Date: 02/08/2024

Subject: An ordinance of the City of Littleton, Colorado, amending Title 2: Boards and Commissions, of the Littleton City Code

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

ORDINANCE 02
SERIES 2024
CITY OF LITTLETON, COLORADO

ORDINANCE NO. 02

Series, 2024

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO,
AMENDING TITLE 2, BOARDS AND COMMISSIONS OF THE
LITTLETON CITY CODE

WHEREAS, city council wishes to provide for more clarity, uniformity, and
consistency amongst the various city appointed Boards, Commissions, and Committees within our
city; and

WHEREAS, city council also wishes to be more strategic and effective in the use
of citizen appointees’ time, roles, and responsibilities; and

WHEREAS, to achieve those objectives, city council wishes to make revisions to
various sections of our code and consolidate the functions of some of the City’s existing boards,
commissions, and committees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LITTLETON, COLORADO, THAT:

Section 1: Title 1, Chapter 20, Section 3 of the Littleton City Code is hereby
amended as follows:

1-20-3: SCOPE
Unless otherwise provided by law, all administrative hearings conducted by any officer or agency
of the city wherein a determination of the rights or responsibilities of any person is made, shall be
conducted in accordance with the procedures set forth in this Chapter. Provided, however, this
procedure shall not apply to employee personnel matters as outlined in the Personnel Policy, or
any hearing before the planning commission, the licensing authority COMMISSION, the board of
adjustment, the building board of appeals APPEALS AND ADJUSTMENT COMMISSION, the
historical preservation board COMMISSION, or the city council.

Section 2: Title 1, Chapter 20, Section 6(4) of the Littleton City Code is hereby
amended as follows:

4. In the case of board of adjustment APPEALS AND ADJUSTMENT COMMISSION, the
licensing authority COMMISSION, and such other hearings as may by, by ordinance, require
posting, publication, or other public notice, such notice shall be provided in addition to the notice
herein provided to parties.

Section 3: Title 2, Chapter 2 of the Littleton City Code is hereby amended as
follows:
2-2-1: CREATION:

There is hereby created a Board of Adjustment APPELLS AND ADJUSTMENT COMMISSION, a Building Board of Appeals, a Fine Arts Board, a Planning Commission, a Historical Preservation Board COMMISSION, a Licensing Authority COMMISSION, the Littleton AN ARTS and Culture commission BOARD, Next Generation Advisory Board, and a Transportation and Mobility Board COMMITTEE which shall hereinafter for the purposes of this title be referred to as “boards and commissions.” THE CITY MAINTAINS THE AUTHORITY AND DISCRETION TO FORM AND APPOINT MEMBERS TO VARIOUS COMMITTEES WHICH ARE TYPICALLY ESTABLISHED FOR PROJECT OR SHORT-TERM ADVISORY PURPOSES DEPENDENT UPON CITY NEEDS AS DETERMINED BY COUNCIL.

2-2-7: STAFF:

Each board and commission shall have such staff assigned to it by the City Manager or his designee as is necessary to adequately perform its functions and correspondence. Each board or commission shall have at a minimum a Secretary who shall cause minutes of the proceedings to be kept, shall conduct all official correspondence, and shall cause copies of all minutes to be forwarded to the City Council for its review and to the City Clerk for filing.

Section 4. Title 2, Chapter 3 of the Littleton City Code is hereby amended as follows:

CHAPTER 3 BOARD OF ADJUSTMENT APPEALS AND ADJUSTMENT COMMISSION

2-3-1: POWERS AND DUTIES:

The board of adjustment APPEALS AND ADJUSTMENT COMMISSION, hereinafter in this chapter referred to as “the board COMMISSION,”, shall have the power to hear and decide appeals relating to 10-9-1.3 and 10-9-3.9.1 of the Unified Land Use Code; requests for zoning ordinance variances as specified in section 10-9-9.4 of this code; appeals concerning newstands as specified in section 3-15-8 of this code; appeals and requests for variances to the sign code as specified in section 4-3-4 of this code; appeals relating to mobile homes and mobile home parks as specified in section 4-4.8 of this code; requests for variances to the air pollution code as specified in section 5-3-8 of this code; appeals regarding sewer tap penalty fees as specified in subsection 7-5-19 1 of this code; request for enlargement of nonconforming uses as specified in subsection 10-10-1.2(a) of this code; appeals from orders of the city manager, or his designee, as specified in sections 8-4-5 and 8-4-7 of this code; appeals of license denials or summary suspensions, as specified in section 8-4-3 of this code; appeals of the city manager’s decision regarding sound amplifying equipment as specified in subsection 7-3-5(k)3(c) of this code; appeals regarding sound pressure level exceptions pursuant to subsection 7-3-10(b)2 of this code. AS SET FORTH IN THE CITY CODE INCLUDING BUT NOT LIMITED TO ZONING ORDINANCE VARIANCES AS SET FORTH
IN UNIFIED LAND USE CODE AND VARIOUS APPEALS AS SET FORTH IN TITLE 4 OF THE CITY’S BUILDING REGULATIONS AND ADOPTED BUILDING CODES, AND AS OTHERWISE SPECIFICALLY STATE IN CITY CODE.

BUILDING BOARD OF APPEALS

2-4-2: COMPOSITION OF BOARD:

The board shall consist of five (5) members and two (2) alternates.

Chapter 4 BUILDING BOARD OF APPEALS

Contents:

2-4-1: POWERS AND DUTIES

2-4-2: COMPOSITION OF BOARD

2-4-3: STAFF

2-4-1: POWERS AND DUTIES:

The building board of appeals, hereinafter in this chapter referred to as “the board”, shall act as the board of appeals and shall have such duties as are specified in the adopted building codes of the city as may be in effect pursuant to section 4-1-1 of this code. Further, the board shall determine the suitability of alternative materials and methods of construction and provide for reasonable interpretations of said building codes of the city. The board shall also hear all matters concerning complaints for the suspension or revocation of licenses or registration certificates as same are addressed in Title 3, chapter 16 of this code. The board shall also hear and decide: appeals from determinations of the director of community development in regard to the international fire code as specified in section 5-2-4 of this code, and appeals regarding police or fire alarm systems as specified in Title 3, chapter 7 of this code.

2-4-2: COMPOSITION OF BOARD:

The board shall consist of five (5) members.

(Ord. 43, Series of 1985) (Ord. 09, Series of 2022)

Effective on: 4/28/2022

2-4-3: STAFF:
In addition to those members mentioned in section 2-4-2 of this chapter, the city’s building official shall be a nonvoting ex officio member and secretary of the board.

Section 5: Title 2, Chapter 6 is hereby amended as follows:

Chapter 6 FINE ARTS BOARD

Contents:

2-6-1: POWERS AND DUTIES

2-6-2: COMPOSITION OF BOARD

2-6-1: POWERS AND DUTIES:
The fine arts board shall have all of the powers set forth below and shall perform all of the following duties:

A. Provide arts programs for the city through review and selection of artworks and exhibitions at public locations and public facilities throughout Littleton;

B. Serve as stewards of the Littleton art portfolio;

C. Serve as the city’s representatives in art related projects with other public and private agencies to encourage the use of the arts in response to community needs and interests;

D. Promote arts within the city of Littleton to enhance quality of life;

E. Recommend acquisition and disposition of city owned art within city policies; and

F. Review the proposed annual fine arts budget and make recommendations.

2-6-2: COMPOSITION OF BOARD:
The fine arts board shall consist of seven (7) members. Members appointed prior to and including March 27, 2012, shall be allowed to complete their original appointment term.

(Ord. 19, Series of 2012)

Section 6. Title 2, Chapter 9, Section 2 is hereby amended to read as follows:

PLANNING COMMISSION

2-9-2: COMPOSITION OF COMMISSION:
The commission shall consist of seven (7) members and one (1) alternate member.

Section 7. Title 2, Chapter 10, is hereby amended to read as follows:

LICENSING AUTHORITY COMMISSION

2-10-1: POWERS AND DUTIES:

A. The licensing authority COMMISSION, hereinafter in this chapter referred to as the "authority COMMISSION", shall have such powers and duties as conferred to the local liquor licensing authority by articles 3, 4 and 5 of Title 44 Colorado Revised Statutes, and any regulations adopted pursuant thereto and shall have such powers and duties as may be conferred to it by amendment 20 and the administrative regulations issued by the Colorado department of public health and environment found at 5 CCR 1006-2, all as amended from time to time; and (Ord. 3, Series of 2010)

B. The authority COMMISSION shall have the power to conduct public hearings in accordance with Title 3, chapter 2 of this code and Article 10 of Title 44 Colorado Revised Statutes, related to the licensing of medical marijuana centers and retail marijuana establishments and all other powers and duties as conferred by Title 3, Chapters 20 and 21 of this code and any regulations adopted pursuant thereto and all as amended from time to time. (Ord. 3, Series of 2010; amd. Ord. 15, Series of 2010) (Ord. 11, Series 2021)

2-10-2: COMPOSITION OF AUTHORITY COMMISSION:

The authority COMMISSION shall consist of five (5) members. No person shall serve as a member of the authority COMMISSION who shall have any interest in the operation of a medical marijuana center, a medical marijuana grow facility, a retail marijuana establishment, a liquor establishment or in one serving fermented malt beverages or who has a member of his or her immediate family who has such an interest. For purposes of this section, “immediate family” shall mean one’s parents, children, brothers, sisters, spouse or the parents, children, brothers or sisters of one’s spouse.

