



Legal Notice

Date: 02/06/2020

Subject: An ordinance of the City of Littleton, Colorado, enacting a temporary moratorium on any new development containing more than one residential unit within the downtown 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. 05
Series, 2020**

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 05

Series, 2020

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, ENACTING A TEMPORARY MORATORIUM ON ANY NEW DEVELOPMENT CONTAINING MORE THAN ONE RESIDENTIAL UNIT WITHIN THE DOWNTOWN 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

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, over the past several years the City has received approximately 24 development applications within the Downtown Littleton area which has led to increased density and has started to change the character of many areas of the Downtown Littleton area which the City’s current City Code do not adequately address; and

WHEREAS, in order to ensure consistency with the newly adopted Comprehensive Plan, changes need to occur to the City’s current City Code; Design Standards, and administrative operating standards; 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 Zoning Regulations; and

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WHEREAS, the imposition of a temporary moratorium of 90 days on any new development containing more than one residential unit within the Downtown Littleton area as set forth in the Design Standards including 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 related to such activities is reasonable in time, scope, and location and will allow the City the time needed to enact appropriate regulations for the protection of the public health, safety and welfare as it relates to the Downtown Littleton Area.

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

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

Section 2: The City Council further finds and declares that:

a. The City's current laws, ordinances, rules and regulations may not adequately address the issues and challenges associated with protecting the character of the Downtown Littleton area as it relates to new development consisting of more than one residential unit; and

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

c. This ordinance is necessary and proper to provide for the safety, preserve the health, and promote the general welfare of the City of Littleton and the inhabitants thereof; and

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

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

Section 3: Upon the effective date of this Ordinance, a moratorium is imposed on any new development containing more than one residential unit within the Downtown Littleton area as set forth in the Design Standards as more specifically delineated in Exhibit A, attached hereto and incorporated herein, including the submission, acceptance, processing, or approval of any site development plans, demolition permit, applications or

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plan approvals or other types of approval by the City related to such activities, excepting building permits related to already approved site development plans. The City staff and all applicable commissions, boards, departments, divisions, and representatives are directed to refuse to accept for filing, and not to process or review, any such new applications during the moratorium period.

Section 4: The moratorium imposed by this Ordinance shall commence as of the effective date of this Ordinance, and shall expire in 90 days, unless extended or sooner repealed.

Section 5: Before the expiration of the moratorium imposed by this Ordinance, City staff shall continue to investigate the matters addressed herein and all reasonable options including but not limited to: amending zoning regulations; amending or modifying existing Design Standards; amending Operational Standards; or taking such other steps as deemed appropriate or as may be further directed by City Council and the City Manager.

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

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

Section 9: 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 21st day of January, 2020, passed on first reading by a vote of 7

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139 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
140 Municipal Courthouse and on the City of Littleton Website.

141 PUBLIC HEARING on the Ordinance to take place on the 4th day of February,
142 2020, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
143 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

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145 PASSED on second and final reading, following public hearing, by a vote of 7 FOR and
146 0 AGAINST on the 4th day of February, 2020 and ordered published by posting at Littleton
147 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

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149 ATTEST:

DocuSigned by:

Colleen Norton

CF33HE7E11BF4D4
Colleen E. Norton

DEPUTY CITY CLERK

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154 APPROVED AS TO FORM:

DocuSigned by:

Reid Betzing

Reid Betzing

CITY ATTORNEY

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DocuSigned by:

Jerry Valdes

JERRY VALDES

MAYOR



**Exhibit A: Downtown as defined in the Downtown Littleton Design Standards
Ordinance 05-2020 – Moratorium on New Development**

