

**ORDINANCE NO. XXXX
SERIES 2023**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CAPPING THE MAXIMUM NUMBER OF GASOLINE AND AUTOMOBILE SERVICE
STATIONS LOCATED WITHIN THE CITY OF LOUISVILLE**

WHEREAS, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

WHEREAS, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code; and

WHEREAS, on October 24, 2022, the City Clerk approved the form of an initiative petition for an Initiative Ordinance that, if approved by the City Council or the City's electors, would prohibit gasoline service stations and automobile service stations in all zone districts within the City and prohibit issuance of a building permit for construction of a gasoline service station within 2.5 miles of an existing gasoline service station; and

WHEREAS, on November 1, 2022, the City Council approved Emergency Ordinance 1843, Series 2022 providing for a temporary moratorium on the submission, acceptance, processing, or approval of any land use application, or issuance of any special use permit, related to the use of property within the City as a gasoline service station or an automobile service stations; and

WHEREAS, as of October 1, 2022, the Colorado Energy Office reports there are 66,599 electric vehicles (EVs) registered in Colorado, 11.71 per 1,000 people, and 9,198 EVs in Boulder County, 27.1 EV's per 1,000 people; and

WHEREAS, according to the Colorado Energy Office, EV ownership is currently increasing both statewide and in Boulder County, and in the past six months 8.62% of new vehicle registrations in Boulder County were for EVs; and

WHEREAS, the City Council recognizes this trend in EV sales will likely impact the continued viability of gasoline service stations within the City, and thus impact the appropriate mix of land uses within the City; and

WHEREAS, the City Council finds and determines it is of critical importance to the City and its residents that the City Council examine the important policy considerations presented by

gasoline service stations and automobile service stations in the overall mix of land uses within the City, and that any decisions made be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

WHEREAS, the City of Louisville remains committed to its adopted goals to reduce energy consumption, increase clean energy sources, and support the transition to a low-carbon community as outlined in the Sustainability Action Plan and Resolution 25, Series 2019, “A Resolution Setting Clean Energy and Carbon Reduction Goals”.

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

Section 1. Louisville Municipal Code Chapter 17.16 – General Regulations is hereby amended with the addition of a new Section 17.16.340 to read as follows:

Section 17.16.340. – Limitation on New Gasoline and Automobile Service Stations

- A. The number of gasoline or automobile service stations within the city shall be limited to six (6). Such limitation shall include the combined number of existing gasoline and automobile service stations and those not constructed but approved through a planned unit development land use application that has not expired pursuant to Subsections B or C. This limitation may be increased up to seven (7) gasoline and automobile service stations if approved through a new land use application for a single-user retail center of eighty thousand (80,000) or more square feet that includes a gasoline or automobile service station as an integral part of the retail center on the same or adjoining parcel.
- B. An approved planned unit development, and when applicable, an approved special review use, for a gasoline or automobile service station shall expire and become void if a building permit is not issued within thirty six (36) months after city council approval of the plan.
- C. If an existing gasoline or service station is discontinued from use for a period of twelve (12) months then further use of the property as a gasoline or automobile service station shall require authorization through a planned unit development, and when applicable, a special review use approval, meeting current city standards for such use.
- D. If at the time of a land use application for a gasoline service station there are fewer than six (6) gasoline service stations operating or approved in the city, the city shall review new applications in the order in which complete land use applications are received.
- E. Any new gasoline or automobile service station shall be spaced from any existing or approved gasoline or automobile service station by a minimum of one thousand (1,000) ft. as measured from the nearest point of each property boundary. This requirement may be waived if the proposed gasoline or automobile service station is approved through a new land use application for a single-use retail center of eighty thousand (80,000) or more

square feet that includes a gasoline or automobile service station as an integral part of the retail center on the same or adjoining parcel.

- F. The City of Louisville Planning Division (Planning) shall maintain the list of operating or approved gasoline or automobile service stations and their locations within the city.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville 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 and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as 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 4. 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, PASSED ON FIRST READING AND ORDERED
PUBLISHED** this __ day of _____, 2023.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this ____ day of _____, 2023.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk