

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 16**

4
5 **Series, 2019**

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7 **INTRODUCED BY COUNCILMEMBERS: DRISCOLL & VALDES**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, AMENDING THE CITY CODE TITLE 10,**
11 **CHAPTERS 1 AND 7, REGARDING SITE DEVELOPMENT**
12 **PLANS**

13
14 **WHEREAS,** the Littleton Zoning Ordinance establishes review procedures and
15 requirements associated with site development plans; and

16
17 **WHEREAS,** there is a need and desire to distinguish the review procedures and
18 requirements associated with site development plans of various character and community
19 impacts; and

20
21 **WHEREAS,** on April 22, 2019, the planning commission of the City of Littleton
22 held a public hearing on proposed amendments to the Littleton City Code Title 10, Chapters 1
23 and 7 regarding site development plans.

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

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28 **Section 1:** Approval. The city council of the City of Littleton hereby
29 approves the amendments to Littleton City Code Title 10, Chapters 1 and 7 described in Exhibit
30 A.

31
32 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
33 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
34 validity of the remaining sections of this ordinance. The City Council hereby declares that it
35 would have passed this ordinance, including each part, section, subsection, sentence, clause or
36 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
37 clauses or phrases may be declared invalid.

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39 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in
40 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
41 repealer clauses of such ordinance nor revive any ordinance thereby.

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44 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
45 of the City of Littleton on the 7th day of May, 2019, and TABLED TO A DATE CERTAIN, May
46 21, 2019.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 21st day of May, 2019, 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 4th day of June, 2019, 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 4th day of June, 2019 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

Debbie Brinkman
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

10-1-2: DEFINITIONS: (additions to be inserted in alphabetical order)

SITE DEVELOPMENT PLAN - MAJOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new development on any parcel that consists of any one of the following:

1. Industrial Development in any zone providing for more than 10,000 square feet of gross floor area- for new building space;
2. All Multi-family development in any zone having more than eight dwelling units. However, two or more multi-family projects on the same parcel or adjacent parcels which total more than eight units shall require a major site development plan;
3. All Commercial Development in any zone providing for more than 30,000 square feet of gross floor area; or
4. Any Development on any undeveloped parcel in excess of 10 acres regardless of zoning district.

SITE DEVELOPMENT PLAN - MINOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new structures or additions to be located in any zone district, except single-family dwellings, those developments which are defined as a Major Site Development Plan, or those developments that are eligible for review as sketch plan under section 10-7-6.

10-7-1: APPLICABILITY:

- (A) Approval of a ~~final SDP~~ site development plan (SDP) shall be required for commercial, industrial and multiple-family residential development if one or more of the following are proposed to occur on the site:

1. The construction of a new principal structure;
2. The construction of a building addition of 15 percent or more of existing gross floor area, accessory structures over 120 square feet in gross floor area, additional surface parking and/or other paved or concrete surface, ~~resulting in significant impacts which results in an increase to the existing parking surface area by more than 10 percent over 10 percent of the existing parking surface area, which may include, but not be limited to, drainage, parking, traffic, and landscaping.~~ (Ord. 20, Series of 2012)

- (B) {no changes proposed to this sub-section}

10-7-2: SUBMISSION REQUIREMENTS:

- (A) {no changes proposed to this sub-section}

- ~~(B) Conceptual SDP:~~

- ~~1. Application Submittal: The applicant shall submit to the planning division the conceptual SDP, application materials, and the application fee, as established by the council. The time frame for processing the application shall be in accordance with the operating standards as established by the department of community development.~~

~~2. Application Requirements: The conceptual SDP shall generally meet the requirements specified in the operating standards.~~

~~3. Amendments: There is no restriction on the number of conceptual SDP variations which may be submitted. Applicants are strongly encouraged to submit at least two (2) or three (3) variations with the original submission.~~

~~4. Review Procedure:~~

~~(a) Referrals: The application materials for the conceptual SDP review shall be distributed to other city staff to review for compliance with this code and other requirements related to safety.~~

~~(b) Review: Following review, city staff will submit written comments regarding the proposal to the planning division. These comments will be presented to the applicant by the planning division at a scheduled technical review meeting.~~

~~(c) Technical Review Meeting: The conceptual SDP will be reviewed by city staff at a scheduled meeting with the applicant. Certain conditions and recommendations will be provided to the applicant, based on the standards set forth in section [10-7-3](#) of this chapter.~~

(CB) Final SDP Site Development Plan:

1. Application Submittal: The applicant shall submit to the planning division the proposed final SDP pursuant to the requirements listed below, together with the application, a processing fee as established by the council, and other application materials for technical and final review. The time frame for processing the application shall be in accordance with the operating standards as established by the department of community development.

