

1 CITY OF LITTLETON, COLORADO

2  
3 ORDINANCE NO. 15

4 Series, 2024

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6 AN ORDINANCE OF THE CITY OF LITTLETON,  
7 COLORADO, AMENDING VARIOUS SECTIONS OF THE  
8 CITY CODE RELATED TO THE APPEALS AND  
9 ADJUSTMENT COMMISSION AND REFERENCES TO  
10 THE UNIFORM BUILDING CODE

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12 WHEREAS, city council wishes to provide for more clarity, uniformity, and  
13 consistency amongst the various city appointed Authority, Boards, Commissions, and Committees  
14 within our city; and

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16 WHEREAS, city council also wishes to be more strategic and effective in the use  
17 of citizen appointees' time, roles, and responsibilities; and

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19 WHEREAS, to achieve those objectives, city council wishes to make revisions to  
20 various sections of our code and consolidate the functions of some of the city's existing boards,  
21 commissions, and committees as well as clean up outdated references within the Littleton City  
22 Code.

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24 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
25 THE CITY OF LITTLETON, COLORADO, THAT:

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27 Section 1: Title 2, Chapter 3, Section 1 is hereby amended to read as follows:

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29 **2-3-1: POWERS AND DUTIES**

30 The appeals and adjustment commission, hereinafter in this chapter referred to as "the  
31 commission", shall have the power to hear and decide **VARIOUS APPEALS** as set forth in the  
32 City Code, including but not limited to Zoning Ordinance variances as set forth in Title 10 Unified  
33 Land Use Code and ~~various~~ appeals as set forth in Title 4 of the City's building regulations. **THE**  
34 **COMMISSION SHALL ALSO HAVE THE DUTIES AND POWERS AS SET FORTH IN THE**  
35 **BUILDING CODES ADOPTED PURSUANT TO SECTION 4-1-1** ~~and adopted building codes,~~  
36 and as otherwise specifically stated in City Code.

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38 Section 2: Title 3 is hereby amended to read as follows:

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40 **3-16-1: LICENSING AND REGISTRATION OF CONSTRUCTION SUPERVISORS OR**  
41 **INDIVIDUALS:**

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43 This Chapter provides for the licensing and registration of construction supervisors or individuals  
44 who are defined as follows:

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46 Any person, who supervises or is ultimately responsible for any classification of work as specified

47 in Section 3-16-3 or 3-16-4 of this Chapter or who undertakes by himself within the City, any work  
48 that shall require a building permit as outlined in the model codes as may be adopted in this Code,  
49 or who supervises or performs such work for which a license or registration certificate is required  
50 under any provision of this Chapter for a fixed sum, price, fee, percentage, trade in kind, or other  
51 compensation, including the cost of the materials or labor or any combination thereof.

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53 Exceptions:

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55 A. Public utility companies shall not be required to obtain the licenses or registration  
56 certificates described in this Chapter when engaged in the installation, operation, and  
57 maintenance of their equipment used for the production, generation, or distribution of the  
58 utility product or service through the facilities owned or operated by the utility company  
59 to the point of consumer service.

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61 B. A homeowner shall not be required to obtain the licenses or registration certificates  
62 described in this Chapter to build, construct, alter, repair, add to, or demolish a Group R,  
63 Division 3, or Group M occupancy, as same are defined in the **INTERNATIONAL**  
64 **BUILDING CODES** as adopted in this Code, provided:

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66 1. That said person owns, occupies, and uses said building for his own living purposes;  
67 and

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69 2. That building construction, alteration, repair, addition, or demolition by the owner shall  
70 be subject to the permit requirements of those model codes and adopted in this Code.

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72 C. Homeowners, individuals, or construction supervisors shall not be required to obtain  
73 licenses described in this Chapter to build, repair, or maintain fences, signs or awnings.  
74 (Ord. 3, Series of 1985)

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76 D. Building owners or their tenants shall not be required to obtain licenses described in this  
77 Chapter for work done by themselves to their building or any portion thereof which is not  
78 an addition, which does not affect the existing requirements of the **INTERNATIONAL**  
79 **BUILDING CODES**, and which does not affect the structural frame of such building or  
80 any electrical or plumbing system contained therein. For purposes of this exclusion,  
81 "structural frame" and "addition" shall be defined as specified in the **INTERNATIONAL**  
82 **BUILDING CODES**.

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84 1. Nothing contained in this subsection shall be construed as exempting any construction  
85 activities from the permit requirements of those model codes adopted in Section 4-1-1  
86 of this Code. (Ord. 65, Series of 1986)

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88 **3-16-3: CLASSIFICATION OF LICENSES:**

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90 The definitions of Type I, Type II, Type III, Group R-3, and Group M buildings shall be as  
91 specified in the **INTERNATIONAL BUILDING CODES** as adopted in this Code.

