



# Staff Report

**Meeting Date:** September 27, 2021

**Planner:** Jennifer Q Henninger, Community Development Director

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## APPLICATION SUMMARY:

**Project Name:** Unified Land Use Code

**Case Number:** TXT21-0002

**Application type:** City Initiated Comprehensive Rezoning and Code Text Amendment

**Location:** City of Littleton municipal boundaries

**Size of Property:** Entire City approximately 13.8 square miles

**Current Zoning:** 26 zone districts (plus additional sub-zones and planned development overlays) - representing all property within the City of Littleton

**Proposed Zoning:** 14 zone districts (plus overlay districts) representing all property within the City of Littleton

**Future Land Use Map Designation** 19 different land use and character designations

## Background

Envision Littleton was developed to be a multi-year and multi-milestone commitment to planning for the next 20 years of the city. In 2017, the City of Littleton embarked on a community effort to create a vision for Littleton which was adopted in December 2018. The next milestone for Envision Littleton came in October of 2019, when council adopted a new comprehensive plan and transportation master plan for the City. In conformance with the goals, policies, and action steps approved in the comprehensive plan, the city began the Envision studio series to draft the Unified Land Use Code (ULUC) in February 2020. Following the studio series, the city's consultant Kendig Keast Collaborative (KKC) developed the first draft of the ULUC in June 2021. Following a multi-month public comment period, KKC developed a proposed zoning map. On August 19, 2021, the proposed map was posted on-line for additional public comment. KKC and city staff worked with council and planning commission in July and August to incorporate comments received into the draft ULUC and the zoning map. On September 17<sup>th</sup> edits were completed on the ULUC and zoning map in preparation for the adoption process to begin.

## Comprehensive Plan and Transportation Master Plan

The Comprehensive Plan and Transportation Master Plan set the course for the future of Littleton in the form of goals, policies, and action steps. The Comprehensive Plan focused on eight aspects of Littleton:

- Land Use and Community Character

- Housing and Neighborhoods
- Transportation
- Infrastructure and Services
- Economy and Tax Base
- Heritage, Arts, Recreation and Tourism
- Environments
- Special Areas and Design

Approved in October of 2019, the Comprehensive Plan yielded 36 goals, 86 policies and 111 action steps. The Implementation chapter of the Comprehensive Plan called on City council to adopt “the new or amended zoning and subdivision regulations” necessitated by the Plans goals, policies, and action steps. The Unified Land Use Code (ULUC) repeals the Littleton City Code Title 10, Title 11, and those portions of Title 4 related to historic preservation and serves as the new zoning and subdivision regulations of the City of Littleton.

### **Unified Land Use Code (ULUC)**

The ULUC kicked off during the February 10, 2020 community event (Envision Studio) hosted at Town Hall Arts Center and the February 11 Joint Leadership Session of City Council and Planning Commission. The ULUC is consistent with the policies, goals and action steps set out in the 2019 Comprehensive Plan and it promotes the general welfare of the community.

The ULUC contains 12 chapters

- Chapter 1: Standards for All Districts
- Chapter 2: Downtown
- Chapter 3: Corridor and Mixed Use
- Chapter 4: Neighborhoods
- Chapter 5: Business and Industry
- Chapter 6: Subdivision Standards
- Chapter 7: Environmental management
- Chapter 8: Historic Preservation Code
- Chapter 9: Administration
- Chapter 10: Nonconformities
- Chapter 11: Enforcement, Violations, and Remedies
- Chapter 12: Word Usage

### **Chapter 1 - Standards for All Districts**

#### *Summary*

Chapter 1 contains standards that apply to all districts throughout the city. This chapter establishes the framework of the base zoning districts and introduces the Land Use Matrix that identifies permitted, conditional, and accessory uses by zone district. Provisions for accessory dwelling units (ADU's) are included for the first time in the city code in this chapter. The design section covers a variety of areas such as building design, greenscape, mobility and access. The chapter is divided into three articles:

- Districts and Uses
- General Provisions
- Design

*Function and Key Changes*

This chapter functions as an “umbrella” of regulations which apply to all districts.

