



**TOWN OF LARKSPUR, COLORADO  
ORDINANCE NO. 2024-05**

**AN ORDINANCE AMENDING SECTIONS 16-1-60 AND 16-7-80 OF THE LARKSPUR TOWN CODE TO DEFINE TRAVEL CENTER/TRUCK STOP AS A LAND USE AND PROHIBIT SUCH LAND USE WITHIN THE TOWN**

**WHEREAS**, the Town Council for the Town of Larkspur is authorized, pursuant to the Town's Home Rule Charter, the Colorado Constitution, Colorado statutes, and the Larkspur Town Code, to administer the affairs of the Town of Larkspur ("the Town"), including adopting ordinances, in furtherance of the health, safety and welfare of the Town's inhabitants; and

**WHEREAS**, the Town of Larkspur, as a home rule municipality, is authorized to establish rules and regulations in the best interest of the Town and its residents and visitors; and

**WHEREAS**, the authority to make the legislative determination of what uses of land will be permitted within the Town of Larkspur, where those uses will be permitted, and under what conditions is vested in the Larkspur Town Council as the Town's elected legislative body, after receiving input from the Larkspur Planning Commission, and the public (See Larkspur Charter, Sections 1.02 and 3.01); and

**WHEREAS**, the Larkspur Town Council has exercised its legislative authority by enacting, among other ordinances, the Larkspur Zoning Code, Chapter 16 of the Larkspur Town Code; and

**WHEREAS**, the Larkspur Zoning Code lists and defines uses that are allowed within the various zoning districts either as a use by right or as a use by special review; and

**WHEREAS**, pursuant to the provisions of Section 16-10-110 of the Larkspur Town Code, any use that is not specifically listed or sufficiently similar to listed uses is prohibited; and

**WHEREAS**, Travel Center/truck Stop is not listed nor sufficiently similar to a listed use under the existing zoning code and is therefore prohibited; and

**WHEREAS**, Section 16-7-80 of the Larkspur Town Code expressly lists certain uses that are not permitted in any zone district within the Town; and

**WHEREAS**, the Town's zoning code should not be interpreted in a manner that allows uses other than those that have been authorized by the Town Council; and

**WHEREAS**, The Town Code provides that uses similar in character and impact to uses specifically listed as uses by right in a particular district may be allowed. However, the authority



to determine whether a proposed use is sufficiently similar in character to allowed uses rests solely in the Town Council, and only after the Council has considered:

- Traffic and parking needs associated with the use
- Vibrations generated
- Volume of sound generated
- Emissions of heat, glare, radiation and fumes
- Smoke, air and water pollution
- Outdoor storage, and
- Waste disposal

See for example Sections 16-7-470(62)(Business District) and 16-7-540(43) (Commercial District); and

**WHEREAS**, Section 16-10-110 of the Town Code provides that the Town Council may, by ordinance, add new uses that are not similar to existing uses to the list of uses allowed in any zone district within the Town, after review and recommendation by the Town Planner and Planning Commission, provided the Council specifically finds:

- Such use is not listed or similar to any other use
  - Such use is more appropriate in the zoning district to which it is added than in any other zoning district
  - Such use conforms to the basic requirements and characteristics of the use category to which it may be added
- Such use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic hazards or other objectionable influences than normally result from the other uses listed in the zoning district to which it is to be added; and

**WHEREAS**, how to define the land use typically referred to as Travel Centers or Truck Stops, and whether to allow such use within the limits of the Town and under what conditions, has been a matter of substantial discussion and controversy within the Town; and

**WHEREAS**, although previous Town officials and Council's may have expressed an interest in allowing Travel Centers/Truck Stops within the Town, the current Town Council, as well as the vast majority of the Planning Commission and the public strongly oppose allowing such use within the Town; and

**WHEREAS**, in order to address these issues, the Town hired a planner, conducted multiple meetings by the Planning Commission, considered numerous memos and substantial materials, and conducted multiple Town Council meetings; and

