CITY OF LITTLETON, COLORADO

ORDINANCE NO. 22

Series, 2026

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR DATA CENTERS AND DIRECTING STAFF TO STUDY AND RECOMMEND LAND USE REGULATIONS FOR DATA CENTERS

WHEREAS, the City of Littleton is a home rule municipality organized and existing pursuant to Article XX of the Colorado Constitution and the Charter of the City of Littleton, and has broad authority to regulate the use of land within its boundaries to protect the public health, safety, and welfare; and

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.*, and C.R.S. § 31-23-301 *et seq.*, further authorize the City to plan for and regulate the use of land, and the Colorado Supreme Court has recognized that a temporary moratorium is a legitimate tool for preserving the status quo while a local government studies and adopts appropriate land use regulations, *Droste v. Board of County Commissioners of Pitkin County*, 159 P.3d 601 (Colo. 2007); and

WHEREAS, data centers are facilities used primarily to house computer servers, data storage, networking equipment, and the power and cooling infrastructure that supports them, and demand for such facilities has grown rapidly nationwide and in the Denver metropolitan area, driven in large part by cloud computing and artificial intelligence; and

WHEREAS, data centers can require large and continuous amounts of electricity, which may necessitate new generation, transmission, and distribution infrastructure and may affect grid reliability and utility costs for Littleton residents and businesses; and

WHEREAS, many data centers use water-intensive cooling systems, and the City must evaluate how such demand could affect local and regional water supplies, particularly in light of Colorado's semi-arid climate and recurring drought conditions; and

WHEREAS, data centers may also generate continuous noise from cooling equipment, air emissions from on-site backup generators, and large building footprints with relatively few employees and little pedestrian activity, all of which may be incompatible with nearby residential neighborhoods and with the goals of the City's Comprehensive Plan; and

WHEREAS, the City's Unified Land Use Code does not currently define data centers as a distinct land use or contain standards tailored to address their unique impacts, and such facilities could potentially be established in certain zone districts under broader use categories; and

WHEREAS, if applications for data centers are submitted and approved under existing regulations before the City has studied these impacts and adopted appropriate standards, the City's ability to plan for and mitigate those impacts could be undermined, and applications submitted while this ordinance is under consideration could defeat its purpose; and

WHEREAS, a temporary moratorium of reasonable duration will allow City staff to study the impacts of data centers, allow the Planning Commission and City Council to consider appropriate amendments to the Unified Land Use Code, and allow the public to participate in that process; and

WHEREAS, the City Council finds that the moratorium established by this ordinance is reasonable in scope and duration, is necessary for the preservation of the public health, safety, and welfare, and is not intended to permanently prohibit data centers within the City.

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

Section 1: Findings. The City Council hereby adopts and incorporates the foregoing recitals as findings of the City Council.

Section 2: Definition. For purposes of this ordinance, "data center" means a building, group of buildings, or portion of a building whose primary use is to house computer servers, data storage, and related networking, power, and cooling equipment that store, process, or transmit data for off-site users, including without limitation colocation facilities, cloud computing facilities, and cryptocurrency mining operations. The term does not include server rooms, information technology closets, or similar equipment that is accessory to and primarily serves a principal use located on the same property.

Section 3: Moratorium Established. A temporary moratorium is hereby established on the establishment, construction, and expansion of data centers within the City of Littleton. During the moratorium, the City shall not accept, process, or approve any application for rezoning, site development plan, subdivision, use approval, building permit, or any other land use or development approval for the establishment, construction, or expansion of a data center.

Section 4: Exceptions. The moratorium shall not apply to:

(a) Accessory server rooms or equipment that do not meet the definition of a data center in Section 2;

(b) Any application for a land use or development approval that the City determined to be complete prior to the date this ordinance was introduced on first reading;

(c) Any site-specific development plan for which vested property rights have been established pursuant to C.R.S. § 24-68-101 *et seq.*; or

(d) The ordinary repair or maintenance of an existing data center that does not increase its floor area, electrical capacity, or water demand.

Section 5: Duration. The moratorium shall remain in effect for six (6) months from the effective date of this ordinance, or until the effective date of an ordinance amending the Unified Land Use Code to regulate data centers, whichever occurs first, unless extended or terminated earlier by ordinance of the City Council.

Section 6: Direction to Staff. The City Council directs the City Manager and the Community Development Department to study the land use, energy, water, noise, air quality, infrastructure, fiscal, and economic impacts of data centers; to coordinate as appropriate with applicable electric and water utility providers; and to prepare proposed amendments to the Unified Land Use Code addressing the definition, permitted locations, and development standards for data centers for consideration by the Planning Commission and City Council prior to the expiration of the moratorium.

Section 7: Relief from Undue Hardship. Any property owner or applicant who believes that the moratorium imposes an undue hardship or deprives the owner of all reasonable use of their property may submit a written request for relief to the City Manager, who shall forward the request to City Council for consideration at a public meeting. In deciding the request, City Council may grant, grant with conditions, or deny relief based on the purposes of this ordinance and the evidence presented.

Section 8: 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 9: 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.

Section 10: Effective Date. This ordinance shall take effect as provided in the Charter of the City of Littleton.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 20th day of October, 2026, passed on first reading by a vote of ___ FOR and ___ AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 3rd day of November, 2026, 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 ___ FOR and ___ AGAINST on the ___ day of _____, 2026 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

APPROVED AS TO FORM:

_____
Reid Betzing
CITY ATTORNEY