Section 8: Title 2, Chapter 11 is hereby amended to read as follows:

HISTORICAL PRESERVATION BOARD COMMISSION

The historical preservation board COMMISSION, hereinafter in this chapter referred to as the "board COMMISSION", shall have such powers and duties as conferred to them pursuant to Title 10, Chapter 9, Section 1 et seq of this code and any regulations adopted pursuant thereto.

(Ord. 15, Series of 1997) (Ord. 09. Series of 2022)
The board COMMISSION shall be composed of seven (7) members, one of whom shall be an architect, and one (1) alternate member. Other members, when possible, shall have experience with or be directly involved in the following occupations: architecture, landscape architecture, archaeology, curation, ethnography, urban planning, art history, historic preservation or history.

Section 9: Title 2, Chapter 13 is hereby amended to read as follows:

CHAPTER 13 NEXT GENERATION ADVISORY COMMITTEE

2-13-2: COMPOSITION OF THE COMMITTEE: the committee shall be comprised of at least seven (7) and no more than fifteen (15) individuals between the ages of 16 and 36 who live, work or attend school in Littleton.

Section 10: Title 2, Chapter 14 is hereby amended to read as follows:

CHAPTER 14 LITTLETON ARTS AND CULTURE COMMISSION BOARD

2-14-1: POWERS AND DUTIES:
The Littleton Arts and Culture Commission BOARD, hereinafter in this chapter referred to as “the commission BOARD”, shall be an advisory board which shall advise city council and be charged with encouraging and supporting the growth and expansion of culture and the arts in the community in the areas of visual arts, theater, film, music, dance, history, and humanities and to promote, publicize, and advocate for activities that support awareness and creativity in the community. ADDITIONALLY, THE BOARD IS TASKED WITH:

1. RAISE THE PROFILE OF ARTS AND CULTURAL PROGRAMS AND ACTIVITIES AND PROMOTE THE POSITIVE ROLE THEY PLAY IN CIVIC LIFE
2. BRING TOGETHER AND ORGANIZE ESSENTIAL ARTS AND CULTURAL ELEMENTS AND OTHER STAKEHOLDER GROUPS IN THE COMMUNITY TO FOSTER A COLLABORATIVE APPROACH TO ARTS AND CULTURAL ISSUES
3. DEVELOP, PRIORITIZE, AND RECOMMEND STRATEGIES FOR FUNDING CURRENT AND FUTURE ARTS AND CULTURE NEEDS
4. CULTIVATE COMMUNITY SUPPORT FOR ARTS AND CULTURAL ENDEAVORS BY THE CITY
5. SERVE AS A PUBLIC FORUM FOR COMMUNITY ENGAGEMENT ON ARTS AND CULTURE ISSUES
6. REVIEW AND MAKE RECOMMENDATIONS TO CITY COUNCIL THAT FACILITATE THESE POLICIES
7. BECOME A CITY THAT ATTRACTS AND ENCOURAGES ARTISTS TO RESIDE AND THRIVE IN THE COMMUNITY
8. BE THE CREDIBLE VOICE TO ADVOCATE FOR ARTS AND CULTURE IN LITTLETON
9. RECOMMENDING ANY POLICIES AND PROCEDURES AS MAY BE REQUIRED BY 24-90-109 ET SEQ.
2-14-2: COMPOSITION OF THE COMMISSION BOARD: the commission BOARD shall be comprised of eleven (11) voting members. The commission shall be comprised of one (1) representative from the fine arts board, four (4) representatives from local arts and cultural organizations, two (2) representatives from the business community, and four FIVE (45) representatives from the citizenry at large. All members of the commission BOARD will either reside within the Littleton city limits or represent an organization operating within the city limits.

Section 11: Title 3, Chapter 2, Section 1 is hereby amended to read as follows:

3-2-1: DEFINITIONS:
As used in this chapter, the following words or phrases shall have the following meanings unless the text otherwise requires:

APPLICANT: Any person, partnership or corporation who is applying for, or has applied for, a license to sell malt, vinous, spirituous liquors or fermented malt beverages, but is not yet licensed as a licensee.

EMPLOYEE: Any employee of a licensee involved in the sale, dispensing or serving of malt, vinous, spirituous liquors or fermented malt beverages.

LICENSEE: A person licensed by law to sell fermented malt beverages, or malt, vinous or spirituous liquors at retail, and who is engaged at any time during the calendar year in such operation within the City.

LOCAL LICENSING AUTHORITY: City's licensing authority COMMISSION as created in section 2-2-1 of this Code, except as otherwise provided herein.

Other definitions not specifically enumerated herein shall be as defined in title 44, articles 03, 04, and 05 Colorado Revised Statutes.

Section 12: Title 3, Chapter 2, Section 10 is hereby amended as follows:

In all cases where a hearing is held regarding the suspension, revocation or nonrenewal of any license issued, the licensing authority COMMISSION shall consider the following factors in mitigation or aggravation:

A. Seriousness of the violation(s) (affront to the public);
B. Corrective action(s) taken (if any);
C. Prior violations and offenses at the licensed premises and effectiveness of prior corrective action;
D. Prior violations and offenses by this licensee or his employees;
E. Violation as a repeated course of conduct or as a single event;
F. Likelihood of recurrence;
G. All circumstances surrounding a violation;
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H. Willfulness of the violation(s);
I. Hardship on this licensee for the sanction imposed;
J. Length of time a license has been held by this licensee;
K. Previous sanctions imposed against this licensee; and
L. Other factors making the situation with respect to the licensee or premises unique.

Section 13: Title 3, Chapter 2, Section 12 is hereby amended to read as follows:

3-2-12: LICENSE RENEWAL PROCEDURES:
A. The City Clerk's Office shall review and forward any liquor license renewal application to the City Attorney prior to forwarding to the Chairperson of the authority COMMISSION. The renewal application shall be accompanied by a police report containing information, if any, as to alleged violations of the Colorado Liquor or Beer Codes or Amendment 20 of the Colorado Constitution and of this Code by the licensee or any of his or her employees.
B. The Chairperson of the authority COMMISSION, or in his or her absence the Vice Chairperson, is hereby authorized to grant liquor or beer license renewals as provided herein. All applications for renewal shall initially come before the Chairperson and may be approved by him or her so long as all applicable fees have been paid, all required procedures have been complied with, and no information regarding alleged violations of the Colorado Liquor and Beer Codes or Amendment 20 of the Colorado Constitution or violations of this Code have been referred to him or her by the Police Department or otherwise.
C. In all instances where alleged violations of the Colorado Liquor or Beer Codes or Amendment 20 of the Colorado Constitution or this Code have been referred to the Chairperson of the authority COMMISSION, approval of the requested renewal shall not be granted by him or her and the application for renewal shall come before the authority and shall be processed in accordance with the provisions of State law and this Code.

Section 14: Title 3, Chapter 2, Section 13, is hereby amended to read as follows:

3-2-13: TEMPORARY PERMITS:
The Chairperson of the local licensing authority COMMISSION, or in his or her absence the Chairperson Pro Temp VICE CHAIR, shall have the discretionary authority to issue a temporary permit to a proposed transferee of a liquor or beer license for those purposes and in accordance with sections 44-4-106.5 and 44-3-106.5, Colorado Revised Statutes

Section 15: Title 3, Chapter 2, Section 14 is hereby amended to read as follows:

3-2-14: LOCAL LICENSING AUTHORITY COMMISSION PROCESS:
On behalf of the local licensing authority COMMISSION and upon application by the City, the licensee, or any party in interest, the City Clerk is hereby authorized to issue subpoenas or subpoenas duces tecum to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the local licensing authority is authorized to conduct. Unless a waiver of personal service is received by the City Clerk, all subpoenas shall be served on the person ordered to appear in the same manner as a subpoena issued.
by the District Court. A subpoena shall not be issued for any documents which can be obtained under the State Public (Open) Records Act, article 72 of title 24 Colorado Revised Statutes.

