

ORDINANCE NO. 908

AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE TO PROHIBIT SELF-STORAGE FACILITIES AND TRUCK STOPS IN ALL ZONE DISTRICTS WITHIN THE CITY.

WHEREAS, the City regulates the use of land by those ordinances codified in Chapter 16 of the Dacono Municipal Code, and Section 16-9 of the Dacono Municipal Code requires conformance with those regulations set forth in Chapter 16; and

WHEREAS, the City's zoning regulations do not list self-storage facilities as a permitted principal use in any zone district within the City, but such uses have been approved in the Light Industrial (I-1) zone district pursuant to DMC § 16-201(1); and

WHEREAS, according to industry estimates, the national average of self-storage facilities needed to serve a local population, as measured by square feet per capita of population, ranges between seven and eight square feet; and

WHEREAS, the City has a 2018 estimated population of 5,742 people, which equates to 40,194 to 45,936 square feet of self-storage facilities to serve the local population per the national average; and

WHEREAS, with more than 250,000 square feet of indoor self-storage, and more than 32 acres of outdoor storage, self-storage facilities appear to be significantly overbuilt within the City; and

WHEREAS, this disproportionate proliferation of self-storage facilities within the City is not consistent with the City's Comprehensive Plan Guiding Principles and Vision, which emphasizes diversity in the City's land use, economy, and job and business opportunities; and

WHEREAS, self-storage facilities located in certain areas of the City are also inconsistent with the adopted goals and policies of the Dacono Business Assistance policy, which include creating a vibrant "commercial core" and improving the overall attractiveness of the community; and

WHEREAS, self-storage facilities additionally do not promote the City's goal of attracting and retaining a variety of employment opportunities for City residents, as such facilities typically employ only approximately one person per acre of developed land; and

WHEREAS, self-storage facilities do not support the City's goal of encouraging and supporting a diverse mix of high-quality retail and service businesses, with an emphasis on those that are "home grown" and that contribute to the City's sales and property tax bases; and

WHEREAS, in Chapter 16, Article 14 of the Dacono Municipal Code, the City authorizes continuation of nonconforming uses of land that were lawful at the time of adoption of a zoning ordinance, subject to the limitations set forth therein; and

WHEREAS, Section 16-682(1) of the Dacono Municipal Code already prohibits the outdoor storage or parking of trailers, boats, RV recreational vehicles, vehicles, semi-trailers, cargo containers or shipping containers as a principal use in all zone districts of the City; and

WHEREAS, the City Council finds that prohibiting self-storage facilities in all zone districts within the City as set forth herein will allow those currently operating to continue subject to the limitations set forth in the Dacono Municipal Code while prohibiting additional such facilities; and

WHEREAS, while motor fuel filling stations are permitted in certain zone districts within the City, the City's zoning regulations do not list truck stops as a permitted principal use in any zone district and no truck stops are currently operating within the City; and

WHEREAS, by Ordinance No. 890 adopted on July 13, 2020, the City Council imposed a temporary moratorium on new self-storage facilities within the City, in order to examine the important policy considerations presented by this land use and consider such amendments to the Dacono Municipal Code as may be reasonable or necessary to protect the public health, safety, and welfare of the City and its residents, which temporary moratorium was extended by the City Council to October 31, 2021 by Ordinance No. 900 adopted on January 25, 2021; and

WHEREAS, the City Council has examined the important policy considerations presented by self-storage facilities in the overall mix of land uses within the City and determined that a limit on the total square footage of self-storage facilities should be imposed as set forth herein, in order to maintain a healthy balance of land uses as set forth in the City's adopted goals and policies; and

WHEREAS, by Ordinance No. 901 adopted on March 22, 2021, the City Council imposed a temporary moratorium until October 31, 2021 on motor fuel filling stations and truck stops, in order to examine the important policy considerations presented by each land use and consider such amendments to the Dacono Municipal Code as may be reasonable or necessary to protect the public health, safety, and welfare of the City and its residents; and