2. Application Requirements: The final SDP application must meet the submission requirements stated in this chapter and in the operating standards. ~~In addition, the application shall address all conditions and recommendations which were offered at conceptual review. The final SDP shall generally meet the requirements specified in the operating standards.~~ Applications in a designated historic district shall include all requirements under this code for a Certificate of Appropriateness, if required. Applications shall specifically include:

(a) Location and size of all parking areas, lighting and signs

(b) Proposed construction timing

(c) Required approvals from other governmental entities

(d) Locations of trash containers and screening

(e) Adjacent property lot lines, parking- and access

(f) Depiction of the location of existing and proposed buildings, location of setback lines

(g) Transportation and circulation plans.

(h) Proposed changes in occupancy between Commercial and Residential

Uses

(i) Application fee as established by the council.

(j) any documents required to demonstrate compliance with Littleton's operating standards and the site development plans approval criteria

3. Neighborhood Meeting: For every site development plan defined as a Major Site Development Plan in section 10-2-1, at least one neighborhood meeting shall be required and the applicant shall notify (at minimum) surrounding property owners in accordance with Section 10-1-9(C)3.

34. Review Procedure:

(a) Referrals: The application materials for the final SDP shall be distributed to other city staff and outside agencies to review for compliance with this code and other requirements related to health, safety and welfare.

(b) Review: Following initial individual review, the affected city staff will submit written comments regarding the proposal to the planning division. Planning division will then forward the concerns to the applicant. If the applicant disagrees with any of the concerns or requirements, or needs further clarification, an additional technical review meeting may be set between the applicant and the city staff to discuss and resolve the issues.

45. Technical Review Meeting: In the event a second technical review meeting is necessary, the planning division will prepare a comprehensive report on the final SDP application containing the various concerns and recommendations. The revised final SDP will be reviewed by city staff at a scheduled meeting with the applicant. Certain conditions may be attached to the approval of the final SDP based on the criteria set forth in section 10-7-3 of this chapter. The conditions of the final SDP must be met prior to the issuance of any building permit.

56. Limitations On Approval: Approval of a final SDP does not constitute approval required by any other provision of this code. (Ord. 20, Series of 2012)

10-7-3: APPROVAL CRITERIA:

(A) ~~Provisions To Be Met: All provisions of this title are met, particularly the general supplementary standards as stated in chapter 4 of this title, together with any conditions of approval stipulated through any other review process which affects the property.~~ The community development director shall take final action on the site development plan application and either approve, approve with conditions or deny such application.

(B) ~~Mitigate Adverse Effects: The following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected; adequate fire protection can be provided; and adverse effects on adjacent property are mitigated or eliminated:~~ Approval of a site development plan shall not be final until the applicant accepts meets all conditions of approval and submits a corrected site plan to the community development department. Notification of approval of a site development plan shall be sent in writing or via digital communication to the applicant from the community development department.

1. Location of buildings, structures and improvements;

- ~~2. Vehicular ingress and egress;~~
- ~~3. Internal vehicular circulation;~~
- ~~4. Setback lines;~~
- ~~5. Height of building;~~
- ~~6. Service facilities;~~
- ~~7. Walls;~~
- ~~8. Open space and landscaping;~~
- ~~9. Sidewalks;~~
- ~~10. Exterior lighting.~~

(C) ~~Architecture And Colors: All architecture (including rooflines), building materials and colors shall be complementary to and compatible with existing or proposed development on surrounding properties.~~ Approval of a site development plan requires that the plan shall meet all of the following criteria:

1. Shall be consistent with the comprehensive plan.
2. Shall be consistent with any General Planned Development Plan, framework, vision or other land use approval.
3. Shall comply with any design standards adopted by the planning commission.
4. Shall comply with all applicable development and design standards including those of the applicable zoning district.
5. Shall be compatible with adjacent development to the subject property based on the factors identified in subsection 10-7-3(C)7.
6. Shall meet all provisions of this title, particularly the general supplementary standards as stated in chapter 4 of this title, together with any conditions of approval stipulated through any other review process which affects the property.
7. Shall Mitigate Adverse Effects: Any significant adverse impacts resulting from the use shall be mitigated or eliminated to the extent reasonably feasible, including:

- (a) Location of buildings, structures and improvements;
- (b) Vehicular ingress and egress;
- (c) Internal vehicular circulation;
- (d) Setback lines;
- (e) Height of building;
- (f) Service facilities;
- (g) Walls;
- (h) Open space and landscaping;
- (i) Sidewalks;
- (j) Exterior lighting.