Section 16: Title 3, Chapter 2, Section 15 is hereby amended to read as follows:

3-2-15: FAILURE TO APPEAR IN RESPONSE TO PROCESS:
A. It shall be unlawful for any person to fail to appear or produce materials in response to any local licensing authority COMMISSION subpoena. The Municipal Court shall enforce the subpoenas of the authority, and upon good cause shown, shall enter its orders compelling witnesses to attend and testify or produce books, records, or other evidence and shall impose penalties and punishment for contempt in case of failure to comply with such orders.
B. Upon failure of any witness to comply with such subpoena, the City Attorney may, at the direction of the authority COMMISSION, either:

1. Petition any Judge of the Municipal Court, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, in which event the court, after hearing evidence in support of or contrary to the petition, may enter an order compelling the witness to attend and testify or produce books, records or other evidence under penalty of punishment for contempt in case of willful failure to comply with such order of court;

or

2. Petition the District Court in and for the Counties of Arapahoe, Douglas, or Jefferson setting forth that due notice has been given of the time and place of attendance of the witness and service of the subpoena, in which event the court, after hearing evidence in support of or contrary to the petition, may enter an order as in other civil actions, compelling the witness to attend and testify or produce books, records, or other evidence, under penalty of punishment of contempt in case of willful failure to comply with such order of court.

Section 17: Title 3, Chapter 15, Section 8 is hereby amended to read as follows:

3-15-8: APPEALS:
Any person or entity aggrieved by a finding, determination notice or action taken under the provisions of this chapter may appeal and shall be appraised of his right to appeal to the board of adjustment APPEALS AND ADJUSTMENT COMMISSION. An appeal must be perfected within seven (7) days after receipt of notice of any protested decision or action by filing with the office of the community development a letter of appeal briefly stating therein the basis for such appeal. A hearing shall be held on a date no more than thirty (30) days after receipt of the letter of appeal. Appellant shall be given at least ten (10) days’ notice of the time and place of the hearing. The board of adjustment APPEALS AND ADJUSTMENT COMMISSION shall give the appellant, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the director of public services should not be upheld. At such hearing the appellant shall have the right to examine the evidence upon which the director of public services acted, to cross examine any witnesses who may have appeared before it and to offer any evidence which may tend to show that the subject newsrack does not violate any provision of this chapter. In all such cases, the burden of proof shall be upon the appellant to show that there was no evidence
to support the action taken by the director of public services. At the conclusion of the hearing, the board of adjustment APPEALS AND ADJUSTMENT COMMISSION shall make a final and conclusive determination.

The perfection of any appeal to the board of adjustment APPEALS AND ADJUSTMENT COMMISSION shall stay the removal of any newsrack until the board of adjustment APPEALS AND ADJUSTMENT COMMISSION makes its final determination unless said newsrack presents a clear and present danger of imminent personal injury or property damage. Nothing contained in this chapter shall be interpreted to limit or impair the exercise by the city of its police power, in the event of an emergency, to remove any such newsrack.

Section 18: Title 3, Chapter 20, Section 1 Definitions is hereby amended as follows:
LOCAL LICENSING AUTHORITY OR AUTHORITY: SHALL MEAN THE LICENSING COMMISSION The city council appointed board as defined in Title 2, chapter 10 of this code AND SHALL HAVE THE SAME MEANING AS SET FORTH IN STATE LAW.

Section 19: Title 3, Chapter 21, Section 1 Definitions is hereby amended as follows:
LOCAL LICENSING AUTHORITY OR AUTHORITY: The City Council appointed board defined in Title 2, Chapter 10 of this code. SHALL MEAN THE LICENSING COMMISSION AS DEFINED IN TITLE 2, CHAPTER 10 OF THIS CODE AND SHALL HAVE THE SAME MEANING AS SET FORTH IN STATE LAW.

Section 20: Title 3, Chapter 20, Section 8 is hereby amended to read as follows:
3-20-8: DECISION BY LICENSING AUTHORITY COMMISSION:
A. The licensing authority COMMISSION shall approve, deny or conditionally approve an application within ninety (90) days of receipt by the city clerk of the completed application, unless the city or applicant is granted an extension by the authority. Any failure to act on the application within ninety (90) days shall result in the conditional approval of the license pending compliance with the terms of this chapter.
B. If an application is denied, the licensing authority COMMISSION shall set forth in writing the grounds for denial.
C. If an application is conditionally approved, the licensing authority COMMISSION shall set forth in writing the conditions of the approval.
D. Upon the approval or conditional approval of a license, the licensee shall have five (5) days to remit the full annual license fee to the city clerk. Such fee must be paid prior to the issuance of the license.

Section 21: Title 4, Chapter 1, Section 3 is hereby amended to read as follows:
4-1-3: Appeals. Whenever reference is made in any of the codes adopted in section 4-1-1 of this chapter, to the board of appeals or to the housing advisory and appeals board, said codes shall be amended to refer to the building board of appeals APPEALS AND ADJUSTMENT COMMISSION and any appeal to the board of appeals or the housing advisory and appeals board shall be to the building board of appeals APPEALS AND ADJUSTMENT COMMISSION. An appeal must be taken within ten (10) days of the final decision of the city's building official. All appeals shall be in writing on forms provided by the city and shall be filed with the building official who shall then schedule a hearing on the appeal at the next regular session of the building board of appeals APPEALS AND ADJUSTMENT COMMISSION.

Section 22: Title 5, Chapter 3, Section 8 is hereby amended to read as follows:

5-3-8: VARIANCES:
Any person having been denied a permit to burn either by open burning or by incinerator burning, which may be in violation of the provisions of the foregoing sections, may apply to the Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION of the City for a variance from the terms and conditions of this Chapter; if a variance is obtained from said Board COMMISSION, then burning shall be permitted under such restrictions and conditions as may be imposed by said Board COMMISSION.

Section 23: Title 7, Chapter 3, Section 5I is hereby amended to read as follows:

c. Appeal: The applicant may appeal decisions of the City Manager to the Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION. Any appeal notice shall be in writing, shall state the reasons for the appeal and the alleged error of the City Manager, and shall be taken within ten (10) days of the final decision of the City Manager. Upon timely receipt of any written notice of appeal, the City Manager shall schedule a hearing at the next regular meeting of the Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION. The Board COMMISSION shall determine whether there was an error in any decision or determination made by the City Manager in the administration of the provisions of this subsection (K). (Ord. 21, Series of 1988)

Section 24: Title 7, Chapter 4, Section 3(D) is hereby amended to read as follows:

D. Hearing: The property owners whose real property is placarded pursuant to subsection I of this section may file a written request for hearing before the city’s Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION within the five (5) day period of compliance prescribed in said subsection by filing his written request with the secretary of said Board COMMISSION. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At such hearing said Board COMMISSION shall determine whether or not the provisions of subsection (A) or (B) of this section have been violated and to what extent. The decision of said Board COMMISSION after hearing shall be final and, until such decision, the city
shall not commence any of the procedures specified under sections 7-4-5, 7-4-6 and 7-4-7 of this chapter. If the decision of said Board COMMISSION is adverse to the person requesting a hearing, he shall have five (5) days from the date of such decision to perform the work specified by said Board COMMISSION himself and if such work is not performed and completed within such five (5) days, the city may then implement the proceedings specified in sections 7-4-5, 7-4-6 and 7-4-7 of this chapter. (Ord. 11, Series of 2006)

Section 25: Title 7, Chapter 5, Section 19(C) is hereby amended to read as follows:

7-5-19: UNLAWFUL TAPS:

C. Appeal Of City Manager’s Determination: Any person who has timely requested innocent user status from the city manager, who desires to appeal the city manager’s determination that they are not innocent users, or desires to assert facts in mitigation of the sewer tap penalty, shall be entitled to a de novo hearing before the Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION pursuant to the following procedures:

4. Payment of said sewer tap fee, sewer tap penalty and all past due sewer service charges shall be made no later than thirty (30) days after notice of the city manager’s denial of innocent user status is received. All such fees or charges shall be paid as a condition precedent to any such appeal, and failure to pay shall be grounds for automatic denial of said appeal, and the sewer tap fee, past due sewer service charges, late payment fees and sewer tap penalty shall thereupon be due and shall be paid to the city.

2. The appellant shall submit, within said thirty (30) days, a written notice of appeal with the secretary of the board of adjustment CITY CLERK on forms supplied by the city, within thirty (30) days of the date the notice of penalty assessment is received.

3. If a notice of appeal, past due sewer service charges, late payment fees and the normal tap fee payments are received by the city within thirty (30) days of the date of notice of penalty assessment is received, then the Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION shall schedule a hearing on said appeal to take place within forty five (45) days of receipt of the notice of appeal. Notice of the time and place of the appeal hearing shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered.

Section 26: Title 7, Chapter 5 Section 19(D) is hereby amended to read as follows:

D. Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION -Appeal Authority: The board COMMISSION, as a result of evidence produced at said hearing, may waive any or all of said penalty after considering:

1. Whether the person was an “innocent user” as defined in subsection (B) of this section;
2. Prior instances of unauthorized sewer system connections;
3. Whether the unauthorized sewer tap was made with knowledge of the requirement to have a valid city sewer tap permit;
4. The amount of time from the unauthorized sewer tap until same is discovered by the city;
5. The reasons why a sewer tap permit fee was not paid prior to the unauthorized connection and whether or not the failure to pay the applicable sewer tap fee was within the control of the user;
6. Steps taken by the user to ensure that unauthorized sewer taps do not occur again; and
7. Any other relevant facts in explanation, mitigation or aggravation.

(Ord. 8, Series of 2009)

Section 27: Title 8, Chapter 4, Section 3(A)(4) is hereby amended to read as follows:

4. Any applicant who feels that they have been wrongfully denied a license may, within ten (10) days of the denial, appeal the denial to the board of adjustment APPEALS AND ADJUSTMENT COMMISSION, whose decision shall be final and subject to judicial review.

Section 28: Title 8, Chapter 4, Section 5(H) is hereby amended to read as follows:

H. Any person who is denied a permit may, within ten (10) days of the date that written notice of the denial is mailed by the city, appeal the decision of the city manager, or his designee, to the city’s board of adjustment APPEALS AND ADJUSTMENT COMMISSION. The appeal shall be de novo and the burden of proof shall be on the applicant to show that the criteria specified herein for the issuance of a permit to remove a tree has been met. The board of adjustment’s COMMISSION’S decision shall be final and shall be subject to judicial review.

Section 29: Title 8, Chapter 4, Section 7 is hereby amended as follows:

8-4-7: PROCEDURE UPON ORDER TO PRESERVE OR REMOVE:

When the city manager, or his designee, orders spraying, trimming, preservation or removal of trees or plants on public property, rights of way, or private property as authorized in this chapter, or in regulations adopted pursuant to the terms hereof, he/she shall serve a written order to correct the dangerous condition upon the owner, operator, occupant, tenant, or other person responsible for the premises.

A. Method Of Service: Any order of the city manager, or his designee, shall be served in one of the following ways:

1. By making personal delivery of the order to the owner of the premises which contains the tree to which the order is directed;
2. By leaving the order with a person over the age of eighteen (18) years who resides at such premises;
3. By affixing a copy of the order to the door at the entrance to such premises; or
4. By mailing a copy of the order to the last known address of the owner of the premises by registered or certified mail, return receipt requested, in the event all of the above methods have failed to achieve service.

B. Time For Compliance: Unless the city manager, or his designee, determines, in the exercise of his/her sole discretion, that there exists a present risk of harm or injury due to the condition of a tree or its location, the order allowed herein shall set forth a time limit for compliance of not less than forty five (45) days nor more than ninety (90) days. In all cases of present risk, the order shall state an earlier time for compliance which is reasonable in light of the degree of risk.

C. Appeal From The Order: The person to whom an order hereunder is directed shall have the right within seven (7) calendar days of the service of such order to appeal to the board of APPEALS AND ADJUSTMENT COMMISSION, which shall review such order at its next subsequent meeting. The city shall have the burden of proof to show that the order was reasonable under the totality of the circumstances. Unless the order is revoked, it shall remain in full force and be obeyed by the person to whom directed. It shall be unlawful for any person to whom an order is directed to fail to comply with such order if not appealed, or within seven (7) days after an appeal shall have been determined against him/her. Any person who receives an order which requires an emergency action on his/her part shall comply with said order not later than the time set forth in the order and shall be entitled to a post compliance hearing wherein the propriety of the order and the costs associated therewith, may be determined. At such hearing the burden of proof shall be on the city to show that the action ordered was reasonable in light of the imminency and potential severity of the emergency. In the event that the board of APPEALS AND ADJUSTMENT COMMISSION deems any actions taken in response to an emergency order to be unreasonable, the city shall be responsible for the costs associated with complying with the order. Such a hearing shall be requested in writing on a form supplied by the city within seventy two (72) hours of the service of such order or the right to such hearing shall be deemed waived. The hearing shall be heard by the board of APPEALS AND ADJUSTMENT COMMISSION at its next regularly scheduled meeting.

D. Failure To Comply: It shall be unlawful for any person to fail to timely comply with any order issued by the city manager, or his designee. When the person to whom the order is directed shall fail to comply within the specified time, the city is authorized, in the public interest, and after the obtaining of a warrant from the municipal judge authorizing execution of the order by the city or its agents, which warrant shall be issued upon the sworn testimony or sworn affidavit of the city manager, or his designee, that the order has not been executed and no city appeal has been timely filed, to enter or cause others to enter the property to spray, trim, prune, treat or remove any or all of the diseased or dangerous trees or otherwise carry out the provisions of the order.

E. Costs And Assessments: Assessments for the costs of services and collections shall follow the procedure as set forth in 1-9-9.

F. Emergency Actions: Notwithstanding anything contained in this chapter to the contrary, if the city finds a condition involving a tree, shrub or other plant which constitutes an imminent threat
to life, limb or property, the city shall have the authority to immediately correct or remedy or cause
the correction of such condition at the owner’s expense without the imposition of any
administrative fees or incurring liability for trespass. The costs of any such emergency action shall
be otherwise treated as specified in subsection € of this section.

G. Injunctive Relief: Nothing contained in this chapter shall be construed as preventing the city
from seeking and obtaining injunctive relief from the appropriate district court to enforce the
provisions of this chapter or any rules or regulations adopted pursuant hereto. (Ord. 3, Series of
2014) (Ord. 02, Series of 2020)

Section 30: Title 10, Chapter 8, Section 1.2(C) is amended to read as follows:

C. Permits Required. Prior to beginning work on a designated historic landmark or property in a
Historic District, the property owner shall consult with the Director and submit materials, when
deemed necessary, for a Certificate of Appropriateness, as outlined in Section 10-9-8.1, Certificate
of Appropriateness, or a Certificate of Demolition, as outlined in Section 10-9-8.2, Certificate of
Demolition. If a Certificate of Appropriateness or Certificate of Demolition is granted by the Board
HISTORICAL PRESERVATION COMMISSION, the applicant shall obtain all necessary permits
required by this and other city codes.

Section 31: Title 10, Chapter 8, Section 1.2(F) is amended to read as follows:

F. Owner Notification. Before the City Attorney files a complaint in municipal court for failure
to maintain a historic landmark or property in a Historic District, the Board HISTORICAL
PRESERVATION COMMISSION shall notify the owner, lessee, or occupant of the need to repair
or maintain, shall assist the owner, lessee, or occupant in determining how to preserve the property,
and give the owner a period of 90 days to perform such work. The Board COMMISSION may
grant an extension of the time period for good cause shown.

Section 32: Title 10, Chapter 8, Section 2.1(A) is amended to read as follows:

A. Purpose. The purpose of the Legacy Program is for staff to provide a resolution for approval of
the Historical Preservation Board COMMISSION and to develop objective criteria for inclusion
on a list of significant historic structures. Nothing in this program shall be construed to impose any
regulations or controls upon or to provide incentives or awards to a structure solely because it is
included in the Program.

Section 33: Title 10, Chapter 8, Section 4 is amended to read as follows:

ARTICLE 10-8-4: ALTERATIONS

Contents:

Section 10-8-4.1 Purpose
Section 10-8-4.2 Major and Minor Alterations Chart
Section 10-8-4.3 Exemption Criteria
Section 10-8-4.1 Purpose

Ensuring that proposed alterations to a Landmark or contributing property in a Historic District are appropriate is the responsibility of the property owner and the HPB HISTORICAL PRESERVATION COMMISSION. Refer to Section 10-9-8.1, Certificate of Appropriateness, for the criteria that must be followed for alterations, new construction, and relocation, and the procedure to which these standards apply.

Effective on: 10/28/2021

Section 10-8-4.2 Major and Minor Alterations Chart

A. Purpose. The Major and Minor Alterations Chart shall include types of alterations that an applicant may propose to a designated Landmark or contributing property in a Historic District, and shall note which alterations require staff level review and which require HPB HISTORICAL PRESERVATION COMMISSION review. Any approved alterations are subject to building permit review and compliance with adopted International Existing Building Code (IEBC) requirements.

B. Availability. The Director shall maintain a current chart on the city's webpage. The chart shall also be available to anyone who requests a copy.

C. Edits. Changes to the chart shall be made during regular HPB HISTORICAL PRESERVATION COMMISSION meetings. These changes shall be published in the HPB HISTORICAL PRESERVATION COMMISSION meeting minutes and on the city's website. Public comment on the proposed change(s) may be received during the initial HPB HISTORICAL PRESERVATION COMMISSION meeting, via email to staff, or at the subsequent HPB HISTORICAL PRESERVATION COMMISSION meeting. The HPB COMMISSION shall consider public comment when voting on proposed changes to the chart.

Section 10-8-4.3 Exemption Criteria

There may be cases when the owner requests an exemption from historic standards for work done on the historic resource. This Section explains when this may be the case and what factors may cause the Board to exempt a Certificate of Appropriateness. Some cases may include a request for a Certificate of Economic Hardship, as set out in Section 10-9-8.3, Certificate of Economic Hardship. To receive an exemption from the Certificate of Appropriateness requirements, an applicant shall prove their case using one or more of the following methods.

A. Economic Hardship.

1. Merit. The Board COMMISSION may solicit expert testimony and require the applicant to submit information before it makes a determination, which may include:
   a. An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the conditions of approval of a Certificate of Appropriateness.
b. A report from a licensed engineer or architect with experience in rehabilitation of historic properties as to the structural soundness of any buildings, structures, or objects on the property and their suitability for rehabilitation.

c. In the case of a proposed alteration, the cost of the project proposed by the applicant is compared with the changes required by the Board COMMISSION.

d. In the case of a proposed demolition, the estimated market value of the property in its current condition, after rehabilitation, and after demolition, in addition to actual project costs.

e. The amount paid for the property, the date of purchase or acquisition, and the party from whom the property was purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.

f. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

g. Any listing of the property for sale or rent, price asked, and any written offers received within the previous two years.

h. The actual or market value of the land and improvements according to the most recent assessment.

i. Real estate taxes for the previous two years.

j. Any proposal for a replacement building, structure, or object for the property and financial proof of the ability to complete the replacement project.

k. For an income-producing property, the annual gross income from the property and itemized operating and maintenance expenses for the previous two years.

2. Criteria. The following factors, evidence, and testimony shall be considered:

a. General Considerations.

1. The structural soundness of any buildings or structures on the property and their potential for rehabilitation.

2. The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition.

3. For investment or income-producing properties, the ability to obtain a reasonable rate of return on the property in its present condition, or in a rehabbed condition pursuant to the requirements of this Code.

4. For non-income-producing properties consisting of owner-occupied single-family dwellings and/or non-income-producing institutional properties not solely operating for profit, the ability to maintain or to convert the property to a residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of this Code, or the ability to transfer the property for a fair rate of return.

b. Economic Hardship. The consideration for economic hardship shall not include any of the following:

1. Willful or negligent acts by the owner, including a lack of property maintenance;

2. Purchase of the property for substantially more than its market value;

3. Failure to perform normal maintenance and that would amount to demolition by neglect;

4. Failure to diligently solicit and retain tenants;

5. Failure to prescribe a fair rental amount; or

6. Failure to provide normal tenant improvements.
B. Undue Hardship. An applicant requesting an exemption based on an undue hardship shall show that the criteria result in a situation that is substantially inadequate to meet the applicant’s specific health or safety needs.

C. Inability to Use.
   1. Waiver. Two years after denial of a demolition permit, if no feasible use or ownership is found for the designated structure or property, the owner may request a waiver of all or a portion of the criteria used to deny demolition.
   2. Testimony. The Board COMMISSION may solicit expert testimony and require that the applicant provide information before it makes a determination, which may include:
      a. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the owner(s) to make necessary repairs, to find a user or purchaser for the property.
      b. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the owner(s) to locate and obtain available assistance for making the property functional without demolition.
   3. Criteria. The following factors, evidence, and testimony shall be considered:
      a. Efforts to locate and secure a potential user or purchaser for the property.
      b. Efforts to locate and obtain available assistance for making the property functional without demolition.
      c. Consideration for the inability to use a structure or property shall not include:
         1. Willful or negligent acts by the owner;
         2. Purchase of the property for substantially more than its market value; or
         3. Failure to perform normal maintenance and repairs.

Section 34: Title 10, Chapter 8, Section 5.3 Notification is hereby amended to read as follows:

10-8-5.3 Notification. Before the City Attorney files a complaint in municipal court for failure to maintain a Landmark or contributing property within a Historic District, the city shall notify the owner, lessee, or occupant of the need to repair, maintain or restore the property; shall assist the owner, lessee, or occupant in determining how to preserve the property; and shall give the owner, lessee, or occupant a period of 90 days to perform their work. The Board COMMISSION may grant an extension of the time period for good cause shown.

Section 35: Title 10, Chapter 8, Section 6.2 Economic Incentives is hereby amended to read as follows:

Section 10-8-6.2 Economic Incentives
   A. Incentives. An owner of a property designated as a historic landmark may apply for incentives to restore or rehabilitate property. Additional incentives may include:
      1. Funds through the certified local government program;
      2. Matching funds available through local preservation organizations; or
3. State and national rebate and tax incentive programs available for historic properties.

B. Refund of City Taxes. The owner of a designated property may apply for a refund of certain ad valorem taxes which have been paid on a Landmark or property in a Historic District during the year of designation and for all subsequent years of designation. A refund requires that all maintenance and rehabilitation activities are completed and the property is maintained as required by this Code. The amount of refund shall be computed by multiplying the mill levy imposed for the current year on the assessed valuation of the designated property, as follows:

1. Designated Historic Landmark: 100%
2. Property within a Historic District: 50%
3. Downtown Historic District: Not applicable.

C. Downtown Historic District Grant Fund. Monies in this fund shall be established by the City Council, which may be granted to owners or tenants of properties within the Downtown Historic District or a designated Landmark used for commercial purposes. Grant funds shall be used for architectural design assistance, façade work, removal of graffiti, maintenance for signage, or other improvements. Applications shall be made to and granted by the Historical Preservation Board.

D. Other Incentives; Notice of Refunds. The Board shall attempt to identify and implement other economic incentives and notify owners of the opportunities available. The Board shall distribute public information informing citizens of the tax refund for historic buildings.

E. Other. Owners of properties within the Downtown Historic District are entitled to other exemptions for sales and use taxes as set out in the City Code.

Section 36: Title 10, Chapter 9, Section 1.3 of the Littleton City Code is hereby amended to read as follows:

Section 10-9-1.3 Board of Adjustment (“Board”) APPEALS AND ADJUSTMENT COMMISSION (“COMMISSION”)

A. Generally. The Board, established by the City Code, shall be referred to as the “Board.”

B. Powers and Duties. The Board shall have the authority to make final decisions on the development review procedures denoted in Section 10-9-3.9, Development Review Summary, in addition to those cited in Title 2, Boards and Commissions, Chapter 3, Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION, of the City Code.

C. Limited Authority. Nothing in this Section shall be construed to empower the Board to change the provisions of this Code, to effect changes in the Official Zoning Map, to add to the land uses permitted in any zone district, or to grant an extension or enlargement to that part of a structure or lot occupied by a nonconforming use.

Section 37: Title 10, Chapter 9, Section 1.5(B) of the Littleton City Code is hereby amended to read as follows:

Section 10-9-1.5 Community Development Director (“Director”)
B. Powers and Duties.

1. Development Review. The Director shall have the authority to make recommendations or final decisions on the development review applications denoted in Section 10-9-3.9, Development Review Summary.

2. Administration. The Director has authority to establish, amend, or revise application processes, procedures, and document format and submittal requirements as necessary without need for a public hearing. The Director shall be responsible for the general administration of activities necessary to implement this Code including, but not limited to, the following:

   a. Preparing application forms, ordinances, and administrative guidelines as necessary for the convenience of the public;

   b. Maintaining written records of all actions taken by the Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION, Planning Commission, and Historical Preservation Board COMMISSION authorized by this Code; and

   c. Recommending to the Council a schedule of fees for offsetting the reasonable costs of administering this title.

Section 38: Title 10, Chapter 9, Section 3.7 of the Littleton City Code is hereby amended to read as follows:

Section 10-9-3.7 Appeals of Application Decisions

A. Generally. Unless otherwise specified in this Code, an applicant may seek review of the decision in accordance with the procedures in this Section.

B. Appeals.

1. Appeal of a City Council (Council) Decision. Any decision of the Council on an appeal pursuant to this section is final and subject only to judicial review by the district court with jurisdiction as provided and in accordance with applicable law.

2. Appeal of a Historical Preservation Board (HPB-HPC) COMMISSION Decision. The applicant may appeal a denial or condition of a certificate of appropriateness or certificate of demolition to the Council within 15 days of such decision. If no appeal is filed within 15 days, the decision is final. If an appeal is filed, the Council shall hold a public hearing to consider the appeal after notice is provided in Section 10-9-3.5, Public Notice, of this Article. The Council shall consider the notice of appeal, HPB’S-HPC’S reasons for denial of or conditions on the application, comments made during the HPB-HPC hearing, and any evidence, including new evidence, it deems relevant to the application. The Council shall apply the same approval criteria the HPB-HPC used to make an independent and final determination. All other decisions of the HPB-HPC are final and may be appealed in accordance with Title 2 of this code.

3. Appeal of a Planning Commission (Commission) Decision. The applicant may appeal a denial or condition of a subdivision plat, conditional use, site plan, or master development plan to the Council within 15 days of such decision. If no appeal is filed within 15 days, the decision is final. If an appeal by the applicant is filed, the Council shall hold a public hearing to consider the appeal after notice is provided in Section 10-9-3.5, Public Notice, of this Article. The Council shall consider the notice of appeal, the Commission’s reasons for denial of or conditions on the
application, comments made during the Commission hearing, and any evidence, including new evidence, it deems relevant to the application. The Council shall apply the same approval criteria the Commission used to make an independent and final determination. All other decisions of the Commission are final and may be appealed in accordance with Title 2 of this code.

4. Appeal of a Board of Adjustment (BoA) APPEALS AND ADJUSTMENT COMMISSION (AAC) Decision. The applicant may appeal a denial or condition of a variance to the Council within 15 days of such decision. If no appeal is filed within 15 days, the decision is final. If an appeal is filed, the Council shall hold a public hearing to consider the appeal after notice is provided in Section 10-9-3.5, Public Notice, of this Article. The Council shall consider the notice of appeal, the BoA’s AAC’S reasons for denial of or conditions on the application, comments made during the BoA’s AAC’S hearing, and any evidence, including new evidence, it deems relevant to the application. The Council shall apply the same approval criteria the BoA AAC used to make an independent and final determination. All other decisions of the BoA AAC are final and may be appealed in accordance with Title 2 of this code.

Section 39: Title 10, Chapter 9, Section 3.9 is hereby amended to reflect that all references to HPB Historic Preservation Board shall mean Historic Preservation Commission, all references to BOA Board of Adjustment and BBoA Building Board of Appeals shall mean Appeals and Adjustment Commission.

Section 40: Title 10, Chapter 9, Section 8 Historic Preservation Application shall be amended to read as follows:

ARTICLE 10-9-8 HISTORIC PRESERVATION APPLICATIONS

Contents:

Section 10-9-8.1 Certificate of Appropriateness
Section 10-9-8.2 Certificate of Demolition
Section 10-9-8.3 Certificate of Economic Hardship
Section 10-9-8.4 Designation of Historic Landmarks and Districts
Section 10-9-8.1 Certificate of Appropriateness

A. Generally. This Section provides for the preservation of historic resources and establishes criteria for proposed alterations to designated landmarks and buildings in historic districts.

B. Applicability. Before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any designated landmark or property in a historic district (including non-contributing properties), the owner(s) shall submit the proposed work to the Director, as well as apply for any other permits, such as a Building Permit, required by the Code. This Section outlines the types of work that require a Certificate of Appropriateness, which shall be maintained in a chart, as described in Section 10-8-4.2, Major and Minor Alterations Chart, by the Director.

1. Major Changes. A Certificate of Appropriateness shall be obtained from the Historic Preservation Board COMMISSION (HPB HPC) for work to a historic landmark or a property in a historic district for major changes. Major changes to a designated landmark or a property in a designated historic district shall be obtained from the HPB HPC, which may include, but are not limited to:

a. Demolition of, relocation of, or addition to a principal structure;
b. New construction in a historic district;

c. Modification of or to the front or side façade of a principal structure, including chimneys, doors, stoops, and windows, or handrails on commercial structures; and

d. The demolition of existing or construction of new accessory structures.

2. Minor Alterations. A Certificate of Appropriateness shall be obtained from the Director for work to a historical landmark or a property in a historic district that is minimally visible or not visible from public rights-of-way. The Director shall also review alterations to the exterior of accessory buildings. The Director shall reserve the right to request the HPC review of the application if the Director believes the proposed work will have a significant visual impact from the public rights-of-way or will have a significant impact on the integrity of the historic structure.

3. Exempt Changes.

a. 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. Changes that do not require a Certificate of Appropriateness include, but are not limited to, in-kind replacement of materials, painting of previously painted surfaces, routine maintenance, placement of window well covers on basement windows, replacement of handrails or guardrails on residential structures, or the planting or replanting of the landscape.

b. A Certificate of Appropriateness shall not be required to restore to its existing condition any building damaged by fire, vandalism, flood, wind, or any other act of God. 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.

C. General Decision Criteria. A Certificate of Appropriateness may be approved, approved with conditions, or denied based on the following criteria.

1. Federal Standards. The proposed changes are in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings as adopted by the National Park Service;

2. Littleton Design Standards and Guidelines. The proposed changes are in compliance with the adopted design standards and guidelines documents, such as the Downtown Littleton Historic Preservation Design Guidelines, as outlined in the Design Requirements section on the city's Envision Littleton webpage;

3. Original Features. The proposed work preserves, rehabilitates, or reconstructs the original architectural features, and proposed new features are visually compatible with designated historic structure(s) located on the property in terms of design, finishes, material, scale, mass, and height;

4. Compatibility. If property is in a designated historic district, the proposed work is visually compatible with the development on abutting properties and those on the same block. The HPC shall consider characteristics such as setbacks and building scale;

5. Character, Interest, and Value. Aside from changes that do not require a Certificate of Appropriateness, as set out in paragraph B.3.a, above, the proposed work does not adversely affect the special character or historical, architectural, or aesthetic interest or value of a landmark or property in a historic district;

6. Color and Materials. The architectural style, arrangement, textures, paint colors especially if applied to brick or stone, and arrangement of colors and materials used on existing and proposed structures are compatible with the character of the existing landmark or property in a historic district; and
7. Exterior Features. The proposed work preserves, enhances, or restores, and does not damage or destroy the exterior architectural features of a historical landmark or property in a historic district.

D. Specific Criteria for the Relocation of a Historic Property.

1. General.

a. The HPB HPC may use the criteria of this Section in considering applications for Certificates of Appropriateness for relocating a historic property within or outside of a designated site or historic district or relocating a property into a historic district.

b. Applicants proposing to relocate a historic property shall provide:

1. A professionally prepared estimate of costs of continued maintenance of the property in its current condition, of rehabilitation of site, and of relocation and rehabilitation;

2. An engineer’s or architect’s report as to structural soundness;

3. A professionally prepared estimate of the property’s market value in its current location and current condition, of the market value of the property rehabilitated on its current site, and of the site after relocation of the property; and

4. Professionally prepared Site Plan and construction documents for the current site.

2. Criteria.

a. Historic Property. The following factors shall be considered for moving a historic property from its site:

1. Whether the Property can be preserved, restored, rehabilitated, or reused on its current site to provide for any reasonable, beneficial use of the property regardless of any proposed development plan for the property’s site or adjacent properties;

2. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the property proposed for relocation;

3. Whether the property can be relocated without significant damage to its physical Integrity; and

4. Whether plans are specifically defined for the site to be vacated and have been determined to meet all other city codes and ordinances.

b. New Location. The following factors shall be considered for moving the historic property to its new location:

1. Whether the historic property is compatible with its proposed site and adjacent properties; and if the receiving site is compatible in nature with the historic property proposed to be moved;

2. The historic property’s architectural Integrity and its consistency with the character of the neighborhood of the receiving site;

3. Whether the relocation of the historic property will diminish the integrity or character of the neighborhood of the receiving site; and

4. Whether a relocation plan has been submitted and approved by the city, including posting a bond, to ensure the safe relocation, preservation, and repair (if required) of the property and site preparation and infrastructure connections.

E. Procedures.

1. Application Submittal. The Director shall review any building permit application received to determine whether the property is a landmark or located in a historic district and if so, whether the applicant has completed review by the HPB HPC as required by this Section. A building permit shall not be issued after an application has been filed and proceedings are pending to designate a landmark or a property in a historic district.
2. Public Hearing. Within 45 days after an application is determined complete by the Director, or within a time frame agreed upon by the applicant and Director, a public hearing shall be held by the HPB HPC. Such public notice and hearing shall be conducted in conformance with the procedures set out in Section 10-9-3.6, Public Meetings and Hearings.

3. Decision.
   a. Notification. After the HPB HPC approves, approves with conditions, or denies an application, the applicant shall be notified of the result and the status of their Certificate of Appropriateness. If the HPB HPC denies the application, it shall include reasons for denial when notifying the applicant.
   b. Continuance. The HPB HPC may issue an order to continue the application process if the HPB HPC determines that additional information is necessary to make a decision. If a hearing session is held and a determination to continue is made, the time, date, and place of the continuation shall be established and announced to those present prior to adjournment of such session.
   c. Resubmittal. The applicant may resubmit an amended application or reapply for a building permit that accounts for the recommendations of the HPB HPC or appeal the denial or an application to the Council.

G. Effect. Approval of a Certificate of Appropriateness shall authorize the applicant to construct, reconstruct, alter, relocate, or demolish the building subject to the Certificate of Appropriateness. A Certificate of Appropriateness shall expire and be null and void if the activity for which the Certificate was issued is not commenced within one year of the date the Certificate was approved.

Section 10-9-8.2 Certificate of Demolition
   A. Generally. In addition to the criteria and procedures for reviewing alterations to a designated landmark or property within a designated historic district, the Historical Preservation Board COMMISSION (HPB HPC) shall use the criteria in this Section to consider applications for the demolition of a landmark and contributing properties in a historic district.
   B. Applicability. It shall be unlawful for any historical landmark or contributing property in a designated historic district to be wholly or partially demolished without having obtained a Certificate of Demolition. If a Certificate of Demolition is requested on any basis other than that of an imminent hazard or economic hardship, a Certificate shall not be issued until all criteria in this Section are met.
   C. Decision Criteria. The HPB HPC shall approve, approve with conditions, or deny a Certificate of Demolition based on findings as to whether the application satisfies the following criteria:
      1. Total Demolition.
         a. The structure proposed for demolition is not structurally sound;
         b. The structure cannot be rehabilitated or reused on-site to provide for any beneficial use of the property;
         c. The structure cannot be practically moved to another lot in Littleton;
         d. In the case of an archeological site, any archeological information can be recovered as part of the demolition process; and
         e. The applicant demonstrates that the proposal mitigates, to the greatest extent practical, the following:
1. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
2. Any impact on the historical importance of the remaining structure(s) on the property and adjacent properties; and
3. Any impact to the architectural integrity of the remaining structure(s) on the property and adjacent properties.

