



Littleton

Legislation Details (With Text)

**File #:** Ordinance 13-2016      **Name:**

**Type:** Ordinance      **Status:** Failed

**File created:** 8/9/2016      **In control:** City Council

**On agenda:** 9/6/2016      **Final action:** 9/6/2016

**Title:** An ordinance on second reading amending title 10 of the city code concerning residential uses in the B-2 Zone District and repealing the moratorium

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No 13-2016, 2. Open House Comment Cards 071416, 3. Littleton B-2 Open House Postcard 07-14-16, 4. B-2 property owner letter June 2016 TEMPLATE, 5. B-2 property owner letter August 2016

Date	Ver.	Action By	Action	Result
9/6/2016	2	City Council	denied	Pass
8/16/2016	1	City Council	approved	Pass

Agenda Date: 09/06/2016

**Subject:**

An ordinance on second reading amending title 10 of the city code concerning residential uses in the B-2 Zone District and repealing the moratorium

Presented By: Jocelyn Mills, Community Development Director

**POLICY QUESTION:**

Does city council support amending the B-2 Zone District to require residential occupancy in nonresidential buildings to be processed as a conditional use, and to further define residential use?

**BACKGROUND:**

On June 14, 2016 city council passed a 90-day moratorium on development applications within the B-2 Zone District. Concerns were raised that the current regulations were not in line with the city’s Comprehensive Plan, and that the character of development activity in the B-2 Zone District was having a negative impact on the community.

On June 28, 2016 a joint study session was held with planning board and city council to discuss potential amendments to the B-2 Zone District. The discussion included: height, location, adjacent properties, residential uses, community character, property rights, and the development review process. Council held a subsequent study session July 12, 2016 to further discuss the B-2 Zone District, specifically focused toward residential uses and the development review process. An open house was held July 14, 2016 to receive public input. Information was also posted on LittletonPlans.org. The written comments from the open house and LittletonPlans.org are attached to this staff communication.

At the July 25, 2016 planning board meeting, a motion to recommend approval of the proposed amendments to the B-2 Zone District failed on a 2-3 vote. The planning board members who voted against the motion expressed that residential uses in the B-2 District do not have the same level of impact as other conditional uses.

On August 9, 2016, city council passed the first reading of this ordinance.

**STAFF ANALYSIS:**

The following outlines the proposed amendments regarding residential use:

Uses in the B-2 Zone District are predominately commercial. There is an existing provision in the B-2 Zone District that allows residential uses to be included in part of a structure or building if certain criteria are met (Section 10-4-12).

Section 10-2-16 outlines the B-2 Zone District and lot requirements. Subsection (C) of this section addresses minimum lot requirements. There are not any height or setback requirements for this district. However, all B-2 Zone District properties are subject to a 2 to 1 Floor Area Ratio (FAR). FAR determines the amount of building that can be on a lot in relationship to the size of the lot. A 2 to 1 FAR allows a building to be twice the size of the lot.

Based on staff research of B-2 Zone District properties that have structures or buildings on them, it is difficult for projects to get to a 2 to 1 FAR due to other zoning requirements, primarily the number of parking spaces and minimum open space requirements. Yet the research did show that projects which included residential uses did appear to have larger building to lot ratios. As such, residential uses that are part of a commercial building in the B-2 Zone District have the potential to alter the scale, mass and context of the adjacent neighborhood.

In Littleton’s zoning code, when certain uses have the potential to have a greater impact to the surrounding properties, these uses are considered “conditional.” Chapter 8 of the Littleton Zoning Code references conditional uses. Conditional uses may be allowed in a particular zone district upon further review and determination by the planning board. Determination is based upon:

- The nature of the site
- The size and shape of the lot
- The arrangement of structures
- Traffic and pedestrian patterns
- Landscaping and open space
- Lighting
- Signage

Per Section 10-4-12, residential uses may be permitted in the B-2 Zone District (and the B-1 Zone District) when certain conditions have been met. The proposal is to relocate these existing provisions for residential occupancy in B-2 from Section 10-4-12 (Supplementary Standards) into the conditional use chapter of the zoning code.

To further clarify this section of the code, it is also recommended that the following verbiage be revised from “residential dwelling units” to “residential uses” in Section 10-4-12. This will clarify that for a residential use to be considered in a project, the entirety of the residential use can be no more than 50% of the structure or building. The Land Use Table, Section 10-3-2, 3.66 includes a similar verbiage change from “dwelling units”

to “residential uses.”

Fully integrating the concept of residential use, the other recommendation is to add a definition of residential use to the definitions section of the zoning code (Section 10-1-2). The code has a definition of ”Use”, which states “the purpose for which land or structures are or are intended to be occupied, maintained, rented or leased.” The proposal is to add an additional definition, “Use, Residential - Dwelling units and all other ancillary activities and structures related to its residents, including but not limited to residential parking and common areas utilized by residents within structures.”

See the attached draft ordinance for the proposed code changes.

**STAFF RECOMMENDATION:**

Staff recommends approval on second reading of the ordinance amending the B-2 Zone District requiring that projects which include residential uses be processed as a conditional use per Chapter 8 of the Littleton Zoning Code, and to further define the term residential use.

**PROPOSED MOTION:**

I move to approve on second reading the ordinance amending title 10 of the city code concerning residential uses in the B-2 Zone District and repealing the moratorium.