



Legal Notice

Date: 02/06/2020

Subject: An ordinance of the City of Littleton, Colorado, enacting a temporary moratorium on any new auto oriented business development within the area as set forth in the Downtown Littleton Design Standards, and upon the submission, acceptance, processing, or approval of any site development plans, demolition permit, applications or plan approvals, or other types of approval by the City of Littleton related to such activities

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

**ORDINANCE NO. 04
Series, 2020**

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 04

Series, 2020

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, ENACTING A TEMPORARY MORATORIUM ON ANY NEW AUTO-ORIENTED BUSINESS DEVELOPMENT WITHIN THE AREA AS SET FORTH IN THE DOWNTOWN LITTLETON DESIGN STANDARDS, AND UPON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY SITE DEVELOPMENT PLANS, DEMOLITION PERMITS, APPLICATIONS OR PLAN APPROVALS, OR OTHER TYPES OF APPROVAL BY THE CITY OF LITTLETON RELATED TO SUCH ACTIVITIES

WHEREAS, the City of Littleton (“City”) is a Colorado home-rule municipality with all the powers and authority vested under Colorado law; and

WHEREAS, on July 9, 2018 the Planning Commission of the City of Littleton adopted the Downtown Littleton Design Standards (“Design Standards”) which were subsequently ratified by City Council on August 7, 2018; and

WHEREAS, the Design Standards delineates the subareas that comprise Downtown Littleton; and

WHEREAS, on October 15, 2019; City Council adopted the Envision Littleton Comprehensive Plan (“Comprehensive Plan”); and

WHEREAS, currently the City’s zoning allows for several different types of auto-oriented uses which may not be consistent with the goals and policies as set forth in the Comprehensive Plan; and

WHEREAS, auto-oriented uses may not meet certain goals and policies such as encouraging a more walkable community, pedestrian-focused, vibrant retail and mixed-use; and

WHEREAS, in order to ensure consistency with the newly adopted Comprehensive Plan, changes need to be made to the City’s Code; and

WHEREAS, the City has retained Kendig Keast Collaborative to begin a complete rewrite of the City’s Zoning Regulations which is anticipated to take an extended period of time; and

WHEREAS, in the interim, City Staff has been exploring near-term changes to address certain inconsistencies between the Comprehensive Plan and City Code; and

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49 **WHEREAS**, the imposition of a temporary moratorium of 90 days on any new
50 auto-oriented development within the Downtown Littleton area as set forth in the Design
51 Standards including the submission, acceptance, processing, or approval of any site development
52 plans, demolition permit, applications or plan approvals or other types of approval by the City
53 related to such activities is reasonable in time, scope, and location and will allow the City the
54 time needed to enact appropriate regulations for the protection of the public health, safety, and
55 welfare as it relates to the Downtown Littleton Area.

56
57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
58 **THE CITY OF LITTLETON, COLORADO, THAT:**

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60 **Section 1:** The foregoing recitals are hereby adopted by the City Council as
61 findings in support of the adoption of this Ordinance.

62
63 **Section 2:** The City Council further finds and declares that:

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65 a. The City’s current laws, ordinances, rules and regulations may not
66 adequately address the issues and challenges associated with protecting the character of
67 the Downtown Littleton area as it relates to new commercial development involving auto-
68 oriented uses; and

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70 b. Auto-oriented uses shall have the meaning as those types of commercial
71 uses that require an automobile and tend to increase traffic and reduce walkability as such
72 are identified and set forth in Exhibit A.

73
74 c. The City may suffer irreparable harm if a short, temporary moratorium, as
75 herein described, is not imposed to prevent land-use activities detrimental to the character
76 of the Downtown Littleton area being pursued prior to the implementation of permanent
77 regulations; and

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79 d. This ordinance is necessary and proper to provide for the safety, preserve
80 the health, promote the prosperity, and welfare of the City of Littleton and the inhabitants
81 thereof; and

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83 e. The duration of the moratorium imposed by this Ordinance is reasonable in
84 length and is no longer than is required for the City to properly investigate, develop, and,
85 if appropriate, adopt and implement any regulations deemed necessary with respect to the
86 subject matter addressed herein; and

87
88 f. Property owners within the area subject to this Ordinance, and desiring to
89 engage in land-use activities prohibited herein, will not be unfairly prejudiced by the
90 imposition of the short, temporary moratorium imposed by this Ordinance.

