

**Date:** November 21, 2013

**Subject:** An ordinance of the City of Littleton, Colorado, amending City Code sections 10-1-2, 10-3-1, 10-3-2, 10-4-6 and adding 10-4-16 allowing breweries, distilleries, and wineries, in industrial and commercial zone districts subject to standards; and defining emissions.

**Passed/Failed:** Passed on second and final reading

**CITY OF LITTLETON, COLORADO**

**ORDINANCE NO. 36**

**Series, 2013**

**INTRODUCED BY COUNCILMEMBERS:** Taylor and Cernanec

**AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING CITY CODE SECTIONS 10-1-2, 10-3-1, 10-3-2, 10-4-6 AND ADDING 10-4-16 ALLOWING BREWERIES, DISTILLERIES, AND WINERIES, IN INDUSTRIAL AND COMMERCIAL ZONE DISTRICTS SUBJECT TO STANDARDS; AND DEFINING EMISSIONS.**

**WHEREAS**, the City of Littleton is a home rule municipality organized and existing under the City's Charter adopted pursuant to Article XX of the Constitution and the laws of the State of Colorado;

**WHEREAS**, the City Council of the City of Littleton desires to allow breweries, distilleries and wineries as permitted land uses in the B-3, I-1, and I-2 Zone Districts and as a permitted land use in the CA, B-1, and B-2 Zone Districts with certain standards;

**WHEREAS**, on October 28, 2013 the City of Littleton Planning Board held a public hearing to consider the proposed amendments to allow such uses and recommended approval thereof; and

**WHEREAS**, the City Council finds that the proposed amendments are in the best interest of the city and promote the public health, safety, and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:**

**Section 1:** Littleton City Code Section 10-1-2 is hereby amended by adding the following definitions:

**BREWERY:** An establishment where malt liquors and fermented malt beverages are manufactured.

**DISTILLERY:** An establishment where spirituous liquors are manufactured.

**TASTING/RETAIL SALES ROOM:** ~~An establishment that allows customers to~~ A ROOM WHERE customers taste samples of malt, spirituous or vinous liquors manufactured by a single brewery, distillery or winery, AND SALES OF ITEMS CUSTOMARILY RELATED TO THE PRODUCT OCCURS.

**WINERY:** An establishment where vinous liquors are manufactured.

**Section 2:** Littleton City Code Section 10-3-1 subcategory (A) is hereby amended by adding a new symbol and definition:

PS – Permitted pursuant to Section 10-4-16.

**Section 3:** Littleton City Code Section 10-3-2 is hereby amended by revising the language in subcategory 13.51 as follows: Other than products related to mining or quarrying operations, petroleum and chemicals, alcohol distillation EXCEPTING DISTILLERIES, animal products or byproducts, wood, rubber, metal, and gases excepting nitrogen and oxygen and similar products.

**Section 4:** Littleton City Code Section 10-3-2 is hereby amended to add a new subcategory 13.53: “Brewery, distillery and winery” listed as permitted land uses in the B-3, I-1 and I-2 Zone Districts and to add a new subcategory 13.54: “Brewery, distillery and winery with a tasting /retail sales room” listed as permitted land uses in the CA, B-1 and B-2 Zone Districts.

↓LAND USE CATEGORIES DISTRICTS →	ZONE	CA	B-1	B-2	B-3	I-1	I-2
13.53 Brewery, Distillery, and Winery					P	P	P
13.54 Brewery, Distillery and Winery with tasting / retail sales room which meets the requirements of Section 10-4-16		PS	PS	PS			

**Section 5:** Littleton City Code Section 10-4-6, subsection (D) is hereby amended to read as follows:

(D) Emissions of Heat, Odor, Air Pollution, Toxic Gases, and Radiation:

- Every use shall be operated in a manner so that ~~no~~ EMITTED heat; odor; smoke; air pollution; toxic, noxious or corrosive fumes or gases; radiation; or other toxic, noxious or corrosive matter is, ~~emitted from any source,~~ DOES NOT CREATE A

CONTINUOUS, OBNOXIOUS, HARMFUL OR DANGEROUS CONDITION BEYOND ANY BOUNDARY LINE OF THE LOT ON WHICH THE USE IS LOCATED, OR CREATE ANY CONDITION ON THE PROPERTY WHERE THE USE IS LOCATED, WHICH WOULD VIOLATE ANY PROVISION OF ANY APPLICABLE FEDERAL, STATE OR LOCAL LAWS OR REGULATIONS.

**Section 6:** Littleton City Code Title10 Chapter 4 is hereby amended by adding a new section 10-4-16 to read as follows:

10-4-16 **Brewery, Distillery, and Winery:** A brewery, distillery or winery which is proposed to be located in the CA, B-1, and B-2 Zone Districts is permitted only in conjunction with a tasting/retail sales room, subject to the following standards:

- (A) The tasting/retail sales room shall be located in the same building as the manufacturing of the beverage. ~~The size of the retail sales or tasting room shall be at least thirty percent (30%) of the total floor area of the facility, or 1,000 square feet, whichever is greater.~~
- (B) The tasting/retail sales room must be oriented toward the public facade; the public facade of the building shall be established by the building's address. Within a shopping center this area must be oriented toward the common space where the public can access the building.
- ~~(C) Within the B-1 and B-2 Zone Districts, the maximum gross floor area of the manufacturing establishment cannot exceed 10,000 square feet.~~
- (C) Within the CA Zone District the maximum gross floor area of the manufacturing establishment cannot exceed 6,000 square feet, UNLESS APPROVED AS A CONDITIONAL USE PER TITLE 10 CHAPTER 8.

**Section 7:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 8:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 5th day of November, 2013, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 19th day November of, 2013, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 5 FOR and 1 AGAINST on 19th day of November ,2013 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

/s/Wendy Heffner  
CITY CLERK

/s/Debbie Brinkman  
PRESIDENT OF CITY COUNCIL

/s/Ken Fellman  
APPROVED AS TO FORM:  
CITY ATTORNEY