

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 04

4
5 Series, 2020

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7
8 AN ORDINANCE OF THE CITY OF LITTLETON,
9 COLORADO, ENACTING A TEMPORARY MORATORIUM
10 ON ANY NEW AUTO-ORIENTED BUSINESS DEVELOPMENT
11 WITHIN THE AREA AS SET FORTH IN THE DOWNTOWN
12 LITTLETON DESIGN STANDARDS, AND UPON THE
13 SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL
14 OF ANY SITE DEVELOPMENT PLANS, DEMOLITION
15 PERMITS, APPLICATIONS OR PLAN APPROVALS, OR
16 OTHER TYPES OF APPROVAL BY THE CITY OF
17 LITTLETON RELATED TO SUCH ACTIVITIES

18
19 WHEREAS, the City of Littleton (“City”) is a Colorado home-rule municipality
20 with all the powers and authority vested under Colorado law; and

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22 WHEREAS, on July 9, 2018 the Planning Commission of the City of Littleton
23 adopted the Downtown Littleton Design Standards (“Design Standards”) which were subsequently
24 ratified by City Council on August 7, 2018; and

25
26 WHEREAS, the Design Standards delineates the subareas that comprise
27 Downtown Littleton; and

28
29 WHEREAS, on October 15, 2019; City Council adopted the Envision Littleton
30 Comprehensive Plan (“Comprehensive Plan”); and

31
32 WHEREAS, currently the City’s zoning allows for several different types of auto-
33 oriented uses which may not be consistent with the goals and policies as set forth in the
34 Comprehensive Plan; and

35
36 WHEREAS, auto-oriented uses may not meet certain goals and policies such as
37 encouraging a more walkable community, pedestrian-focused, vibrant retail and mixed-use; and

38
39 WHEREAS, in order to ensure consistency with the newly adopted
40 Comprehensive Plan, changes need to be made to the City’s Code; and

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42 WHEREAS, the City has retained Kendig Keast Collaborative to begin a complete
43 rewrite of the City’s Zoning Regulations which is anticipated to take an extended period of time;
44 and

45
46 WHEREAS, in the interim, City Staff has been exploring near-term changes to
47 address certain inconsistencies between the Comprehensive Plan and City Code; and
48

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

56
57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
58 **THE CITY OF LITTLETON, COLORADO, THAT:**

59
60 **Section 1:** The foregoing recitals are hereby adopted by the City Council as
61 findings in support of the adoption of this Ordinance.

62
63 **Section 2:** The City Council further finds and declares that:

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65 a. The City’s current laws, ordinances, rules and regulations may not
66 adequately address the issues and challenges associated with protecting the character of the
67 Downtown Littleton area as it relates to new commercial development involving auto-
68 oriented uses; and

69
70 b. Auto-oriented uses shall have the meaning as those types of commercial
71 uses that require an automobile and tend to increase traffic and reduce walkability as such
72 are identified and set forth in Exhibit A.

73
74 c. The City may suffer irreparable harm if a short, temporary moratorium, as
75 herein described, is not imposed to prevent land-use activities detrimental to the character
76 of the Downtown Littleton area being pursued prior to the implementation of permanent
77 regulations; and

78
79 d. This ordinance is necessary and proper to provide for the safety, preserve the
80 health, promote the prosperity, and welfare of the City of Littleton and the inhabitants
81 thereof; and

82
83 e. The duration of the moratorium imposed by this Ordinance is reasonable in
84 length and is no longer than is required for the City to properly investigate, develop, and,
85 if appropriate, adopt and implement any regulations deemed necessary with respect to the
86 subject matter addressed herein; and

87
88 f. Property owners within the area subject to this Ordinance, and desiring to
89 engage in land-use activities prohibited herein, will not be unfairly prejudiced by the
90 imposition of the short, temporary moratorium imposed by this Ordinance.

91
92 **Section 3:** Upon the effective date of this Ordinance, a moratorium is imposed on
93 any new auto-oriented business development as identified in Exhibit A within the

94 Downtown Littleton area as set forth in the Design Standards as more specifically
95 delineated in Exhibit B, attached hereto and incorporated herein, including the submission,
96 acceptance, processing, or approval of any site development plans, demolition permit,
97 applications or plan approvals or other types of approval by the City related to such
98 activities, excepting building permits related to already approved site development plans.
99 The City staff and all applicable commissions, boards, departments, divisions, and
100 representatives are directed to refuse to accept for filing, and not to process or review, any
101 such new applications during the moratorium period.
102

103 **Section 4:** The moratorium imposed by this Ordinance shall commence as of the
104 effective date of this Ordinance, and shall expire in 90 days, unless extended or sooner
105 repealed.
106

107 **Section 5:** Before the expiration of the moratorium imposed by this Ordinance,
108 City staff shall continue to investigate the matters addressed herein and all reasonable
109 options including but not limited to: amending zoning regulations; amending or modifying
110 existing Design Standards; amending Operational Standards; or taking such other steps as
111 deemed appropriate or as may be further directed by City Council and the City Manager.
112

113 **Section 6:** The City Council hereby finds, determines and declares that it has the
114 power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control
115 Enabling Act, Article 20 of title 29, C.R.S.; (ii) Part 3 of Article 23 of title 31, C.R.S.
116 (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning
117 municipal police powers); (iv) Section 31-15-40, C.R.S.(concerning municipal police
118 powers); (v) the authority granted to home rule municipalities by Article XX of the
119 Colorado Constitution; (vi) Colorado case law; and (vii) the powers contained in the
120 Littleton Charter and the Littleton City Code.
121

122 **Section 7:** Severability. If any part, section, subsection, sentence, clause or
123 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect
124 the validity of the remaining sections of this ordinance. The City Council hereby declares
125 that it would have passed this ordinance, including each part, section, subsection, sentence,
126 clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections,
127 sentences, clauses or phrases may be declared invalid.
128

129 **Section 8:** This ordinance shall become effective 7 days after passage and shall
130 expire ninety (90) days thereafter, unless sooner or repealed or extended by a duly adopted
131 ordinance of the city council.
132

133 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
134 with this ordinance are hereby repealed, provided that this repealer shall not repeal the
135 repealer clauses of such ordinance nor revive any ordinance thereby.
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139 INTRODUCTION AS A BILL at a regularly scheduled meeting of the City Council
140 of the City of Littleton on the 21st day of January, 2020, passed on first reading by a vote of 7
141 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
142 Municipal Courthouse and on the City of Littleton Website.

143 PUBLIC HEARING on the Ordinance to take place on the 4th day of February,
144 2020, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at
145 the hour of 6:30 p.m., or as soon thereafter as it may be heard.

146
147 PASSED on second and final reading, following public hearing, by a vote of _____ FOR
148 and _____ AGAINST on the 4th day of February, 2020 and ordered published by posting at
149 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

150 ATTEST:

151 _____
152 Wendy Heffner
153 CITY CLERK

Jerry Valdes
MAYOR

154
155 APPROVED AS TO FORM:

156
157 _____
158 Reid Betzing
159 CITY ATTORNEY

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