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93 A. Building Contractor Class "A": To erect, add to, alter, demolish, or repair any building or  
94 structure.

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96 B. Building Contractor Class "B": To erect, add to, alter, demolish, or repair any structure or  
97 building except those buildings of Type I or Type II construction.

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99 C. Building Contractor Class "C": To erect, add to, alter, demolish, or repair any Group R-3  
100 or Group M occupancy building.

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102 D. Building Contractor Class "D": To perform such work specialties as may be listed and on  
103 file with the Division.

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105 **3-7-11: APPEAL PROCEDURES**

106 A. The city manager shall give the alarm business ten (10) days' advance written notice of any  
107 administrative action to be taken or administrative penalty to be applied. Any person aggrieved by  
108 a written notice from the city manager in the administration of this chapter may appeal the  
109 proposed action to the ~~Littleton building board of appeals~~ **APPEALS AND ADJUSTMENT**  
110 **COMMISSION** within ten (10) days after said written notice is mailed. Such an appeal shall be  
111 made in writing setting forth the grounds for the appeal. Any administrative penalty or action shall  
112 be stayed pending the administrative resolution of the appeal. (Ord. 43, Series of 1985; amd. Ord.  
113 50, Series of 2014)

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115 B. Nothing contained herein shall be deemed to create an administrative remedy for those sections  
116 of this chapter wherein an activity is declared to be unlawful. (Ord. 25, Series of 1984)

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118 **3-16-8: SUSPENSION OR REVOCATION**

119 A. Definitions:

120 **REVOCATION:** The license or registration certificate shall become null and void. The  
121 licensee or registration certificate holder may not reapply for a new license or registration  
122 certificate until one year from the date of revocation.

123 **SUSPENSION:** The authority of the licensee or registration certificate holder to perform  
124 or supervise work as authorized by the license or registration certificate, is temporarily  
125 withdrawn for any period of time from twenty-four (24) hours, up to and including, but not  
126 to exceed, six (6) months.

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128 B. Suspension/Revocation Criteria: Notwithstanding Section 3-1-3 of this Title, **THE APPEALS**  
129 **AND ADJUSTMENT COMMISSION** ~~the Board as established pursuant to the Uniform Building~~  
130 ~~Code as has been adopted by this Code,~~ **AND AS REFERENCED TO IN THE CITY'S**  
131 **INTERNATIONAL BUILDING CODES** may suspend or revoke a license or registration  
132 certificate when the licensee or registration certificate holder commits one or more of the following  
133 acts or omissions:

134 1. Fails to comply with any of his **THEIR** responsibilities as outlined in this Chapter;

135 2. Knowingly conspires with a person to permit his **THEIR** license or registration  
136 certificate to be used by another person;

- 137 3. Acts in any capacity with persons to evade any of the provisions of this Chapter;
- 138 4. Violates any provision of the model codes as may be in effect pursuant to this Code;
- 139 5. Fails to obtain required building permits;
- 140 6. Fails to request inspections as required by any model code as may be in effect pursuant
- 141 to this Code;
- 142 7. Fails to observe stop work and/or correction notices;
- 143 8. Knowingly, wilfully, or repeatedly issues checks for payment of building permits and
- 144 fees which are dishonored for any reason;
- 145 9. Conviction of any felony;
- 146 10. Fraud in taking the test;
- 147 11. Misrepresentation on the application; or
- 148 12. Fails to complete work without justification.

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150 C. Filing Of Complaint: Whenever a written complaint is filed with the Board COMMISSION by  
151 the Division, charging any licensee or registration certificate holder with the violation of any  
152 provision of this Chapter, the Board COMMISSION shall issue and cause to be served upon such  
153 licensee or registration certificate holder a copy of the Division's complaint and a written notice of  
154 hearing and order to show cause, either by personal delivery or by first class mail, why his THEIR  
155 license or registration certificate should not be suspended or revoked.

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157 D. Hearing: A hearing shall be held at a place and time designated by the Board COMMISSION  
158 on the day stated in the notice or upon such other day as may be set for good cause shown. Evidence  
159 in support of the charges shall be given first, followed by cross-examination of those testifying  
160 thereto. The licensee or registration certificate holder, in person or by counsel, shall then be  
161 permitted to give evidence in defense, explanation, or mitigation. In the event the licensee is found  
162 to have committed the violation charged, or any other violation, evidence in aggravation of the  
163 offense shall also be permitted.