Since the August 19 redline of the draft ULUC, the following key changes were made to Chapter 1:

- Clarified permitted and prohibited uses in the Land Use Matrix and the purpose of “S” standards for some uses
- Accessory dwelling units (ADU) are now limited to downtown neighborhood residential (DNR), downtown transition area (DTA), Downtown Mixed Use (DMU) corridor mixed use (CMU), small lot residential (SLR) and medium lot residential (MLR) zone districts that abut an alley. Contained or internal ADUs are permitted in all zone districts in the city
- Section 10-1-2.2 on Wireless Communication Facilities was updated to align with current FCC regulations and industry best practices
- Non-Primary Short Term Rentals are no longer permitted in the City

**Chapter 2 - DOWNTOWN***Summary*

The Downtown chapter establishes the districts and standards to implement the corresponding designations of the Future Land Use and Character Map set forth in the adopted Comprehensive Plan. More specifically, the Urban Downtown Mixed Use and Urban Downtown Main Street designations are represented by the DMS (Downtown Main Street); DTA, DMU (Downtown Mixed-Use); and DNR. The chapter is divided into five articles:

- DT purpose and applicability
- DT downtown districts and uses
- DT design
- DT greenscape
- DT signs

*Function and Key Changes*

The key provisions for this chapter are contained in the articles for districts and uses, design, greenscape, and signs which establish building and lot regulations for properties located in Downtown Littleton.

Since the August 19 redline of the draft ULUC, the following key changes were made to the Downtown chapter:

- Several hyperlinks were revised to link to the intended relevant sections
- In the purpose sections of the DT zone districts, preservation of designated historic resources was revised to reference Chapter 8 Historic Preservation
- In the purpose sections of the DT zone districts, preservation of non-designated historic resources was revised to reflect that their preservation be encouraged

**Chapter 3 – Corridors and Mixed Use***Summary*

The Corridors and Mixed Use (CMU) building block implements the Corridor Mixed and some of the Downtown Transition, Auto-Oriented Commercial, and Suburban Commercial character areas identified in the Future Land Use Map and Comprehensive Plan, into the ULUC. The CMU block is divided into two zoning districts: Corridor Mixed (CM) and Neighborhood Commercial (NC). The chapter is divided into five articles:

- Purpose and applicability
- Districts and uses
- Design
- Greenscape
- Signs

#### *Function and Key Changes*

The key provisions for this chapter are contained in the articles for districts and uses, design, greenscape, and signs which establish building and lot regulations for all properties designated either as CM or NC on the zoning map.

Since the August 19 redline of the draft ULUC, the following key changes were made to the CMU chapter:

- Numerous hyperlinks to relevant Articles were added to improve ease of use.
- Maximum building coverage, maximum building height, and bulk plane standards were modified or removed to ensure that development standards didn't conflict with each other;
- Density adjustments were made to meet the goals and policy direction of the Comprehensive Plan pertaining to residential units within a walkable distance to transit facilities and address the comments from Envision Studios with multi-family allowing for 52 to 75 units per acre and Mixed-use allowing for 38 to 85 units per acre. The corresponding maximum building heights were also adjusted and now range between 55 and 91 feet.
- The building materials table was revised to allow greater choice in possible materials primarily in the CM district;
- The definition of where the build-to zone is measured from was revised so that it is measured from the front lot line instead of the edge of right-of-way;
- Building design standards for Large-Scale Developments were simplified to allow greater creativity and flexibility;
- Site Design Standards were revised to address private streets and ensure compliance with Littleton Engineering Design Standards (LEDS);
- The applicability of the Mixed Use standards to both site plans and master development plans was clarified and language was added to ensure compliance with Littleton Engineering Design Standards (LEDS);
- The mix of uses required in Mixed Use Development was revised with new, single-family detached homes no longer listed as a permitted use;
- Required minimum square footages for non-residential uses were removed from master development plan standards;
- The term "greenscape" was defined;
- The types of signs permitted in NC were expanded to ensure conformity of existing businesses.
- The process for a Master Development Plan is administrative unless referred by the Director to Planning Commission for a decision.

## **Chapter 4 - Neighborhoods**

### *Summary*

The Neighborhood chapter establishes the districts and standards to implement the corresponding designations of the Future Land Use and Character Map set forth in the adopted Comprehensive

Plan. The chapter is divided into five articles:

- Purpose and applicability
- Districts and uses
- Design
- Greenscape
- Signs

#### *Function and Key Changes*

The key provisions for this chapter are contained in the articles for districts and uses, lot and building standards, design, green spaces, and signs for all properties designated ACR, Acreage Residential; LLR, Large Lot Residential; MLR, Medium Lot Residential; SLR, Small Lot Residential; and MFR, Multi-Family Residential on the zoning map.

Since the August 19 redline of the draft ULUC, the following key changes were made to the NB chapter:

- Table 10-4-1.2.1 shows provisions in other chapters that may apply to NB districts
- Lot and Building Standards – apply to redevelopment of substantial improvement lots.
- Duplex and Twin Home Conversions parking exemptions for additional parking space distance requirements, was reduced from a half mile to a quarter mile walking distance of Downtown, a light rail station, or a bus rapid transit or fixed bus stop
- Multi-Family building articulation requires roof forms to be broken into a series of smaller components when viewed from the street.
- Clarification that subdivision entrance, street number, and attached incidental signs are allowed. Free standing signs are not permitted.

## **Chapter 5 – Business and Industry**

### *Summary*

The Business and Industry (BI) building block translates the Suburban Commercial and Suburban Business Park character areas identified in the Future Land Use and Character Map, into the zoning code. The BI building block is divided into two zoning districts: Business Center (BC) and Industrial Park (IP). The chapter is divided into five articles:

- Purpose and applicability
- Districts and uses
- Design
- Greenscape and
- Signs

#### *Function and Key Changes*

The key provisions for this chapter are contained in the articles for districts and uses, design, greenscape, and signs which establish building and lot regulations for all properties designated either as BC or IP on the zoning map.

Since the August 19 redline of the draft ULUC, the following key changes were made to the BI chapter:

- Maximum building coverage, maximum building height, and floor area requirements were modified or removed to ensure development standards are compatible
- A section was added to the building materials table to add flexibility for “other materials not listed”
- The design standards and site landscaping standards were modified to give some flexibility in cases where strict adherence is impractical
- Freestanding monument sign heights were reduced from 25 feet to 10 feet
- Automatic shut-offs are required for lighted signs

## **Chapter 6 – Subdivision Standards**

### *Summary*

The Subdivision chapter establishes all standards related to the subdivision of land into lots, tracts, and public and private rights-of-way. It also establishes standards related to easements required for the provision of utility services to all development types. The chapter is divided into three articles:

- Purpose and applicability
- Subdivision Standards
- Public Improvements Dedication and Acceptance

### *Function and Key Changes*

The key provisions for this chapter are contained in the articles for subdivision standards and public improvements dedication and acceptance. They also set the standards for condominium plats and revisions to all subdivision types.

Since the August 19 redline of the draft ULUC, the following key changes were made to the Subdivision Standards chapter:

- Frequent reference to the Littleton Engineering Design Standards (LEDS) made throughout to clarify that the LEDS dictate the design of rights-of-way;
- Block length and depth standards were revised to allow more creativity and flexibility in site design;
- Restrictions on “double frontage lots” were removed to allow the possibility of new alleys within developments and redevelopments;
- The term “greenway” is defined;
- Require that water, sanitary sewer, and storm water facilities and all necessary easements are brought to the edge of all lots intended for commercial or mixed use development;
- Standards for the continuity of open space were clarified to better support redevelopments in areas that may be far from either city- or county-owned open space;
- Added “party wall agreement” and metropolitan districts as two tools/entities that could be responsible for the ownership and maintenance of private facilities with subdivisions;

## **Chapter 7 – Environmental Management**

### *Summary*

The floodplain and floodway regulations had only very minor changes from previous Title 10 Chapter 6 for clarification purposes only, not content. Other changes were organizational to fit with the new ULUC structure. **Chapter 8 - Historic Preservation**

### *Summary*

The Historic Preservation chapter sets forth the framework for the city’s historic preservation

program. Provisions are set forth for identification and recognition of non-designated historic resources, designation of historic structures and districts, and requirements for modifications to designated structures. The chapter also includes incentives for owners of designated properties, maintenance requirements, and penalties for noncompliance with historic preservation requirements for designated structures. This chapter is divided into six articles:

- General (purpose and applicability, and owner responsibility)
- Legacy program
- Historic register
- Alterations
- Maintenance
- Incentives

#### *Function and Key Changes*

The key provisions for this chapter are contained in the articles for the legacy program, the historic register, alterations, maintenance and incentives.

Since the August 19, 2021 redline of the ULUC, there have been no revisions to Chapter 8. On September 20, 2021 HPB recommended approval with three minor amendments to the parts of the ULUC pertaining to historic preservation. This recommendation is now up to City Council for their consideration.