(k) Architecture And Colors: All architecture (including rooflines), building materials and colors shall be complementary to and compatible with existing or proposed development on surrounding properties.

(l) Signage: Proposed signs shall not, by size, location, color or lighting, interfere with traffic or limit visibility and conform to the provisions of the city's sign code. Sign packages are to be prepared separately but may be submitted concurrently with the Site Development Plan.

(m) Water And Sewer Systems: Water and sewer systems contain the capacity and are adequate to serve the proposed development.

(n) Stormwater Runoff: Stormwater runoff problems shall not be compounded because of the development.

(o) Curb Cuts: Curb cuts onto arterial and collector streets shall be kept to a minimum and shall be placed in safe locations as approved by the public works director.

~~(D) Signage: Proposed signs will not, by size, location, color or lighting, interfere with traffic or limit visibility.~~

~~(E) Water And Sewer Systems: Water and sewer systems are adequate to serve the proposed development.~~

~~(F) Stormwater Runoff: Stormwater runoff problems are not compounded because of the development.~~

~~(G) Curb Cuts: Curb cuts onto arterial and collector streets shall be kept to a minimum and shall be placed in safe locations.~~

~~(H) Design Guidelines Compatibility: The development shall be compatible with any design guidelines adopted by the planning commission which affect the property to be developed under the proposed plan.~~

10-7-4: APPEALS:

~~The decision of city staff on the SDP shall be final unless the applicant files a written appeal to the decision. Such appeal request shall be filed with the planning division within ten (10) days after the final decision or the right to appeal shall be deemed to have been waived. The appeal request shall be placed on the agenda of the planning commission within thirty (30) calendar days after receipt of the written appeal unless a longer time frame, not to exceed sixty (60) calendar days, is requested by the applicant. The planning commission will conduct a public hearing to receive evidence and testimony from the applicant, city staff and interested parties. After conducting the public hearing, the planning commission may approve, deny, or approve the SDP with modifications. In making its decision, the planning commission shall consider the SDP requirements as set forth in this chapter. (ORD. 20, Series of 2012; amd. Ord. 15, Series of 2016)~~

(A) Minor Site Development Plans: The decision of the community development director on a minor SDP shall be final unless the applicant files a written appeal to the decision. Such appeal request, together with the fee adopted by city council for appeals, shall be filed with the planning division within ten (10) days after the final decision or the right to appeal shall be deemed to have been waived. The appeal is not a quasi-judicial hearing, but an administrative review of the community development director's decision. In making its decision, the planning commission shall consider the SDP requirements as set forth in this chapter. The appeal request shall be placed on the agenda of the planning commission within thirty (30) calendar days after receipt of the written appeal unless a longer time frame, not to exceed sixty (60) calendar days, is requested by the

applicant. The planning commission will review the matter at a public meeting and may consider all relevant information, including without limitation, information from city staff, the applicant and interested members of the public. The planning commission may approve the minor SDP, - approve the minor SDP with conditions or deny the minor SDP.

(B) Major Site Development Plans: The decision of the community development director on the Major SDP shall be final unless the applicant or a person owning real property (excluding owners of easements or rights-of-way) within 300 feet of the exterior boundary of the subject parcel, excluding rights-of-way, file a written appeal to the decision. Such appeal request together with the fee adopted by city council shall be filed with the planning division within twenty (20) days after the final decision or the right to appeal shall be deemed to have been waived. For purposes of this sub-section, the "final decision date" is hereby defined as the date the applicant provides certification to nearby property owners of mailing of the decision of the community development director to the City. The appeal shall specifically indicate which approval criteria are the basis for the appeal. Upon an appeal being filed by a party other than the applicant, the applicant shall have thirty (30) calendar days to respond to the appeal. The appeal shall be placed on the agenda of the planning commission within thirty days following the appeal or the receipt of the applicant's response whichever is later. The time may be extended by the chair of the Planning Commission for good cause shown. However, in no event shall the appeal be heard later than sixty days after the filing. The planning commission shall consider the approval criteria contained in this chapter in ruling upon any appeal. The appeal is not a quasi-judicial hearing, but an administrative review of the community development director's decision. However, all parties shall have the right to present all relevant evidence relating to the approval criteria to the Planning Commission. The planning commission may approve the major SDP, approve the major SDP with conditions or deny the major SDP.

