

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

ORDINANCE NO. 2020- 662

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO, TERMINATING AN EXISTING
MORATORIUM AND AMENDING SEVERAL SECTIONS OF CHAPTER
19 OF THE TOWN CODE CONCERNING ZONING AND
DEVELOPMENT STANDARDS FOR CERTAIN COMMERCIAL AND
INDUSTRIAL USES DESIGNATED AS “INDOOR STORAGE”,
“OUTDOOR STORAGE/SCREENED”, “OUTDOOR
STORAGE/UNSCREENED”, “PERSONAL STORAGE UNITS (MINI-
STORAGE)” AND/OR “SUPPLY YARDS” USES**

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 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 Storage Uses along with Warehousing and Distribution (within Industrial Uses) 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 Storage and Warehousing and distribution (within Industrial Uses) 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), traffic impacts, buffering from residential uses and diversity of land uses within the Town; and

WHEREAS, by Ordinance 2020-654, and as extended by Ordinances 2020-658 and 2020-660, 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 any of the Storage Uses, which temporary suspension and delay shall automatically terminate at midnight on November 30, 2020, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance; and

WHEREAS, the Board has determined that it is necessary to limit the zoning districts in which such Storage and Warehouse and distribution (as listed in the Schedule of Principal Uses of the LDC (Section 19-2-230)) uses 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) storage 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

WHEREAS, the Board of Trustees finds the use regulations for Storage and Warehouse and distribution (as listed in the Schedule of Principal Uses of the LDC (Section 19-2-230)) 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.

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:

(a) The Section of rows under the heading “Storage” are deleted and replaced with the following:

Land use	A	RR	R-1	R-2	R-3		C	MU	LI		OS
Indoor Storage									C		
Outdoor Storage- Unscreened									C		
Outdoor Storage- Screened									C		
Personal storage units (Mini-storage)									C		
Supply Yards									C		

(b) Under the Industrial Uses group heading, the row for Warehousing and distribution is deleted and replaced with the following:

Land use	A	RR	R-1	R-2	R-3		C	MU	LI		OS
Warehousing and distribution									C		

Section 2. Amendment of Section 19-7-520. Section 19-7-520, Words and terms, is hereby amended to add the new defined term and definition as follows:

Personal storage units (mini-storage) means a building or group of buildings divided into multiple individual separate access storage units, which are rented or sold as a condominium for the storage of personal and small business property.

Section 3. Addition of a New Section 19-7-260, Storage uses and warehousing and distribution. Division 2, Supplemental Use Standards, of Article VII, Supplemental Regulations, of Chapter 19 (LDC) is hereby amended by the addition of a new Section 19-7-260 to read as follows in its entirety:

Sec. 19-7-260. - Storage and warehousing and distribution.

In addition to other applicable standards of this Article VII, all uses listed under the category of “Storage” and “warehousing and distribution” (under Industrial Uses category) as listed in the Schedule of Principal Uses of Section 19-2-230 are subject to the following standards. The development standards in this section are intended to supplement the standards in the underlying zoning district for such 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 section shall apply.

- (a) Maximum parcel coverage of the storage, warehouse or distribution buildings and pavement is seventy (70) percent.
- (b) No permanent or temporary residential use is permitted within any structure or otherwise on the site, other than a caretaker unit for the designated on-site manager/caretaker.
- (c) Landscaping, Buffering and Screening shall be provided and maintained as follows:
 - 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 thirty (30) 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. Landscaping shall be designed, installed and maintained to screen and break up the view of the building façade. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.
- (d) Noise. All outdoor noise generation associated with the business 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. The Town may condition the approval of the use on an adequate noise mitigation plan that will be implemented and maintained at all times.
- (e) Lighting. Lighting must be designed, installed and maintained to be low-profile, indirect or diffused to avoid adverse impacts on surrounding uses. All exterior lighting on the site and interior lighting that emanates through glass or openings to the outside of any building on the site shall be identified by the applicant during conditional use permit review and require the submittal of a professional lighting plan that complies with the standards set forth in this Code.
- (f) Architectural design. Vehicle docks and access points shall be oriented away from street frontage. Façades in excess of 50 feet in length must incorporate architectural features or treatments to diminish apparent building mass. In addition, other techniques shall be incorporated for the purpose of reducing the apparent massing and scale of buildings. The following techniques should be used to accomplish this requirement; additional techniques proposed by the applicant may be considered:
1. Variations in façade color, texture, or both.
 2. Variations in roof forms and heights of roof elements.
 3. Compositions that emphasize floor lines, or otherwise express rhythms and patterns of windows, columns, and other architectural features.
 4. Express the position of each floor in the external design. Terracing, articulated structural elements, a change in materials, or the use of belt courses or similar horizontal trim bands of contrasting color and/or materials can be used to define floor lines.
 5. Use windows, trellises, wall articulation, arcades, material changes, awnings or other features to avoid blank walls at ground floor levels.
 6. The use of materials relatable to human proportions, such as brick, tile, modular stone, stucco, glass and decorative tiles.

7. Columns, pilasters, canopies, porticos, awnings, brackets, arches or other such architectural features.
 8. Windows revealing or accentuating indoor amenities and activities.
- (g) Storage of hazardous or flammable materials is not permitted unless otherwise agreed in a recorded conditional use permit and only in conformity with such permit.
- (h) Traffic. A traffic study shall be conducted to determine projected daily and peak-hour traffic generation, and the Town may require off-site or on-site street improvements if necessary to redress traffic concerns.
- (i) Personal storage units.
1. Facility operating hours shall be limited to 7:00 a.m. to 9:00 p.m. daily.
 2. No outside storage of customer goods shall be permitted.
 3. An on-site manager shall be available at all times during the facility's established operating hours.
 4. Operators of self-storage units must maintain an up to date log of the lessees or owners to contain customer's name, driver's license, address, home and work numbers, e-mail addresses, and the name and contact information for a secondary contact in the event the lessee or owner cannot be reached.
 5. Customers shall not be permitted to operate a business or equipment within a self-storage unit.
 6. The size of a personal storage unit shall not exceed five hundred (500) square feet.
 7. A security plan shall be submitted that demonstrates that the use security cameras, security gate and keypad, and office-monitoring screen.
- (j) 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 "Storage" and warehousing and distribution (under Industrial Uses within such Schedule) if it finds that all the following are met:
1. The project meets all requirements of the Code and 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 access points, parking and driving aisles, will promote safe and efficient on-site and off-site traffic circulation.
- (k) 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 "Storage" and warehousing and distribution (under Industrial Uses within such Schedule) may

include limitations on operational characteristics of the use such as, without limitation, hours of operations; restrictions on outdoor storage and display, and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.

Section 4. Termination of Moratorium. The temporary moratorium on the acceptance or processing of any form of application or approval, including building permits, which would authorize any of the Storage Uses, which temporary suspension and delay was scheduled to automatically terminate at midnight on November 30, 2020, as adopted by Ordinances 2020-654, 2020-658 and 2020-660, is hereby rescinded and terminated as of the effective date and time of this Ordinance.

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.

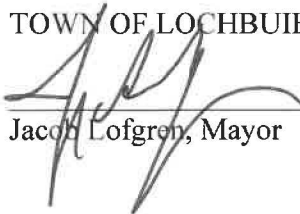
Section 6. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation 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. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 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



Jacob Lofgren, 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 one time by *The Brighton Blade* newspaper on OCTOBER 14, 2020.

[SEAL]

Linda Blackston
Linda Blackston, Town Clerk