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165 E. Further Charges Against Licensee: If the evidence presented at the hearing does not support the  
166 charges stated in the notice and order served upon the licensee or registration certificate holder,  
167 but standing alone establishes the guilt of the licensee or registration certificate holder of a  
168 violation of some other pertinent law, the licensee or registration certificate holder shall be  
169 permitted to give evidence in defense, explanation, or mitigation if then prepared to do so. If such  
170 evidence is not then available, but can be obtained by the licensee or registration certificate holder,  
171 the licensee or registration certificate holder shall state the substance thereof and upon his request  
172 the hearing may be recessed for not more than ten (10) days, and shall then continue under the  
173 same procedure as though no recess had occurred.

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175 F. Disposition Of Charges: In the event the licensee or registration certificate holder is found not  
176 to have violated any provision of this Chapter, the charges against him THEM will be dismissed.  
177 If the licensee is found to have violated some provision of this Chapter, his THE license may be  
178 suspended or revoked in the discretion of the Board COMMISSION.

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181 **Section 3:** Title 10, Chapter 9, Sections 9.2 (4) and (5) are hereby amended to read as follows:

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4. Appeals of building permits or administrative interpretations of the building codes shall be heard by the **APPEALS AND ADJUSTMENT COMMISSION**. ~~Building Board of Appeals.~~

5. Appeals of administrative decisions related to historic preservation matters shall be heard by the Historical Preservation **COMMISSION** ~~Board~~.

**Section 4:** Title 10, Chapter 9, Section 9.4 is hereby amended to read as follows:

**10-9-9.4: VARIANCE**

A. Generally. A Variance is a discretionary action that enables the city to grant relief from certain standards of this Code.

B. Applicability.

1. When Required. A Variance is required to approve a deviation from a standard of this Code that is greater than that allowed by an Administrative Adjustment pursuant to Section 10-9-9.1, Administrative Adjustment.

2. Prohibitions and Exceptions. Some requests for relief are not within the jurisdiction of the **COMMISSION** ~~Board~~, and are, therefore, either prohibited or not subject to this Section. These requests are:

- a. Use and Sign Type Variances. Variances are prohibited that would allow a use or a sign type in a district in which such use or sign type is prohibited.
- b. Variances to Other Laws or Regulations. Variances to state or federal laws are prohibited unless such authority is expressly granted to the city.
- c. Conditions of Approval. An applicant may seek modifications to conditions of approval with a new application submittal.
- d. Parking Credits and Reductions. Adjustments to the amount of parking spaces required may be authorized in accordance with Sec. 10-1-3.7.A, Parking and Loading.

C. Decision Criteria. The **COMMISSION** ~~Board~~ may approve, approve with conditions, or deny a Variance based on the following criteria:

- 1. All Variances.
  - a. Strict application of the provisions of this Code would impose an undue hardship on the applicant, and deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
  - b. The hardship is based on or results from the particular physical surroundings, shape, or topographical conditions of the subject property;
  - c. The hardship under which the variance is sought was not created by the owner, occupant, or agent of the owner of the property in question;
  - d. The variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure;
  - e. A variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district; and
  - f. A variance will not adversely affect the public health, safety, and welfare.

2. Sign Variances.

227 a. In addition to the criteria for all Variances, a Variance from the sign standards  
228 as set out in Article 10-2-5, DT Signs; Article 10-3-5, CMU Signs; Article 10-4-5,  
229 NB Signs; or Article 10-5-5, BI Signs, shall find that:

230 1. There are special circumstances or conditions, such as the existence of  
231 buildings, topography, vegetation, sign structures, or other matters on  
232 adjacent lots or within the adjacent public right-of-way that substantially  
233 restrict the effectiveness of the sign in question. Such special  
234 circumstances or conditions shall be peculiar to the particular business or  
235 enterprise to which the applicant desires to draw attention, and do not  
236 apply in general to all businesses or enterprises in the area; and

237 2. The Variance would be generally consistent with the purposes of this  
238 Code and, specifically, would not be injurious to the neighborhood in  
239 which the business or enterprise to which the applicant desires to draw  
240 attention is located;

241 b. The **COMMISSION Board** may grant a Variance from the sign standards subject  
242 to any conditions which it deems necessary or desirable to make the sign or any  
243 component or device associated with said sign, which is permitted by the Variance  
244 compatible with the purposes of this Code.

245 3. Variances for a Qualified Individual with a Disability.

