

1 CITY OF LITTLETON, COLORADO

2  
3 ORDINANCE NO.

4  
5 Series, 2020

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7  
8 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON ANY NEW AUTO-  
9 ORIENTED BUSINESS DEVELOPMENT WITHIN THE AREA AS SET FORTH IN  
10 THE DOWNTOWN LITTLETON DESIGN STANDARDS, AND UPON THE  
11 SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY SITE  
12 DEVELOPMENT PLANS, DEMOLITION PERMIT, APPLICATIONS OR PLAN  
13 APPROVALS, OR OTHER TYPES OF APPROVAL BY THE CITY OF LITTLETON  
14 RELATED TO SUCH ACTIVITIES  
15

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;  
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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, currently the City’s zoning allows for several different types of auto-  
31 oriented uses which may not be consistent with the goals and policies as set forth in the  
32 Comprehensive Plan;  
33

34 WHEREAS, auto-oriented uses may not meet certain goals and policies such as  
35 encouraging a more walkable community, pedestrian-focused, vibrant retail and mixed-use.  
36

37 WHEREAS, in order to ensure consistency with the newly adopted  
38 Comprehensive Plan, changes need to be made to the City’s Code;  
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40 WHEREAS, the City has retained Kendig Keast Collaborative to begin a complete  
41 rewrite of the City’s Zoning Regulations which is anticipated to take an extended period of time;  
42

43 WHEREAS, in the interim, City Staff has been exploring near-term changes to  
44 address certain inconsistencies between the Comprehensive Plan and City Code; and  
45

46 WHEREAS, the imposition of a temporary moratorium of 90 days on any new  
47 auto-oriented development within the Downtown Littleton area as set forth in the Design Standards

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

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

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

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

14  
15 a. The City's current laws, ordinances, rules and regulations may not  
16 adequately address the issues and challenges associated with protecting the character of the  
17 Downtown Littleton area as it relates to new commercial development involving auto-  
18 oriented uses; and

19  
20 b. Auto-oriented uses shall have the meaning as those types of commercial  
21 uses that require an automobile and tend to increase traffic and reduce walkability examples  
22 of which are set forth in Exhibit A.

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

28  
29 d. This ordinance is necessary and proper to provide for the safety, preserve the  
30 health, promote the prosperity, and welfare of the City of Littleton and the inhabitants  
31 thereof; and

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

37  
38 f. Property owners within the area subject to this Ordinance, and desiring to  
39 engage in land-use activities prohibited herein, will not be unfairly prejudiced by the  
40 imposition of the short, temporary moratorium imposed by this Ordinance.

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42 **Section 3:** Upon the effective date of this Ordinance, a moratorium is imposed on  
43 any new auto-oriented business development within the Downtown Littleton area as set  
44 forth in the Design Standards as more specifically delineated in Exhibit B, attached hereto  
45 and incorporated herein, including the submission, acceptance, processing, or approval of  
46 any site development plans, demolition permit, applications or plan approvals or other  
47 types of approval by the City related to such activities, excepting building permits related

1 to already approved site development plans. The City staff and all applicable commissions,  
2 boards, departments, divisions, and representatives are directed to refuse to accept for  
3 filing, and not to process or review, any such new applications during the moratorium  
4 period.  
5

6 **Section 4:** The moratorium imposed by this Ordinance shall commence as of the  
7 effective date of this Ordinance, and shall expire in 90 days, unless extended or sooner  
8 repealed.  
9

10 **Section 5:** Before the expiration of the moratorium imposed by this Ordinance,  
11 City staff shall continue to investigate the matters addressed herein and all reasonable  
12 options including but not limited to: amending zoning regulations; amending or modifying  
13 existing Design Standards; amending Operational Standards; or taking such other steps as  
14 deemed appropriate or as may be further directed by City Council and the City Manager.  
15

16 **Section 6:** The City Council hereby finds, determines and declares that it has the  
17 power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control  
18 Enabling Act, Article 20 of title 29, C.R.S.; (ii) Part 3 of Article 23 of title 31, C.R.S.  
19 (concerning municipal zoning powers); (iii) Section 31-15-103, CR.S. (concerning  
20 municipal police powers); (iv) Section 31-15-40, CR.S.(concerning municipal police  
21 powers); (v) the authority granted to home rule municipalities by Article XX of the  
22 Colorado Constitution; (vi) Colorado case law; and (vii) the powers contained in the  
23 Littleton Charter and the Littleton City Code.  
24

25 **Section 7:** Severability. If any part, section, subsection, sentence, clause or  
26 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect  
27 the validity of the remaining sections of this ordinance. The City Council hereby declares  
28 that it would have passed this ordinance, including each part, section, subsection, sentence,  
29 clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections,  
30 sentences, clauses or phrases may be declared invalid.  
31

32 **Section 8:** This ordinance shall become effective 7 days after passage and shall  
33 expire ninety (90) days thereafter, unless sooner or repealed or extended by a duly adopted  
34 ordinance of the city council.  
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36 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in conflict  
37 with this ordinance are hereby repealed, provided that this repealer shall not repeal the  
38 repealer clauses of such ordinance nor revive any ordinance thereby.  
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41 INTRODUCED AS AN ORDINANCE at a regularly scheduled meeting of the  
42 City Council of the City of Littleton on the \_\_\_ day of \_\_\_\_\_, 2020, passed on first reading  
43 by a vote of \_\_\_ FOR and \_\_\_ AGAINST; and ordered published by posting at Littleton Center,  
44 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