.

(ii) Shrubs planted along all street frontages shall be a minimum five (5) gallon size and a minimum continuous overall height of thirty (30") inches, measured from the finished grade of on-site pavement abutting the planter.

9. Lighting. In addition to the lighting provisions of Section 19-4-185, canopy lighting shall be recessed so that the luminaire does not extend below the surface of the underside of the canopy.

10. Noise. All outdoor noise generators associated with the business, including without limitation, trash collection and disposal activities, shall be identified by the applicant during conditional use permit review and may require the submittal of a professional noise analysis to quantify noise sources. Unless otherwise agreed in a recorded conditional use permit, all outdoor speakers and video/audio pump stations and sound signals associated with such service and air compressors from tire inflators shall be limited to the hours of 7:00 a.m. to 9:00 p.m. daily.

11. Orderliness. 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.

12. Truck idling. 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.

13. 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.

14. Abandonment. Any motor vehicle fueling/gasoline stations, truck stop or 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.

15. 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. 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 6. 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 7. 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 8. 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 ¾ of the members of the Board of Trustees with 6 in favor, ~~0~~ against and ~~0~~ abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 6th day of October, 2020.

TOWN OF LOCHBUIE, COLORADO



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Jacob Lefgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of October 6, 2020 and ordered published by title only by *The Brighton Blade* newspaper on October 14, 2020.

[SEAL]



ATTEST:



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Linda Blackston, Town Clerk