WHEREAS, semi-truck drivers sometimes idle their engines throughout their rest periods to provide electricity for cooling and heating their cabins or to keep their engine fluids warm, and this extended idling consumes fuel, creates air and noise pollution, and is an inefficient use of the nation's energy supply. According to an estimate by the U.S. Department of Energy, each year in the U.S., trucks consume over 25 million barrels of fuel a year for overnight truck idling; and

WHEREAS, according to a report by the National Human Trafficking Resource Center, truck stops provide opportunities for sex trafficking due to their location, dominant male-customer base that use the facilities, transient customers who are able to purchase sex with minimal concerns for detection, and geographic isolation that allows traffickers to quickly and frequently move victims without interference or undue attention and makes it difficult for

victims to leave their situations; and

WHEREAS, according to a study conducted by the Chubb Group of Insurance Companies, truck stops are one of the most targeted locations for cargo thefts, a crime estimated to cost businesses several billions of dollars per year; and

WHEREAS, the City Council has examined the policy considerations presented by motor fuel filling stations and truck stops and finds that truck stops present unique zoning and planning challenges not presented by motor fuel filling stations, including but not limited to increased traffic, noise, lighting and environmental impacts, and negative secondary impacts on the neighborhoods in the vicinity, the potential for increased criminal activity, and determined that truck stops should be prohibited in all zone districts within the City as set forth herein; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Chapter 16, Article 2 of the Dacono Municipal Code is hereby amended by the addition of new Sections 16-60, 16-77.5, 16-86.3 and 16-86.5, to read as follows:

ARTICLE 2
Definitions

Sec. 16-60. Motor fuel filling station.

Motor fuel filling station means gas station or service station, and similar terms used to describe this use, but not including a truck stop.

Sec. 16-77.5. Self-storage facility.

Self-storage facility means any structure or structures designed or used for the purpose of storage space for occupants and owners who have access to such facility for the purpose of storing and removing personal property, directly or indirectly, regardless of whether the units are rented or sold as condominium storage space. Self-storage includes “device storage,” which rents storage space such as rooms, lockers, container, and/or outdoor space, also known as storage

units, usually on a short-term basis and often month-to-month. Self-storage does not include lockers where retail purchases are temporarily stowed for pick-up by a customer.

Sec. 16-86.3. Truck stop.

Truck stop or travel plaza means and includes motor vehicle and truck fueling facilities as well as maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of motor fuels or other petroleum products, and the sale of accessories or equipment for over-the-road trucks and similar commercial vehicles. A travel plaza or truck stop may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by truck drivers and interregional travelers.

Sec. 16-86.5. Warehouse facility.

Warehouse facility means an establishment engaged in the storage of goods, such as manufactured products, supplies, equipment, or food. This term excludes bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Warehouse facility does not include warehousing, storage, or mini-storage facilities offered for rent or lease to the general public.

Section 3. Section 16-10 of the Dacono Municipal Code is hereby amended by the addition of a new subsection (k) to read as follows:

Sec. 16-10. Prohibited uses.

- (k) Self-storage facilities are prohibited in all zone districts of the City.
- (l) Truck stops are prohibited in all zone districts of the City

Section 4. This ordinance shall become effective as provided in the City of Dacono Home Rule Charter. Upon this ordinance becoming effective, the temporary moratorium on self-storage facilities imposed by Ordinance No. 890, as extended by Ordinance No. 900, and the temporary moratorium on motor fuel filling stations and truck stops imposed by Ordinance No. 901 shall be repealed. Uses lawfully existing on the effective date of this ordinance, which would be prohibited by this ordinance, may continue in accordance with Chapter 16, Article 14 of the Dacono Municipal Code.

Section 5. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect

the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 28th day of June, 2021.

PUBLIC HEARING AND SECOND READING WILL BE THE 12th DAY OF July, 2021, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 2021.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 908, “**AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE TO PROHIBIT SELF-STORAGE FACILITIES AND TRUCK STOPS IN ALL ZONE DISTRICTS WITHIN THE CITY**”: Prohibits self-storage facilities and truck stops within the City, subject to provisions in the Dacono Municipal Code concerning nonconforming uses.