

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO.

4
5 Series, 2020
6
7

8 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON ANY NEW
9 DEVELOPMENT CONTAINING MORE THAN ONE RESIDENTIAL UNIT WITHIN
10 THE AREA AS SET FORTH IN THE DOWNTOWN LITTLETON DESIGN
11 STANDARDS, AND UPON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR
12 APPROVAL OF ANY SITE DEVELOPMENT PLANS, DEMOLITION PERMIT,
13 APPLICATIONS OR PLAN APPROVALS, OR OTHER TYPES OF APPROVAL BY
14 THE CITY OF LITTLETON RELATED TO SUCH ACTIVITIES
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16
17 WHEREAS, the City of Littleton (“City”) is a Colorado home rule municipality
18 with all the powers and authority vested under Colorado law;
19

20 WHEREAS, on July 9, 2018 the Planning Commission of the City of Littleton
21 adopted the Downtown Littleton Design Standards (“Design Standards”) which were subsequently
22 ratified by City Council on August 7, 2018;
23

24 WHEREAS, the Design Standards delineates the subareas that comprise
25 Downtown Littleton;
26

27 WHEREAS, on October 15, 2019; City Council adopted the Envision Littleton
28 Comprehensive Plan (“Comprehensive Plan”);
29

30 WHEREAS, over the past several years the City has received approximately 22
31 development applications out of 23 within the Downtown Littleton area which has led to increased
32 density and has started to change the character of many areas of the Downtown Littleton area
33 which the City’s current City Code do not adequately address;
34

35 WHEREAS, in order to ensure consistency with the newly adopted
36 Comprehensive Plan, changes need to occur to the City’s current City Code; Operational
37 Standards, as well as refinement to the City’s Design Standards;
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39 WHEREAS, the City has retained Kendig Keast Collaborative to begin a complete
40 rewrite of the City’s Zoning Regulations which is anticipated to take an extended period of time;
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42 WHEREAS, in the interim, City Staff has been exploring near-term changes to
43 address certain inconsistencies between the Comprehensive Plan and Zoning Regulations; and
44

45 WHEREAS, the imposition of a temporary moratorium of 90 days on any new
46 development containing more than one residential unit within the Downtown Littleton area as set
47 forth in the Design Standards including the submission, acceptance, processing, or approval of any

1 site development plans, demolition permit, applications or plan approvals or other types of
2 approval by the City related to such activities is reasonable in time, scope, and location and will
3 allow the City the time needed to enact appropriate regulations for the protection of the public
4 health, safety and welfare as it relates to the Downtown Littleton Area.
5

6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
7 **THE CITY OF LITTLETON, COLORADO, THAT:**
8

9 **Section 1:** The foregoing recitals are hereby adopted by the City Council as
10 findings in support of the adoption of this Ordinance.
11

12 **Section 2:** The City Council further finds and declares that:
13

14 a. The City's current laws, ordinances, rules and regulations may not adequately
15 address the issues and challenges associated with protecting the character of the Downtown
16 Littleton area as it relates to new development consisting of more than one residential unit;
17 and
18

19 b. The City may suffer irreparable harm if a short, temporary moratorium, as
20 herein described, is not imposed to prevent land-use activities detrimental to the character
21 of the Downtown Littleton area being pursued prior to the implementation of permanent
22 regulations; and
23

24 c. This ordinance is necessary and proper to provide for the safety, preserve the
25 health, promote the prosperity, and welfare of the City of Littleton and the inhabitants
26 thereof; and
27

28 d. The duration of the moratorium imposed by this Ordinance is reasonable in
29 length and is no longer than is required for the City to properly investigate, develop, and,
30 if appropriate, adopt and implement any regulations deemed necessary with respect to the
31 subject matter addressed herein; and
32

33 e. Property owners within the area subject to this Ordinance, and desiring to
34 engage in land-use activities prohibited herein, will not be unfairly prejudiced by the
35 imposition of the short, temporary moratorium imposed by this Ordinance.
36

37 **Section 3:** Upon the effective date of this Ordinance, a moratorium is imposed on
38 any new development containing more than one residential unit within the Downtown
39 Littleton area as set forth in the Design Standards as more specifically delineated in Exhibit
40 A, attached hereto and incorporated herein, including the submission, acceptance,
41 processing, or approval of any site development plans, demolition permit, applications or
42 plan approvals or other types of approval by the City related to such activities, excepting
43 building permits related to already approved site development plans. The City staff and all
44 applicable commissions, boards, departments, divisions, and representatives are directed
45 to refuse to accept for filing, and not to process or review, any such new applications during
46 the moratorium period.
47

1 **Section 4:** The moratorium imposed by this Ordinance shall commence as of the
2 effective date of this Ordinance, and shall expire in 90 days, unless extended or sooner
3 repealed.
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5 **Section 5:** Before the expiration of the moratorium imposed by this Ordinance,
6 City staff shall continue to investigate the matters addressed herein and all reasonable
7 options including but not limited to: amending zoning regulations; amending or modifying
8 existing Design Standards; amending Operational Standards; or taking such other steps as
9 deemed appropriate or as may be further directed by City Council and the City Manager.
10

11 **Section 6:** The City Council hereby finds, determines and declares that it has the
12 power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control
13 Enabling Act, Article 20 of title 29, C.R.S.; (ii) Part 3 of Article 23 of title 31, C.R.S.
14 (concerning municipal zoning powers); (iii) Section 31-15-103, CR.S. (concerning
15 municipal police powers); (iv) Section 31-15-40, CR.S.(concerning municipal police
16 powers); (v) the authority granted to home rule municipalities by Article XX of the
17 Colorado Constitution; (vi) Colorado case law; and (vii) the powers contained in the
18 Littleton Charter and the Littleton City Code.
19

20 **Section 7:** Severability. If any part, section, subsection, sentence, clause or
21 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect
22 the validity of the remaining sections of this ordinance. The City Council hereby declares
23 that it would have passed this ordinance, including each part, section, subsection, sentence,
24 clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections,
25 sentences, clauses or phrases may be declared invalid.
26

27 **Section 8:** This ordinance shall become effective 7 days after passage and shall
28 expire ninety (90) days thereafter, unless sooner or repealed or extended by a duly adopted
29 ordinance of the city council.
30

31 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
32 with this ordinance are hereby repealed, provided that this repealer shall not repeal the
33 repealer clauses of such ordinance nor revive any ordinance thereby.
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36 INTRODUCED AS AN ORDINANCE at a regularly scheduled meeting of the
37 City Council of the City of Littleton on the ___ day of _____, 2020, passed on first reading
38 by a vote of ___ FOR and ___ AGAINST; and ordered published by posting at Littleton Center,
39 Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the ___ day of _____, 2020, in the Council Chambers, 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 _____ FOR and _____ AGAINST on the ___ day of _____, 2020 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Wendy Heffner
CITY CLERK

Jerry Valdes
MAYOR

Reid Betzing
CITY ATTORNEY