

To: City Council

From: Jennifer Q. Henninger, AICP Community Development Director

Date: April 29, 2020

Re: Proposed Code Amendments

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## **Staff Analysis of Proposed Code Amendments:**

Construction Hours – Currently, construction is allowed from 7:00am to 9:00pm every day. The proposed code amendment limits construction hours from 7:00am to 7:00pm Monday through Friday and 9:00am to 5:00pm on weekends and designated city holidays. The existing and proposed provisions allow for emergency exemptions to be approved by the city.

Building Definition – Currently, the code only has a definition for structures, which is a broader category including fences, walls, and all types of man-made things. A definition for buildings as a sub-set of structures is helpful for those types of structures intended for human habitation or occupation.

Multiple Family Dwelling Definition – Currently, the code does not have any reference to condominiums. This change will help separate condominiums from townhomes and distinguish between multiple family dwellings and townhomes which has been blurred by recent condominium developments.

Height of Building Definition – The existing code definition has been a source of conflict. The existing definition relies on four points of measurement and does not account for the artificial manipulation of grades near the building. As a result, some buildings (particularly walk-out type buildings) could achieve unintended height. The proposed definition has been refined with feedback from several study sessions. It is simplified in how it relies on only two points of measurement and it also accounts for artificial grade manipulation. The height of walk-out type buildings should be significantly lower as a result.

Setback Definition – As with the definition of height, the existing code definition for setback is a source of conflict and inconsistency. Consistent with many neighboring jurisdictions and best practices, the proposed code begins with the building's outer wall and the property line as the two points of measurement. The proposed code amendment allows specific "encroachments" in all non-PUD zoning districts. These are for eaves, window wells, rear decks, and front porches. The proposed encroachments have been significantly refined through the study sessions to provide greater clarity and specificity. The Phase 1 code changes cannot include illustrations or diagrams, but the Unified Land Use Code will have extensive use of illustrations and diagrams for even greater clarity.

Townhouse Definition – As noted with the proposed definition for multiple family dwellings, the proposed amendment will help disentangle apartments, condominiums, and townhouses.

Preliminary Project Plans – Currently, the preliminary project plan process (P4) is only available to rezonings and planned developments. In addition, the applicants are not allowed any interaction with Council or Planning Commission. The proposed amendment expands the availability of this popular program to major site development plans and allows direct interaction between the applicant and Council / Planning Commission. In addition, the proposed amendment allows Historical Preservation Board review in cases where a proposed development has historical implications.

General Application Requirement and Procedures (Notification Requirements) – Currently, the code requires applicants to send notice letters to property owners for specific applications. This may result in property residents being left out on written notice. The proposed amendment requires applicants to notify the property owner and also send notice to the address, if different from that of the owner. There were several concerns raised about unit numbers and county addressing systems include unit numbers. Staff believes this is a workable provision and will expect applicants to notify owners and residents alike.

Land Uses / Land Use Table – For all new auto-oriented development located in the Downtown Littleton area, the proposed amendment will require approval of a conditional use permit through the public hearing process. The table has been revised according to comments to allow banks, but require a conditional use permit for banks which include drive-up or drive-through services. A clarification between take out and delivery businesses that are primarily restaurants has also been made.

Sight Distance Triangles – The proposed amendment will modernize sight distance triangle requirements to conform to the American Association of State Highway Transportation Officials (AASHTO) standards. The proposed amendment will add site-specific safety standards based on best practices.

Accessory Uses and Structures – The proposed amendment makes some relatively minor tweaks to the rules governing accessory structures, mainly to align the measurement of small structures (120 square feet and under) with the building codes, and to establish a minimum distance between accessory and primary buildings (five feet). This provision acts in concert with the allowed encroachment of decks and porches to allow residents to add on porches and decks without having to call them accessory structures.

Parking and Loading – There are two main provisions in the proposed amendment:

- Modernizing the code for accessible parking spaces – current code provisions are not in conformance with Federal laws and the proposed amendment aligns our code with Federal law
- Reducing parking space dimensions – the current code requires 9' x 20' standard parking spaces and 8' x 18' compact parking spaces. The proposed amendment reduces these to 9'

x 18' standard spaces and 8' x 15' compact spaces. The proposed reduction is in alignment with many other Denver metropolitan area communities. This reduction in parking space dimensions has been proposed and rejected in the past. With growing concern about parking, particularly in the Downtown Littleton area, parking space dimensions that work in neighboring communities and are commonly recognized standards will allow for more flexibility in either providing more off-street parking for the Downtown Littleton area and/or allowing less area to be dedicated to parking spaces, which helps to make developments greener and more affordable.

### **Public Outreach:**

The recommended code amendments were posted on Littleton Plans for a period of two weeks. The 13 surveys completed reflect positive support of the proposed changes. In general:

- Respondents were supportive of the change in construction hours, more allowance of setback encroachments, and a clearer definition of height
- A few were concerned about reducing stall size due to the size of pick-up trucks, while others wanted to see less land area dedicated to parking and supported the smaller stall size
- Two respondents supported future code amendments allowing accessory dwelling units in Downtown

In addition, staff received emails from several residents, all of which are attached to the Legistar packet.

### **Staff Recommendation:**

Staff recommends approval of Ordinance 17-2020. In staff's opinion, the proposed Littleton City Code amendments will reduce confusion, increase consistency, and help align the codes with the Comprehensive Plan, best practices, and Federal laws. In so doing, it is staff's opinion that the proposed amendments will promote the health, safety, and welfare of Littleton's citizens.