

AN ORDINANCE

AMENDING SECTION 17.4.3.1 THE CITY OF LAKEWOOD ZONING ORDINANCE REGARDING THE REGULATION OF GAS STATIONS

WHEREAS, the City of Lakewood is a home rule city of the state of Colorado with full authority to legislate in matters of local concern such as zoning and land use matters; and

WHEREAS, the 2015 Lakewood Comprehensive Plan and its amendments state that land use and development should be in compliance with the Plan; and

WHEREAS, the Lakewood Comprehensive Plan is used to guide future land use and development decisions and includes implementation steps for the development and redevelopment of the City; and

WHEREAS, the City Council finds that amendment of the Zoning Ordinance is a legislative determination as recognized by Colorado law and such determinations are not subject to any requirement for individualized notice to specific property owners; and

WHEREAS, the City Council and Planning Commission each held study sessions to review and develop Zoning Ordinance amendments and modifications; and

WHEREAS, the Planning Commission conducted a public hearing on February 24, 2021 and voted to recommend for approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Per Article 17-2-3 of the Lakewood Zoning Ordinance, the City Council finds and determines the following matters regarding the rezoning accomplished herein:

- a. Ms. Kathleen E. Hodgson, City Manager for the City of Lakewood has submitted an application to update the Lakewood Zoning Ordinance;
- b. Amendment of the Zoning Ordinance affects a large number of properties and the proposed changes to the Zoning Ordinance are not applicable only to a specific individual or readily identifiable group of individuals;
- c. Amendment of the Zoning Ordinance is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level;
- d. Amendment of the proposed Zoning Ordinance is consistent with and will implement the goals of the City's Comprehensive Plan;
- e. Amendment of the Zoning Ordinance promotes the health, safety or welfare of the inhabitants of the City and the purposes of this Ordinance;
- f. Amendment of the Zoning Ordinance is in the public interest;

- g. Judicial review of an ordinance adopted pursuant to this Section 17-2-3 shall be by petition to district court pursuant to the requirements of Colorado Rule of Civil Procedure 57.

SECTION 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the Zoning Ordinance adopted hereby, the intention being that the various sections and provisions are severable.

SECTION 3. Add new section 17.4.3.1.M and renumber subsequent sections accordingly:

17.4.3.1.M Fueling Station:

Where identified as a special use, a fueling station shall be subject to the following:

1. The fueling station meets all of the site design requirements of 17.7.6.3.B and all other requirements of the zone district;
2. A canopy is provided to shield the fueling islands and fueling operations from precipitation;
3. The fueling station may not be located within 1000 feet of another fueling station unless:
 - a. The primary fuel type provided at the two stations is different (i.e. gasoline, natural gas, electric), or
 - b. Traffic conditions, such as a raised median, prevent clear and simple access to a station on the opposite side of the road;

SECTION 4. Amend Table 17.4.1: Use Table to make fueling stations a special use in the M-N and M-G zones and to update the reference to supplemental standards.

SECTION 5. Effective Date; Repeal; Enforcement. Except as otherwise expressly provided in this Section, the provisions of this Ordinance shall become legally effective forty-five (45) days after publication following final passage.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 10th day of May, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 13th day of May, 2021; set for public hearing to be held on the 24th day of May, 2021, read, finally passed and adopted by the City Council on the 24th day of May, 2021 and, signed by the Mayor on the _____ day of May, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney