

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2015-O-32

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE
MUNICIPAL CODE, THE LAND DEVELOPMENT CODE, TO PERMIT
ALCOHOLIC BEVERAGE SALES, AS DEFINED, AS A LIMITED USE
IN ALL COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS**

WHEREAS, pursuant to Article 23, Title 31 of the Colorado Revised Statutes, the City of Centennial (“City”) has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City Council has adopted the 2011 Land Development Code (“LDC”) by enactment of Ordinance No. 2010-O-13 and Ordinance No. 2011-O-14; and

WHEREAS, the LDC is codified as Chapter 12 of the Centennial Municipal Code; and

WHEREAS, through the implementation of the LDC, the City staff has identified the need for additional changes to the Municipal Code and to the LDC in the nature of clean-up revisions related to the definition and allowance of alcoholic beverage sales land uses; and

WHEREAS, at a duly noticed public hearing, the City of Centennial Planning and Zoning Commission recommended the proposed changes to the LDC as set forth in this Ordinance to the City Council for approval; and

WHEREAS, as required by the LDC, the public hearings before the Planning and Zoning Commission and City Council were properly noticed, including publication in *The Villager*; and

WHEREAS, the City Council has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety and welfare of the residents of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, ORDAINS:**

Section 1. The foregoing recitals are affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. The definition of “Alcoholic Beverage Sales” as set forth in Division 16-2 of Article 16 of the LDC, *General Definitions*, shall be amended to include breweries, wineries, distilleries and beer gardens within the definition and shall read in full as follows:

Alcoholic Beverage Sales means:

1. The retail sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption but not to include restaurants as defined and regulated elsewhere in this Code; or
2. A brewery (with or without on-premises consumption), where:
 - a. Annualized production does not exceed 3,200 barrels of beer per year; and
 - b. A minimum of 25 percent of production is sold on-site; or
3. A winery (with or without on-premises consumption), where:
 - a. Annualized production does not exceed 5,000 cases of wine per year; and
 - b. A minimum of 25 percent of production is sold on-site; or
4. A distillery (with or without on-premises consumption), where:
 - a. Annualized production does not exceed 50,000 proof gallons of spirit per year; and
 - b. A minimum of 25 percent of production is sold on-site; or
5. A beer garden (an open air, roofed or unroofed area adjacent to or accessory to a building or structure where beer and other alcoholic beverages are served or consumed).

Section 3. Table 12-2-303 of the LDC, *Commercial, Recreation, and Amusement Uses*, is amended to classify Alcoholic Beverage Sales as a Limited Use in all commercial and industrial zone districts, to read in full as follows:

Table 12-2-303 Commercial, Recreation, and Amusement Uses														
P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only; L = Limited Use; C = Conditional Use; - = Prohibited Use														
Land Use	Zoning District													Additional Standards
	AG	RS		RU		M	CG	AC	UC	BP	I	ED	OSR	
Commercial Uses														
Agricultural Support and Other Rural Services	P	-	-	-	-	-	-	-	-	-	-	-	-	NA
Alcoholic Beverage Sales	-	-	T	T	-	-	L	L	L	L	L	-	-	Sec. 12-2-408
Bed and Breakfast	P	-	T	T	-	-	P	P	-	-	-	-	-	NA
Commercial Lodging	-	-	-	-	-	-	P	P	P	P	-	-	-	
Commercial Retail	-	-	T	T	-	-	P ¹	P ¹	P ¹	L ¹	L ¹	-	-	Sec. 12-2-408
24-Hour Commercial Retail	-	-	-	-	-	-	C	C	C	C	C	-	-	
Heavy Retail	-	-	-	-	-	-	L	-	-	-	L	-	-	
Kennel	P	-	-	-	-	-	L	-	-	-	P	-	-	
Light Automobile Service / Gas Station	-	-	-	-	-	-	L	-	-	L	L	-	-	
Mixed-Use	-	-	T	T	-	-	L	P	P	-	-	-	-	

Table 12-2-303 Commercial, Recreation, and Amusement Uses														
P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only; L = Limited Use; C = Conditional Use; - = Prohibited Use														
Land Use	Zoning District												Additional Standards	
	AG	RS		RU		M	CG	AC	UC	BP	I	ED		OSR
Office	-	-	T	T	-	-	P	P	P	P	L	-	-	NA
Restaurant; No Drive-In or Drive-Through	-	-	T	T	-	-	P	P	P	P	L	-	-	
Restaurant; Drive-In or Drive-Through	-	-	-	-	-	-	L	-	-	L	L	-	-	
24-Hour Restaurant, No Drive-In or Drive-Through	-	-	-	-	-	-	C	C	C	C	C	-	-	
24-Hour Restaurant, Drive-In or Drive-Through	-	-	-	-	-	-	C	-	-	C	C	-	-	
Services, Commercial and Personal	-	-	T	T	-	-	P	P	P	P	-	-	-	
Vehicle Sales, Rental, and Service	-	-	-	-	-	-	L	L	L	L	L	-	-	
Vehicle Wash	-	-	-	-	-	-	L	-	-	L	L	-	-	NA
Veterinarian (Dogs, Cats, Exotic Pets)	P	-	T	T	-	-	P	P	-	P	-	-	-	
Recreation and Amusement Uses														
Commercial Amusement, Indoor	-	-	T	T	-	-	P	P	P	P	L	-	-	Sec. 12-2-409
Commercial Amusement, Outdoor	-	-	-	-	-	-	L	-	-	C	-	-	L	
Recreation, Indoor	-	L	T/L	T/L	L	L	P	P	P	P	L	L	-	
Recreation, Outdoor	P	P	P	P	C	C	L	L	L	P	-	L	L	
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	L	-	-	Sec. 12-2-410
TABLE NOTE:														
1 Convenience stores are a limited use ("L"). See Section 12-2-408, <i>Commercial Uses</i> , for standards.														

Section 4. Section 12-2-408, *Commercial Uses*, is amended to include and insert a new subsection (B), adopting Limited Use standards related to Alcoholic Beverage Sales land uses, to read in full as follows. Current subsection (B) and all succeeding subsections of Section 12-2-408 shall be renumbered sequentially, starting with subsection (C) through subsection (M).

B. Alcoholic Beverage Sales.

1. Alcoholic beverage sales uses are permitted in the AC, CG, and UC districts if it is demonstrated that:
 - a. The alcoholic beverage sales use provides adequate on-site parking. A commercial retail liquor store shall provide parking for a retail land use. A tasting room or beer garden shall provide parking for an alcoholic beverage sales (bar) land use. All other office, manufacturing or storage areas related to the alcoholic beverage sales use shall provide parking for the applicable office, light industry or wholesale area; and
 - b. For breweries, wineries and distilleries, on-site production is limited to:
 - i. Breweries: 3,200 barrels of beer per year;
 - ii. Wineries: 5,000 cases of wine per year; or
 - iii. Distilleries: 50,000 proof gallons of spirit per year.

All other breweries, wineries or distilleries with annualized production in excess of the abovementioned levels shall be classified as a light-industry

and wholesale land use, and subject to the standards set forth in Sec. 12-2-415; and

- c. A minimum of 25 percent of production is sold on-site.
2. Alcoholic beverage sales uses are permitted in the BP and I districts if it is demonstrated that:
 - a. The alcoholic beverage sales use meets all of the criteria in subsection B.1 (above); and
 - b. The alcoholic beverage sales use does not propose a commercial retail store that sells liquor or fermented malt beverages (sales intended for off-site consumption), unless the store principally sells items manufactured on-site (e.g., distillery selling spirits at the factory).

Section 5. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 7. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 7th DAY OF DECEMBER, 2015.

CITY OF CENTENNIAL

By: Cathy A. Noon
Cathy A. Noon, Mayor


Approved as to Form

[Signature]
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of December 7, 2015 and ordered published one time by title only in *The Villager* newspaper on December 10, 2015, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

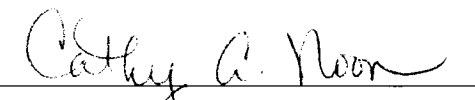
SEAL

ATTEST:

By: 
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 14th DAY OF December, 2015, BY A VOTE OF 9 IN FAVOR AND 0 AGAINST.

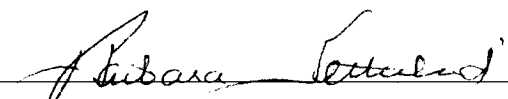
CITY OF CENTENNIAL

By: 
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of December 14, 2015, and ordered published by title only, one time by *The Villager* newspaper on December 17, 2015 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: 
City Clerk or Deputy City Clerk