## **Chapter 9 – ADMINISTRATION**

### *Summary*

The Administration chapter establishes all standards for the processing and approval or denial of entitlement. This includes requests made by landowners and processing of code changes requested by the public or initiated by the city. The chapter identifies the official and administrative bodies responsible for such processing and decision making and sets forth the specific types of entitlements available to landowners. The chapter is divided into nine articles:

- Official and administrative bodies established and authorized
- Administrative provisions
- Code and zoning amendments
- Site development and use permits
- Improvement plans and permits
- Subdivisions and vacations
- Historic preservation applications
- Relief, appeals, and interpretations

#### *Function and Key Changes*

The key provisions for this chapter are contained in the articles that address entitlement processes and relief from, and appeals of, decisions made at the end of entitlement processes.

Since the August 19 redline of the draft ULUC, the following key changes were made to the administration chapter:

- Edits to clarify that this chapter describes, and doesn't establish the official and administrative bodies of the city government in order to avoid a repetition of, or create conflict with Title 2 of the City Code;



- Clarification of language regarding which people or entities may apply for or initiate specific entitlements or zoning map changes or code changes;
- Standards for concurrent application were revised to allow a wider range of application types to proceed concurrently;
- Section 10-9-3.5 Common Development Review Procedures has been put on hold to address in a later phase;
- Standards regarding approval with conditions was revised to give any decision-making body the authority to attach such conditions to any decision;
- Language was added to the Development Review Summary Table 10-9-3.10.1 to address amendments to the Future Land Use and Character Map and to address city initiated rezonings/amendments to the Zoning Map and publication and posting requirements;
- Addition of approval criteria for zoning map amendments
- Language requiring that a final plat be recorded prior to vested property rights being considered was removed as final plats are typically the last entitlements to occur in a development review process by the city;
- New language was added to address the applicability, decision criteria, procedures, and effect of annexations of land into the city boundary;
- Language requiring city council approval of a major plan amendment was removed as it conflicted with the administrative entitlement process established for the review of a major plan;
- Language was added clarifying that site plans are required for single-family attached, duplex, non-residential, and mixed use development
- Language describing building permits and certificates of occupancy was removed to prevent conflict with Title 4 of the City Code.
- Language was added to clarify the procedures for review, appeals and permits of floodplain regulations.
- Language regarding master sign plans was put on hold to address in a later phase;
- Language was added to clarify the applicability, procedures, and decision criteria for a certificate of appropriateness to ensure compliance with the rest of the new historic preservation code;
- Language was added regarding specific criteria for the relocation of a historic property to clarify application submittal processes, notification of a decision, and continuances of applications by the historic preservation board (HPB);
- Language regarding decisions by the HPB of applications for certificates of economic hardship was removed and language was added to address notification of decisions by the HPB;
- Language regarding the applicability and recommendation criteria of designation of historic landmarks and districts was revised for clarity;
- Language was added clarifying that the planning commission is responsible for appeals to floodplain regulation decisions;



## **Chapter 10 - Nonconformities**

### *Summary*

The Nonconformities chapter establishes standards that ensure that conformities do not expand outside of the established standards while articulating the need for a nonconformity comply with the code or be eliminated. This chapter is divided into three categories:

- Classification of Nonconformities
- Conversion of Nonconformities
- Compliance

### *Function and Key Changes*

The key provisions of this chapter include expansion, conformance, continuance, and abandonment of land uses, conforming lots, signs, and buildings.

Since the August 19 redline of the draft ULUC, the following key changes were made to the nonconformities chapter:

- Clarification on damage and destruction defined as exceeding 75 percent of the replacement cost for a residential structure.
- Addition of language that nonconforming uses may not be changed to any other nonconforming use. The use must be allowed in the zone district.
- Nonconforming use of a structure cannot be intensified.
- Language stating that nonconforming uses are presumed abandoned if vacant/unoccupied for a continuous period of one year.

## **Chapter 11 - Enforcement, Violations, and Remedies**

### *Summary*

The Enforcement, Violations and Remedies chapter establishes the procedures that the city may use to ensure compliance with the provisions of this Code and to correct violations and the penalties for violations. The provisions of this Chapter are intended to encourage the voluntary correction of violations. The Chapter is divided into two articles:

- Purpose and applicability
- Procedures and remedies

### *Function and Key Changes*

The key provisions for this chapter are contained in the articles for purpose and applicability, and procedures and remedies which establish general processes to enforce this code, compliance required, violations and remedies defined, penalties and fines.

Since the August 19 redline of the draft ULUC, no key changes were made to the enforcement, violations and remedies chapter.

## **Chapter 12 – Word Usage**

### *Summary*

The word usage chapter is a glossary of defined terms used throughout the code. There are over 550 defined terms listed in the proposed code, several of which include illustrations.