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92 **Section 3:** Upon the effective date of this Ordinance, a moratorium is imposed on
93 any new auto-oriented business development as identified in Exhibit A within the

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94 Downtown Littleton area as set forth in the Design Standards as more specifically
95 delineated in Exhibit B, attached hereto and incorporated herein, including the
96 submission, acceptance, processing, or approval of any site development plans,
97 demolition permit, applications or plan approvals or other types of approval by the City
98 related to such activities, excepting building permits related to already approved site
99 development plans. The City staff and all applicable commissions, boards, departments,
100 divisions, and representatives are directed to refuse to accept for filing, and not to process
101 or review, any such new applications during the moratorium period.
102

103 **Section 4:** The moratorium imposed by this Ordinance shall commence as of the
104 effective date of this Ordinance, and shall expire in 90 days, unless extended or sooner
105 repealed.
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107 **Section 5:** Before the expiration of the moratorium imposed by this Ordinance,
108 City staff shall continue to investigate the matters addressed herein and all reasonable
109 options including but not limited to: amending zoning regulations; amending or
110 modifying existing Design Standards; amending Operational Standards; or taking such
111 other steps as deemed appropriate or as may be further directed by City Council and the
112 City Manager.
113

114 **Section 6:** The City Council hereby finds, determines and declares that it has the
115 power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control
116 Enabling Act, Article 20 of title 29, C.R.S.; (ii) Part 3 of Article 23 of title 31, C.R.S.
117 (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning
118 municipal police powers); (iv) Section 31-15-40, C.R.S.(concerning municipal police
119 powers); (v) the authority granted to home rule municipalities by Article XX of the
120 Colorado Constitution; (vi) Colorado case law; and (vii) the powers contained in the
121 Littleton Charter and the Littleton City Code.
122

123 **Section 7:** Severability. If any part, section, subsection, sentence, clause or
124 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not
125 affect the validity of the remaining sections of this ordinance. The City Council hereby
126 declares that it would have passed this ordinance, including each part, section, subsection,
127 sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections,
128 subsections, sentences, clauses or phrases may be declared invalid.
129

130 **Section 8:** This ordinance shall become effective 7 days after passage and shall
131 expire ninety (90) days thereafter, unless sooner or repealed or extended by a duly
132 adopted ordinance of the city council.
133

134 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in
135 conflict with this ordinance are hereby repealed, provided that this repealer shall not
136 repeal the repealer clauses of such ordinance nor revive any ordinance thereby.
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 140 INTRODUCTION AS A BILL at a regularly scheduled meeting of the City Council
 141 of the City of Littleton on the 21st day of January, 2020, passed on first reading by a vote of 7
 142 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
 143 Municipal Courthouse and on the City of Littleton Website.

144 PUBLIC HEARING on the Ordinance to take place on the 4th day of February,
 145 2020, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
 146 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

147
 148 PASSED on second and final reading, following public hearing, by a vote of 7 FOR and
 149 0 AGAINST on the 4th day of February, 2020 and ordered published by posting at Littleton
 150 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

151 ATTEST:
 DocuSigned by:
 152 Colleen Norton
 153 Colleen L. Norton
 154 DEPUTY CITY CLERK

DocuSigned by:
Jerry Valdes
 155 Jerry Valdes
 156 MAYOR

156 APPROVED AS TO FORM:
 DocuSigned by:
 157 Reid Betzing
 158 Reid Betzing
 159 CITY ATTORNEY

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Exhibit A: Auto-Oriented Uses
Ordinance 04-2020 – Moratorium on Auto-Oriented Uses

Auto-oriented uses shall have the meaning as those types of commercial uses that require an automobile and tend to increase traffic and reduce walkability as such are identified and set forth below:

- Financial services, such as banks, savings and loans and brokerages that feature drive up or drive through services
- Ambulance facilities
- Service within enclosed area under roof with drive-through facility
- Primary takeout and delivery
- Automotive curbside service
- Wholesale sales and distribution to retailers/businesses
- Sales of automobiles by licensed dealers
- Sales of new automobiles
- Sales, leasing, rental or pawning of used motor vehicles
- Sales of gasoline
- Sales of automotive parts, not including wrecking yard operations
- Automotive services, not including junk or wrecking yard operations
- Services related to the installation of accessories including car stereos, window tinting, etc., and not including services related to mechanical, electrical or body repair
- Services related to cleaning (e.g., car washes), mechanical (e.g., engine, steering, drive train, tires, brakes) and body repair
- Commercial cleaning/laundry operations

Exhibit B: Downtown as defined in the Downtown Littleton Design Standards Ordinance 04-2020 – Moratorium on Auto-Oriented Uses