246 a. Upon compliance with all of the other provisions of this Code, the  
247 **COMMISSION Board** shall have the authority to grant Variances from the  
248 provisions of this Code to any person who establishes their status as a  
249 qualified individual with a disability and who requires a reasonable  
250 accommodation from the provisions of this Code when such accommodation may  
251 be necessary to afford the individual equal opportunity to use and enjoy a  
252 dwelling. In considering the reasonableness of any requested accommodation, the  
253 **COMMISSION Board** may consider such matters including, but not necessarily  
254 limited to, the following:

255 1. The nature of the individual's disability;

256 2. Whether there is an alternative which better or equally serves the needs  
257 of the individual that results in less of a Variance to the Code standard in  
258 issue;

259 3. Whether the requested Variance reasonably relates to the individual's  
260 ability to use and enjoy a dwelling;

261 4. The negative impacts, threats to public health, safety and welfare, or  
262 hardships placed on adjoining properties or property owners should the  
263 individual's request be granted; and

264 5. Whether the requested Variance would impose an undue burden or  
265 expense on the city or create a fundamental alteration in its zoning and  
266 land use scheme.

267 b. In order to approve a Variance, the **COMMISSION Board** shall make  
268 affirmative findings on all the applicable decision criteria.

269 4. Variance of the Floodplain Regulations. Floodplain Variances shall be processed  
270 according to Section 10-9-9.3, Floodplain Variance, of this Code.

271 5. Historic Structures. Variances may be issued for the preservation, rehabilitation, or

272 restoration of historic structures without regard to the Decision Criteria of this Section.

273 D. Procedures.

274 1. Review and Recommendation. An application for a Variance shall be submitted to the  
275 Director, who shall review the application and determine its completeness. After  
276 determining that the application is complete, the Director shall review the application and  
277 prepare a staff report, which may include a recommendation based on the criteria set out  
278 in this Section. A copy of the report shall be mailed to the applicant at least five days  
279 prior to the public hearing on the application.

280 2. Public Hearing. After due notice as set out in Section 10-9-3.5, Public Notice, the  
281 **COMMISSION Board** shall hold a public hearing on the Variance application. At the  
282 public hearing, the **COMMISSION Board** shall consider the application, the staff report,  
283 relevant supporting materials, and the public testimony given at the public hearing.

284 3. Decision. After the close of the public hearing, the **COMMISSION Board** shall vote to  
285 approve, approve with conditions or deny the Variance. A supermajority (three-fourths)  
286 vote is required to approve a Variance request.

287 4. Notice of Decision. The Director shall provide a copy of the decision to the applicant  
288 by mail within 10 days of the **COMMISSION'S Board's** decision.

289 E. Effect.

290 1. Particular Variation. Issuance of a Variance shall authorize only the particular variation  
291 that is approved in the Variance request.

292 2. Property Ownership. A Variance shall run with the land and not be affected by a change  
293 in ownership.

294 3. Other Approvals. Development authorized by the Variance shall not be carried out until  
295 the applicant has secured all other development approvals required by this Code. Approval  
296 of a Variance does not guarantee that the development shall receive subsequent approval  
297 for other development review applications unless the relevant and applicable portions of  
298 this Code or any other applicable provisions are met. If a building permit is required for  
299 the development activity subject to the Variance application, then the Variance shall expire  
300 two years after the Variance decision if such building permit is not approved.

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303 **Section 5:** Severability. If any part, section, subsection, sentence, clause or  
304 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the  
305 validity of the remaining sections of this ordinance. The City Council hereby declares that it would  
306 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase  
307 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or  
308 phrases may be declared invalid.

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310 **Section 6:** Repealer. All ordinances or resolutions, or parts thereof, in conflict  
311 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer  
312 clauses of such ordinance nor revive any ordinance thereby.

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315 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council

316 of the City of Littleton on the 21<sup>st</sup> day of May 2024, passed on first reading by a vote of 6 FOR  
317 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the  
318 Municipal Courthouse and on the City of Littleton Website.

319 PUBLIC HEARING on the Ordinance to take place on the 4<sup>th</sup> day of June 2024, in  
320 the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour  
321 of 6:30 p.m., or as soon thereafter as it may be heard.

322

323 PASSED on second and final reading, following public hearing, by a vote of \_\_\_ FOR and  
324 \_\_\_ AGAINST on the 4<sup>th</sup> day of June 2024 and ordered published by posting at Littleton Center,  
325 Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

326 ATTEST:

327 \_\_\_\_\_  
328 Colleen L. Norton  
329 CITY CLERK

\_\_\_\_\_

Kyle Schlachter  
MAYOR

330  
331 APPROVED AS TO FORM:  
332  
333 \_\_\_\_\_  
334 Reid Betzing  
335 CITY ATTORNEY