## **ZONING MAP**

The proposed zoning map applies the written text of the ULUC, including its re-named zoning districts and overlay districts to the physical area of the City of Littleton. When discrepancies occurred between the KKC draft of the zoning map and the Future Land Use and Character Map of the adopted Comprehensive Plan, the zoning map was amended to be consistent with the Future Land Use and Character Map and the goals and policies outlined in the adopted Comprehensive Plan.

**PUBLIC OUTREACH & PUBLIC NOTICE:**

Throughout the last two years, an article regarding the current progress of the ULUC has been in the Littleton Report online and the printed addition. Additional outreach efforts included:

- Numerous study sessions with the city council, planning commission, historical preservation board, next generation advisory committee, transportation mobility board, and housing task force
- Creation of a four-part video series on channel 8 and social media that aired for several months
- Hosting four Open Littleton surveys
- Placement of 90 posters and yard signs displayed throughout the city
- Distribution of paper surveys to 22 different locations
- Translation of all outreach materials to English and Spanish

All of these efforts resulted in over 700 comments being added to enCode Plus, the software the city is using for the ULUC. The outreach also resulted in other emailed comments and reviews from outside partner agencies that have been tracked and addressed by KKC and/or staff in a redline draft of the ULUC that was open for public comment in early September and revised again into the proposed version that HPB and Planning Commission recommended City Council approve. The proposed ULUC is available for review on the [EnvisionLittleton.org](http://EnvisionLittleton.org) website. Comments received between August 19 and September 20 are summarized in the attached public comment PDF. Another attachment contains copies of letters and emails received by the City since the 24<sup>th</sup> of September relating to the ULUC.

**OUTSIDE REFERRAL AGENCIES:**

Staff sent referrals to all 48 outside referral agencies. Denver Water responded with no objections. Comments by Xcel Energy and Tri-County Health were addressed and resolved.

**HISTORICAL PRESERVATION BOARD**

On September 20, 2021, HPB recommended approval of the ULUC with three minor conditions to the parts of the ULUC pertaining to historic preservation:

- 1) Section 10-8-4.3(A)(2)(a) paragraphs 3 and 4, replace “fair rate of return” with “reasonable rate of return”
- 2) Section 10-9-8.1(B)(3)(a) insert the words “interior of” as follows: “A Certificate of Appropriateness shall not be required for any change to the interior of a designated historic property or INTERIOR OF any building in a historic district
- 3) Section 10-9-8(B)(3)(b) delete the words “substantially similar” as follows: The Director shall review any building permits to repair such damage to ensure that materials of like kind and quality are used for the repair”

**PLANNING COMMISSION**

On September 27, 2021, Planning Commission held a public hearing on the ULUC.

Planning Commission directed staff to make the following administrative changes to the ULUC prior to adoption:

- In Table 10-1-1.1.1 Base Zoning District, change the minimum of 1/2 acre to 20,000 square feet to match with the minimum lot size in the LLR zone district,
- Modify the zoning map so there is more of a color difference between SLR and MLR,
- Add additional zoning district labels to the zoning map including some PL-O/SLR zone districts that are missing,
- Add in city initiated rezoning process that was recently adopted by CC into Chapter 9,
- Further clarify the notification process associated with a PL-O reversion,
- Remove reference to neighborhood convenience in the ULUC,
- Clarify animal-oriented uses based on email from citizen,
- Clarify what incidental sign is,
- Clarify parking minimum for restaurants,
- Raise length of building in Table 10-1-1-7.2 for SLR to 25' for an existing structure,
- Clarify that STRs are allowed in attached/contained ADUs and not in detached ADUs
- Outline some scenarios that would "trigger" a PC review of a master development,
- Clarify what qualifies as a minor and major plan amendment,
- Transitional provisions need to be further clarified that allow staff to make minor changes to the ULUC without public hearing.

Officially, Planning Commission recommended approval of the ULUC with four conditions:

- 1) Section 10-9-5.1(C)(2) replace references to harmful effects with adverse impacts.
- 2) In Tables 10-2-3.2.2 through 10-2-3.2.11 eliminate row F under the Building Heights and Upper Story Stepbacks section
- 3) Table 10-3-2.2.2 change footnote 4 to read "Height is based upon maximum first floor height of 14 feet"
- 4) Amend the official zoning map to prohibit duplexes in those SLR zoning districts South of W. Caley Avenue

**STAFF RECOMMENDATION:**

Staff recommends approval of the Unified Land Use Code with the three proposed HPB conditions and the four proposed Planning Commission conditions.