(C) Judicial Review of Major and Minor Site Plans. An applicant or where applicable with respect to a Major Site Development Plan, or a person owning real property (excluding owners of easements or rights-of-way) within 300 feet of the exterior boundary of the subject parcel may seek judicial review under Rule 106(a)(2) of the Colorado Rules of Civil Procedure of the final decision of the Planning Commission on the SDP

10-7-5: REQUIREMENTS PRIOR TO BUILDING PERMIT ISSUANCE:

(A) ~~Approved Final SDP:~~

1. ~~Recording: An approved final SDP, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder pursuant to subsections 10-1-9(E) and (F) of this title prior to the issuance of a building permit. Even if the SDP has been recorded, the approval will become null and void after one year from the date of approval if a building permit has not been issued or construction has not begun unless a time extension is granted pursuant to subsection 10-1-9(F) of this title.~~

2. ~~Distribution: After recording the approved final SDP, such plans shall be distributed to: planning division, engineering division and the applicant or owner.~~

Recording: Following the applicable appeal period, an approved SDP, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder pursuant to this title prior to the issuance of a building permit.

(B) ~~Additional Material: The following documents must be submitted and approved, if applicable, prior to issuance of a building permit:~~

- ~~1. The proposed method of phasing development, and the legal documentation providing for the ownership, management, development and maintenance of all common open space.~~
- ~~2. Final drainage study.~~
- ~~3. Plans and/or agreements for placing utilities underground.~~
- ~~4. Right of way and easement documents sufficient to convey clear and unencumbered title.~~
- ~~5. Title insurance policies warranting free and unencumbered title to any public easement or land dedication within the area of the SDP to be conveyed to the city.~~
- ~~6. Traffic studies and signal plans.~~
- ~~7. Construction plans and agreements for off site improvements (i.e., sidewalks, curb and gutter installation, and removal).~~

Even if the SDP has been recorded, the approval will become null and void after one year from the date of approval if a building permit has not been issued unless a time extension is granted pursuant to this title. All construction described in the SDP must be completed within three years.

(C) ~~Completion Of Improvements: All on site and off site improvements associated with the SDP approval must be completed prior to the issuance of a certificate of occupancy for the principal structure. Under extenuating circumstances, such as adverse weather, certain improvements, excluding paving, may be delayed for a specified period of time provided that one or more of the following items are submitted:~~

- ~~1. An acceptable form of guarantee, approved by the city attorney, to secure to the city installation of all required off site improvements; and/or~~
- ~~2. An acceptable form of guarantee, approved by the city attorney, for on site open space, buffer yards or other required facilities. (Ord. 20, Series of 2012)~~

Distribution: After recording the approved final SDP, such plans shall be distributed to: planning division, engineering division, the applicant or owner and any other party as determined to be appropriate by the community development director.

(D) Notification for Major Site Development Plans: In a form acceptable to the City, the applicant shall notify all property owners within 300 feet of the development of the date of administrative approval of a major site development plan using the addresses on file with the county assessor and shall provide the City with a written notarized certification of making such notice.

(E) Additional Material: The following documents must be submitted and approved, if applicable, prior to issuance of a building permit:

1. The proposed method of phasing development, and the legal documentation providing for the ownership, management, development and maintenance of all common open space.
2. Final grading and drainage studies and plans.
3. Plans and/or agreements for placing utilities underground.
4. Right of way and easement documents sufficient to convey clear and unencumbered title.
5. Title insurance policies warranting free and unencumbered title to any public easement or land dedication within the area of the SDP to be conveyed to the city.
6. Traffic studies and signal plans.
7. Construction plans and agreements for off-site improvements (i.e., sidewalks, curb and gutter installation, and removal).

(F) Completion Of Improvements: All on-site and off-site improvements associated with the SDP approval must be completed prior to the issuance of a certificate of occupancy for the principal structure. Under extenuating circumstances, such as adverse weather, certain improvements, excluding paving, may be delayed for a specified period of time provided that one or more of the following items are submitted:

1. An acceptable form of guarantee, approved by the city attorney, to secure to the city installation of all required off-site improvements; and/or
2. An acceptable form of guarantee, approved by the city attorney, for on site open space, buffer yards or other required facilities.

10-7-6: SKETCH PLAN:

- (A) There may be certain circumstances where a site development plan is not required, but certain architectural, landscaping, drainage or parking modifications will require the submittal of a sketch plan in order for city staff to evaluate a proposal in compliance with design guidelines, drainage criteria and landscaping criteria.
- (B) The sketch plan shall generally meet the requirements specified in the operating standards (Ord. 20, Series of 2012).
- (C) For development on a single lot, a plot plan may be required showing size and location of structures to be erected and such other information as provided in the operating standards.
- (D) Sketch or plot plan approval shall be valid for one year from the date of decision. Should a building permit not be issued within the one year time frame, the sketch or plot plan approval shall expire.