

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 08

Series, 2025

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY NEW APPLICATION RELATED TO FUEL SALES (RETAIL) WITHIN THE CITY OF LITTLETON

WHEREAS, the City of Littleton (“City”) is a Colorado home rule municipality with all the powers and authority vested under Colorado law; and

WHEREAS, the City of Littleton has the ability to regulate the use of land within the city in order to best protect and promote the health safety and welfare of current and future residents of the city by guiding future growth, development, and distribution of land uses within the city; and

WHEREAS, a survey of existing land uses indicates that there are 24 fuel stations (retail) within the City of Littleton and an additional 20 fuel stations within 1.5 miles of the City of Littleton boundary, along with two currently in development; and

WHEREAS, the city's population of approximately 46,000 that represents a gas station for every 2,000 people; and whereas the national average is a gas station for every 2,200 people; and

WHEREAS, according to data provided by the Colorado Energy Office, Colorado is the leading state in the country with approximately 25% of new vehicles being electric; and

WHEREAS, City Council finds with the increased demand of electric vehicles in Colorado and the sheer number of fuel stations already existing within close proximity; and

WHEREAS, the imposition of a temporary moratorium of 180 days on any new development or new applications concerning fuel sales (retail) is reasonable in time, scope, and location and will allow the city the time needed to evaluate and potentially enact appropriate regulations for the protection of the public health, safety and welfare as it relates to current and future land uses within our city.

**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 Littleton or ensuring a healthy mix of diversity among its commercial retail; 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 City of Littleton 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 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 City of Littleton will not be unfairly prejudiced by the imposition of the short, temporary moratorium imposed by this Ordinance.

Section 3: Upon the effective date of final passage of this Ordinance, a moratorium is imposed on the submission, acceptance, processing, or approval of any new application related to fuel sales (retail) within the City of Littleton. 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 180 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 conditional use criteria; 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, 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 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 one hundred and eighty (180) 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 AN ORDINANCE at a regularly scheduled meeting of the City Council of the City of Littleton on the 15th day of April, 2025, 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 6th day of May, 2025, in the Council Chamber, 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 6th day of May, 2025 and ordered published by posting at the

123 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

124 ATTEST:

125 _____
126 Colleen L. Norton
127 CITY CLERK

Kyle Schlachter
MAYOR

128 _____
129 _____
130 Reid Betzing
131 CITY ATTORNEY