2. Partial Demolition.
a. Partial demolition is required for the preservation, restoration, or rehabilitation of the remainder of the historic property; and
b. The applicant demonstrates that the proposal mitigates, to the greatest extent practical, the following:
   1. Any impact on the historic significance of the building(s), structure(s), or objects located on the property and adjacent properties; and
   2. Any impact on the integrity of the building(s), structure(s), or object(s) located on the property and adjacent properties.

D. Procedure.
1. Public Hearing. Within 45 days after an application is determined complete by the Director, or within a time frame agreed upon by the applicant and Director, a public hearing shall be held by the HPC. Such public notice and hearing shall be conducted in conformance with the procedures set out in Section 10-9-3.6, Public Meetings and Hearings.
2. Decision.
a. Time Period. If an application is approved or approved with conditions by the HPC, a Certificate of Demolition shall be sent to the applicant, Director, Chief Building Official, and any person who has requested in writing to receive the same within 30 days. If approved with conditions, such conditions shall be stated in writing on the Certificate of Demolition.
   2. If the HPC denies an application, the denial of a Certificate of Demolition shall be sent, in writing, to the applicant, Director, Chief Building Official, and any person who has requested in writing to receive the same within 30 days. Such denial shall state the reasons for the denial and the procedures for appeal to the Council.
b. Continuance. The HPC may issue an order to continue the application process if the HPC determined that additional information is necessary to make a decision. If a hearing session is held, the time, date, and place of the continuation shall be established and announced to those present prior to the adjournment of such session.
c. Resubmittal. The applicant may resubmit an amended application or reapply for a building permit that accounts for the recommendations of the HPC or appeal the application denial to the Council.
3. Certificate of Appropriateness for Proposed Development. Applicants requesting a Certificate of Demolition for wholly or partially demolishing a designated historic building or structure shall also obtain a Certificate of Appropriateness for the proposed new development on the lot prior to the issuance of a Certificate of Demolition.
E. Effect. Approval of a Certificate of Demolition shall authorize the applicant to demolish the building or structure that is subject to the certificate. A Certificate of Demolition shall expire and
Section 10-9.8.3 Certificate of Economic Hardship

A. Generally. This Section provides means for an applicant to show that a denied Certificate of Appropriateness or Certificate of Demolition for a designated landmark or property in a historic district would result in an economic hardship.

B. Applicability. Following denial of a Certificate of Appropriateness or a Certificate of Demolition, the owner(s) may apply for a Certificate of Economic Hardship by submitting an application to the Historical Preservation Board COMMISSION. Economic hardship does not include self-created hardships, willful or negligent acts by the owner(s), purchase of the property for substantially more than the market value, failure to perform normal maintenance and repair, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

C. Decision Criteria. The HPB HPC may approve, approve with conditions, or deny a Certificate of Economic Hardship based on the following criteria:

1. No Beneficial Use. The property subject to an application for a Certificate of Economic Hardship cannot be put to any reasonably beneficial use; the owner(s) would suffer a substantial economic loss without the construction, reconstruction, alteration, relocation, or demolition; and the owner is not responsible for the hardship from which the owner is seeking relief;

2. Decrease in Value. There would be a substantial decrease in the fair market value of the property as a result of the denial of a Certificate of Appropriateness or Certificate of Demolition;

3. Decrease in Investment. There would be a substantial decrease in the financial return to the owner(s) of the property resulting from the denial of the Certificate of Appropriateness or Certificate of Demolition;

4. Structural Soundness. The structural soundness of any structure(s) on the property makes them not suitable for restoration or rehabilitation;

5. Economic Feasibility. Restoration, rehabilitation, or reuse of the existing structure or improvement is not economically feasible on the property in the case of a proposed demolition; and

6. Health and/or Safety Issues. A noneconomic hardship is considered when designation creates a situation substantially inadequate to meet the applicant's needs because of specific health or safety issues.

D. Procedures.

1. Public Hearing. Within 60 days after an application is determined complete by the Director, or within a time frame agreed upon by the applicant and Director, a public hearing shall be held by the HPB HPC. Such public notice and hearing shall be conducted in conformance with the procedures set out in Section 10-9-3.6, Public Meetings and Hearings. At the public hearing, the HPB HPC shall take testimony and other evidence presented by the owner and any other interested parties concerning the economic hardship that the owner would suffer without the proposed construction, reconstruction, alteration, relocation, or demolition being sought by the owner.

2. Evidence.

a. The owner shall submit evidence at the hearing to support the economic hardship which the owner alleges they would suffer if the Certificate of Appropriateness or Certificate of Demolition
is not issued. Specific information and documentation to be presented by the owner at the hearing shall include, but not necessarily be limited to, the following:

1. The amount paid for the property, the date of purchase, and party from whom the property was purchased, including a description of the relationship, if any, between the owner of record or applicant and the seller;

2. The annual gross and net income, if any, from the property for the previous three years; itemized operating and maintenance expenses for the previous three years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three years;

3. Remaining balance on any mortgage or other financing secured by the owner and the annual debt service, if any, during the previous three years;

4. Real estate taxes for the previous three years and the assessed value of the property according to the two most recent assessed valuations by the county assessor for the county in which the property is located;

5. All appraisals obtained within the previous three years by the owner in connection with the purchase, financing, or ownership of the property;

6. Any listings of the property for sale or lease, price asked, and offers received, if any, within the previous two years;

7. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

8. An estimate of the cost of the proposed construction, reconstruction, alteration, relocation, or demolition, and an estimate of any additional cost that would be incurred to rehabilitate or renovate the existing property for continued use;

9. An estimated market value of the property in its current condition, after completion of the demolition and proposed new construction, and after renovation of the existing property for continued use;

10. Testimony of an architect, developer, real estate consultant, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property; and

11. Economic incentives and funding available through federal, state, city, or private programs.

b. The owner/applicant's purchase of the property without making the purchase contingent upon the owner obtaining necessary HPB HPC approvals under this Code shall create a rebuttable presumption that the owner is responsible for the economic hardship if any.

3. HPB HPC Decision.

a. Approval. If the HPB HPC finds that the owner has established a demonstrable economic hardship as a result of the denial of a Certificate of Appropriateness or Certificate of Demolition, the HPB HPC shall issue a Certificate of Economic Hardship. In this case, the HPB HPC shall also issue the Certificate of Appropriateness or Certificate of Demolition according to the procedures set out in Section 10-9-8.1, Certificate of Appropriateness, or Section 10-9-8.2, Certificate of Demolition. A Certificate of Economic Hardship shall be granted only to the owner(s) at the time the Certificate was issued. A Certificate of Economic Hardship shall not be transferable.
b. Denial. If the HPC finds that the owner has not established a demonstrable economic hardship as a result of the denial of a Certificate of Appropriateness or Certificate of Demolition, the HPC shall deny the Certificate of Economic Hardship.

c. Notification of Decision.

1. If an application is approved or approved with conditions by the HPC, a Certificate of Economic Hardship shall be sent to the applicant. If approved with conditions, such conditions shall be stated in writing in the Certificate of Economic Hardship.

2. If the HPC denies the application, the denial of the Certificate of Economic Hardship shall be sent to the applicant and shall state the reasons for the denial and the procedures for appeal to the Council.

d. Resubmittal. The applicant may resubmit an amended application or reapply for a building permit that accounts for the recommendations of the HPC or appeal the application denial to the Council.

e. Continuance. The HPC may also issue an order to continue the application process if the HPC determined that additional information is necessary to make a decision. If a hearing session is held, the time, date, and place of the continuation shall be established and announced to those present prior to adjournment of such session.

E. Effect. Approval of a Certificate of Economic Hardship shall authorize the applicant to undertake the activity proposed in the request for a Certificate of Appropriateness or Certificate of Demolition.

Section 10-9-8.4 Designation of Historic Landmarks and Districts

A. Generally. This Section allows for the application of any persons to designate a historic landmark or district.

B. Applicability. Any property may be considered for designation as a landmark, and any geographically defined area may be considered for designation as a local historic district.

C. Decision Criteria. The HPC may recommend approval, approval with conditions, or denial of Designation of Historic Landmarks and districts based on the following criteria:

1. Consensual Designation. If the owner(s) of property, or a majority of properties in a proposed historic district consent to the designation, a recommendation shall be based on the following considerations:
   a. It has value as a reminder of the cultural or archeological heritage of the nation, state, or city;
   b. The location is a site of a significant national, state, or local event;
   c. It identifies with a person or persons who significantly contributed to the development of the nation, state, or city;
   d. It identifies as the work of a master builder, designer, or architect whose individual work has influenced the development of the nation, state, or city;
   e. It has value as a building that is recognized for the quality of its architecture, and that retains sufficient elements showing architectural significance;
   f. It displays characteristics of an architectural style of a period;
   g. It has character as a geographically definable area possessing a significant concentration of sites, buildings, objects, or structures united by architectural style, by a plan, or by physical development; and
h. It has character as an established and geographically definable neighborhood united by culture or past events.

