

1 CITY OF LITTLETON, COLORADO

2  
3 ORDINANCE NO. 05

4  
5 Series, 2020

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10 AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO,  
11 ENACTING A TEMPORARY MORATORIUM ON ANY NEW  
12 DEVELOPMENT CONTAINING MORE THAN ONE  
13 RESIDENTIAL UNIT WITHIN THE AREA AS SET FORTH IN  
14 THE DOWNTOWN LITTLETON DESIGN STANDARDS, AND  
15 UPON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR  
16 APPROVAL OF ANY SITE DEVELOPMENT PLANS,  
17 DEMOLITION PERMITS, APPLICATIONS OR PLAN  
18 APPROVALS, OR OTHER TYPES OF APPROVAL BY THE CITY  
19 OF LITTLETON RELATED TO SUCH ACTIVITIES  
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22 WHEREAS, the City of Littleton (“City”) is a Colorado home rule municipality  
23 with all the powers and authority vested under Colorado law; and  
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25 WHEREAS, on July 9, 2018 the Planning Commission of the City of Littleton  
26 adopted the Downtown Littleton Design Standards (“Design Standards”) which were subsequently  
27 ratified by City Council on August 7, 2018; and  
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29 WHEREAS, the Design Standards delineates the subareas that comprise  
30 Downtown Littleton; and  
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32 WHEREAS, on October 15, 2019; City Council adopted the Envision Littleton  
33 Comprehensive Plan (“Comprehensive Plan”); and  
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35 WHEREAS, over the past several years the City has received approximately 24  
36 development applications within the Downtown Littleton area which has led to increased density  
37 and has started to change the character of many areas of the Downtown Littleton area which the  
38 City’s current City Code do not adequately address; and  
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40 WHEREAS, in order to ensure consistency with the newly adopted  
41 Comprehensive Plan, changes need to occur to the City’s current City Code; Design Standards,  
42 and administrative operating standards; and  
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44 WHEREAS, the City has retained Kendig Keast Collaborative to begin a complete  
45 rewrite of the City’s Zoning Regulations which is anticipated to take an extended period of time;  
46 and  
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48 WHEREAS, in the interim, City Staff has been exploring near-term changes to  
49 address certain inconsistencies between the Comprehensive Plan and Zoning Regulations; and

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**WHEREAS**, the imposition of a temporary moratorium of 90 days on any new development containing more than one residential unit within the Downtown Littleton area as set forth in the Design Standards including the submission, acceptance, processing, or approval of any site development plans, demolition permit, applications or plan approvals or other types of approval by the City related to such activities is reasonable in time, scope, and location and will allow the City the time needed to enact appropriate regulations for the protection of the public health, safety and welfare as it relates to the Downtown Littleton Area.

**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 the Downtown Littleton area as it relates to new development consisting of more than one residential unit; 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 Downtown Littleton area 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, and promote the general 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 area subject to this Ordinance, and desiring to engage in land-use activities prohibited herein, will not be unfairly prejudiced by the imposition of the short, temporary moratorium imposed by this Ordinance.

**Section 3:** Upon the effective date of this Ordinance, a moratorium is imposed on any new development containing more than one residential unit within the Downtown Littleton area as set forth in the Design Standards as more specifically delineated in Exhibit A, attached hereto and incorporated herein, including the submission, acceptance, processing, or approval of any site development plans, demolition permit, applications or

95 plan approvals or other types of approval by the City related to such activities, excepting  
96 building permits related to already approved site development plans. The City staff and all  
97 applicable commissions, boards, departments, divisions, and representatives are directed  
98 to refuse to accept for filing, and not to process or review, any such new applications during  
99 the moratorium period.

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

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

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

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

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

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131 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in conflict  
132 with this ordinance are hereby repealed, provided that this repealer shall not repeal the  
133 repealer clauses of such ordinance nor revive any ordinance thereby.

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136 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council  
137 of the City of Littleton on the 21<sup>st</sup> day of January, 2020, passed on first reading by a vote of 7

138 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the  
139 Municipal Courthouse and on the City of Littleton Website.

140 PUBLIC HEARING on the Ordinance to take place on the 4<sup>th</sup> day of February,  
141 2020, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at  
142 the hour of 6:30 p.m., or as soon thereafter as it may be heard.

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144 PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR  
145 and \_\_\_\_\_ AGAINST on the 4<sup>th</sup> day of February, 2020 and ordered published by posting at  
146 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

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148 ATTEST:

149 \_\_\_\_\_  
150 Wendy Heffner  
151 CITY CLERK

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Jerry Valdes  
MAYOR

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153 APPROVED AS TO FORM:

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155 \_\_\_\_\_  
156 Reid Betzing  
157 CITY ATTORNEY

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