Date: 05/07/2020

Subject: An ordinance of the City of Littleton, Colorado, extending the temporary moratorium on any new development containing more than one residential unit 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 19
SERIES 2020
CITY OF LITTLETON, COLORADO

ORDINANCE NO. 19
Series, 2020

AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON ANY NEW DEVELOPMENT CONTAINING MORE THAN ONE RESIDENTIAL UNIT 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

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 22 development applications out of 23 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, Operational Standards, as well as refinement to the City’s Design Standards; and

WHEREAS, the City has retained Kendig Keast Collaborative to do a complete rewrite of the City’s Zoning Regulations which is anticipated to take approximately 18 months; 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
WHEREAS, additionally, the City has directed Kendig Keast Collaborative to start on the Downtown building block work product first and apply and incorporate those changes into the City’s existing code which is expected to be completed and adopted by Council in October of 2020; and

WHEREAS, City Council approved Ordinance 05-2020 on February 5, 2020, which imposed 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

WHEREAS, Kendig Keast Collaborative needs more time to complete the Downtown building block and apply it to the City’s Code as such it is necessary to extend the moratorium for an additional 150 days, which 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 an extended 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, promote the prosperity, and welfare of the City of Littleton and the inhabitants thereof; and

d. The duration of the extended 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, an extended 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 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: Before the expiration of the extended 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 5: 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, CR.S. (concerning 
municipal police powers); (iv) Section 31-15-40, CR.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 6: 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 7: This ordinance shall become effective 7 days after passage and shall expire one hundred fifty (150) days thereafter, unless sooner or repealed or extended by a
duly adopted ordinance of the city council.

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 AN ORDINANCE at a regularly scheduled meeting of the City Council of the City of Littleton on the 21st day of April, 2020, 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 5th day of May, 2020, in the Council Chamber¹, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 6 FOR and 1 AGAINST on the 5th day of May, 2020 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Colleen Norton  
CITY CLERK

Jerry Valdes  
MAYOR

Reid Betzing  
CITY ATTORNEY

¹ Due to COVID-19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.