2. Non-Consensual Designation. If the owner or owners of the property, or owners of a majority of the properties in a proposed historic district nominated for designation do not consent to the designation, the HPB HPC may recommend and Council may designate a historic landmark or district without owner consent if it is shown that the property or district meets the criteria in C.1, above, and has overwhelming historic importance to the entire community. The term "overwhelming significance" shall, for purposes of this Section, mean that the property or district:

a. Possesses such unusual or uncommon significance that the structure's or district's potential demolition or major alteration would diminish the character and sense of place; or

b. Possesses superior or outstanding examples of the architectural, social, or geographic historic significance criteria outlined in the standards and criteria. The term "superior" shall mean excellence of its kind and the term "outstanding" shall mean marked by eminence and distinction.

D. Procedures.

1. Nomination and Application. When a property is found to have the potential for designation to the Littleton Historic Register, an application shall be filed.

a. A nomination for listing in the Littleton Historic Register may be made by:

1. Owner(s) of a property or properties to be designated;

2. A member or members of the HPB HPC;

3. A member or members of the Council; and/or

4. Non-owners of a property or properties to be designated, in which case the applicant shall be a resident, owner of property, or have a place of business in the city.

b. For landmark designation, where nominated by someone other than the owner(s), the Director or a member of the HPB HPC shall contact the owner(s) of such property or properties nominated for designation, outlining the reasons and effects of a listing in the Littleton Historic Register.

c. For historic district designation, the application for designation must include consent from a minimum of 25 percent of the property owners within the proposed district. Prior to scheduling the designation hearing for the proposed historic district, the applicant must submit written consent to the establishment of the district from a minimum of 51 percent of the property owners within the district. Note that each property shall only be given one vote, and if one person owns more than one property within the proposed district, they are limited to one vote.

d. Applications shall not be processed until complete. Incomplete applications shall be returned to the applicant with a request for additional information.

2. Designation Hearing.

a. Between 30 and 60 days after an application is deemed complete, or within a time frame agreed upon by the applicant and Director, a public hearing shall be held by the HPB HPC.

1. At least 10 days prior to the hearing, the Director shall provide notice of the date, time, and location of the public hearing to the applicant; the owner(s) of record; the owners of adjacent properties; and, if known, to other persons having a legal or equitable interest in the properties or district nominated for designation.

2. At least 10 days prior to the hearing, a legal notice indicating the nature of the hearing; the property involved; and the time, date, and place of the scheduled public hearing shall be published in the city’s publication of record.
3. The notice shall be posted at the property’s physical location at least 10 days prior to the hearing. In the case of a historic district, multiple signs shall be posted at appropriate locations serving as boundaries of the proposed district.

b. At least five of seven members of the HPB HPC shall be present at the hearing in order to establish a quorum. In the event of vacancies on the HPB HPC, then two-thirds of HPB HPC members shall constitute a quorum. If a quorum is missing, the Chairperson of the HPB HPC may set a new date for a special hearing or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date.

c. A hearing may be continued if the time, date, and place of the continuation are established and announced to those present when the current session is adjourned.

d. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation. However, nothing contained in this Code shall be construed to prevent the HPB HPC from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.

e. Transcripts of hearings are not required; however, the HPB HPC’s records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an owner or holder of some interest in the property or district nominated for designation, or represents such owner or holder; and a summary of each statement, including the speaker's interest in the property or district. Written reports and presentations shall be incorporated into the record of the hearing.

3. HPB HPC Review.

a. The HPB HPC shall review the application for conformance with the criteria for designation and with the purposes of this Code.

1. Prior to the hearing, the Director shall review the proposed designation and provide the following information to the HPB HPC with respect to:

i. Its consistency with the goals and policies of the Comprehensive Plan;

ii. The proposed landmark or historic district's significance and criteria, as defined in Section 10-8-3.2, Criteria;

iii. For a proposed historic district, the suggested period of significance and list of contributing and non-contributing properties within the district;

iv. Other planning considerations as may be relevant to the proposed designation; and

v. Public comments received regarding the proposed designation.

2. The Director shall provide written comments and recommendations regarding the proposed designation to the HPB HPC before the hearing according to the timing of the general packet submittal.

b. The HPB HPC may recommend approval, approval with conditions, or denial or issue an order to continue the nomination process.

1. The HPB HPC shall notify, in writing, the Council and applicant of their recommendation, including how the application meets the criteria for historic significance and integrity as described in Section 10-8-3.2, Criteria. If the recommendation was to approve with conditions, the notification shall include suggested changes such as, but not limited to, suggesting changes to the period of significance of a proposed historic district or the contributing and non-contributing features on a proposed historic property. If the HPB HPC recommends denial of the application, the written notification shall state the reasons for the denial.
2. The HPB HPC may issue an order continuing the nomination process if the HPB HPC finds that additional information is necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is adjourned. In no case shall a hearing be continued more than 30 days without the expressed consent of the applicant.

   a. After receipt of recommendation from the HPB HPC, the Council shall hold a public hearing to consider adopting, by ordinance, the property, properties, or historic district properties qualifying for designation.
   b. The Council shall review the application for conformance with this Code and CHAPTER 8, Historic Preservation.
   c. The Council shall, by ordinance, approve, approve with conditions, or deny the proposed application for designation and shall issue written findings based on the HPB HPC’S recommendations.
   d. The Director shall provide a copy of the results of the Council’s final action to the applicant(s).

5. Recording of Designation. Within 30 days of the effective date of an ordinance designating a historic landmark or a historic district for preservation, the Director shall record the ordinance with the office of the County Clerk and Recorder.

6. Records. The Director shall maintain a current record of:
   a. Pending proposed designations;
   b. Designated historic districts and a list of contributing and non-contributing properties within the historic district; and
   c. Designated landmarks.

7. Limitation on Resubmission and Reconsideration of a Proposed Designation. Whenever Council denies a proposed designation, an application that is the same or substantially the same shall not be submitted for at least one year from the effective date of the final action on the denied application, unless the denial was based on a request for additional information.

8. Amendment of Designation.
   a. Designation of a historic property as a landmark or a series of properties as a historic district may be amended to add contributing and non-contributing features to or remove them from a historic property designation, or to add properties to or remove them from a historic district under the procedures of this Section.
   b. Upon the HPB HPC’S recommendation to amend a designation, the HPB HPC shall promptly notify the owner(s) of the historic property or in a historic district. The Director shall prepare a resolution, including the legal description of the affected historic property or historic district stating notice of the amendment, and schedule the resolution for Council review. Upon Council adoption, the resolution shall be recorded.

   a. If a historic landmark or historic district has been altered to a degree that it no longer retains its historic integrity, the owner of the landmark or owners of the historic district may apply to the HPB HPC for a revocation of the designation, or the HPB HPC may recommend revocation of the designation to the Council in the absence of the owner’s application to do so. The revocation application shall be reviewed under the same procedures described in this Section.
b. Upon the HPB HPC’S decision to recommend revocation of a designation, the owner(s) of the historic landmark or of all properties in the historic district shall be notified in writing. The Director shall cause an ordinance revoking the designation to be prepared, which shall include the legal description of the affected historic landmark or historic district and shall schedule the ordinance for Council review. Upon adoption by the Council, the ordinance shall be recorded.

E. Effect. Approval of a designated historic landmark or district shall authorize the filing and processing of an application for any required permits or approvals including, but not limited to, a Certificate of Appropriateness or Certificate of Demolition. Approval shall not authorize the establishment or extension of any use nor the construction, reconstruction, alteration, relocation, or demolition of any building or structure.

Section 41: Title 10, Chapter 9, Section 9.2(A)(6) is hereby amended to read as follows:

6. Appeals of administrative decisions related to waivers or variances shall be heard by the Board of Adjustment APPEALS AND ADJUSTMENT COMMISSION.

Section 42: Title 10, Chapter 12 Word Usage is hereby amended as follows:

Historical Preservation Board COMMISSION means the group of people tasked with advising staff and City Council on any requests for alterations to, additions to, relocation of, or demolition of a historic resource, often a landmark or contributing property within a historic district. The Board COMMISSION is also responsible for evaluating the eligibility of potential historic resources, conducting surveys, assisting in public education efforts regarding historic resources, and making recommendations regarding design standards and guidelines for historic resources.

Effective on: 10/28/2021

Section 43: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The city council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 44: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 16th day of January, 2024, passed on first reading by a vote of _6 FOR and _0_ AGAINST; and ordered published by posting at Littleton Center, Bemis Library,
Ordinance No. 02
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the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 6th day of February, 2024, 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 7 FOR and 0 AGAINST on the 6th day of February, 2024 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Colleen L. Norton
CITY CLERK

Kyle Schlachter
MAYOR

Reid Betzing
CITY ATTORNEY