**WHEREAS**, based on those meetings and materials, the Town Council makes the following findings:



## FINDINGS OF THE TOWN COUNCIL

1. According to the future vision statement in the Town of Larkspur Master Plan, “The number one objective of all was maintaining the warm, small town culture of the town. They prefer the small, local oriented business over larger commercial endeavors.”
2. The public comments received during numerous meetings related to Travel Centers/Truck Stops re-affirmed that the number one priority of the Town’s citizens is to maintain its warm, small town culture.
3. According to the goals contained in the Larkspur Master Plan, it is an overall goal of the Town to direct “Future Growth Within Larkspur’s Small-Town Values.
4. The vast majority of the public providing comments during the numerous meetings held by the Planning Commission and Town Council oppose travel centers anywhere within the Town citing concerns that included but were not limited to:
  - a. Loss of Larkspur’s small town charm, particularly from a large scale Travel Center/Truck Stop;
  - b. Traffic congestion and impact on the Town’s roadways, all of which are only two lanes, particularly as a result of increased presence and use by semi-tractor trailers or similar heavy commercial vehicles;
  - c. Increased crime, particularly where overnight parking is involved;
  - d. Increased potential for pollution of the air from increased concentration of diesel fumes or the water from an increased presence and risk of hazardous materials;
  - e. Noise, particularly during late night or early morning hours;
  - f. Reduction of property values resulting from the concerns listed above
  - g. Adverse impacts on small, local businesses as a result of reduced traffic through town.
5. Travel Centers/Truck Stops are incompatible with the Town’s priority of preserving its small town feel and values.
6. Based on the factors provided by the Town Code to determine whether a Travel Center/Truck Stop is sufficiently similar in character and impact to specifically listed uses by right in a particular district, use of land for a Travel Center/Truck Stop is not similar in character or impact to uses specifically listed in any zone district within the Town. Specifically, the traffic and parking needs, the volume of sound generated, the emissions of heat, glare, radiation and fumes, and the smoke, air and water pollution are unique to Travel Centers/Truck Stops and are dissimilar to the impacts from any other uses allowed within the Town in any zone district.



7. Based on the factors provided in Section 16-10-110 of the Town Code, use of land for a Travel Center/Truck Stop does not support any of the specific findings required in order to add it as a new use to the list of allowed uses in any zoning district within the Town. Specifically, Travel Center/Truck Stop is not listed or similar to any other use; it is not appropriate in any zoning district; it does not conform to the basic requirements and characteristics of any use category allowed within the Town; and it would create more offensive noise, dust, heat, smoke, odor, traffic hazards and other objectionable influences, such as increased criminal activity, than would normally result from the other uses listed in any zoning district within the Town.

**WHEREAS**, based on the foregoing findings, the Town Council concludes that (1) Travel Centers/Truck Stops would have a substantial adverse impact on the public health, safety and welfare and (2) in order to protect against the harms cited above, Travel Centers/ Truck Stops should be clearly defined and excluded from all zoning districts within the Town.

**NOW THEREFORE BE IT ORDAINED BY THE LARKSPUR TOWN COUNCIL AS FOLLOWS:**

1. Section 16-1-60, setting forth the definitions for the zoning code is hereby amended by adding a definition of Travel Center/Stop Truck to read as follows:

Travel Center/Truck Stop, means a business that engages primarily in the sale of fuel, accessories, and equipment for semi-tractor trailers or similar heavy commercial vehicles, provides parking spaces for semi-tractor trailers or similar heavy commercial vehicles, and may include one or more of the following accessory uses: convenience store, restaurant, overnight, parking, vehicle maintenance, shower facilities, vehicle scale, vehicle wash, and/or laundry facilities. As used in this definition, the terms "semi-tractor trailers or similar heavy commercial vehicles" are intended to include but not be limited to those vehicles that require a CDL license to operate but are not intended to include recreational vehicles that are being used for private, non-commercial purposes.

2. Section 16-7-80 addressing uses prohibited in all zone districts is hereby amended by adding the underlined language to read in its entirety as follows:

**Sec. 16-7-80. - Uses prohibited in all districts**

As a result of the election held April 8, 2014, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores are prohibited in all zone districts within the Town.

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In addition, Travel Centers/Truck Stops are prohibited in all zone districts within the Town.

3. Severability. 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 Town Board hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AND SIGNED THIS 4<sup>th</sup> DAY OF APRIL, 2024.**



**ATTEST:**

Votes Approving:	7
Votes Opposed:	0
Absent:	0
Abstained:	0

**TOWN COUNCIL OF THE  
TOWN OF LARKSPUR, COLORADO**

By:   
Todd DeVoe, Town Clerk

  
Sherilyn West, Mayor