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Chapter 1—Zoning Regulations

Part 4800

~~Landscape Design Standards~~

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~~Section 11.1.4801 Intent~~

~~To provide landscape standards which visually enhance developments and provide a more compatible and aesthetic atmosphere. Landscaping will improve the livability of residential neighborhoods, enhance the appearance and customer draw of commercial areas, buffer land uses, improve compatibility of adjacent land uses, increase property value, screen undesirable views and contribute to the image and appeal of the overall community. Sensitive site design ensures that a reasonable balance is struck between the rights of the individual to develop and maintain their property and the rights of the community to live, work, shop and recreate in a pleasant and attractive surrounding.~~

~~Section 11.1.4802 Applicability~~

~~These landscape standards apply to all development included in a Final Development Plans, Administrative Site Plans, Use by Special Review applications, or Subdivision Development Plan. However, general landscape criteria are established with the PDP. All open space shall be landscaped. Individual lots within a single family detached (SFD) development are excluded from these landscaping requirements as well as any development in the A 2, A 1, R-A, A E and R-1 zone districts. Landscaping requirements shall apply within residential developments for landscape tracts, parks, perimeter buffers or other areas as determined by these Regulations.~~

~~Section 11.1.4803 General Information~~

~~A. Landscaping is the treatment of pervious surfaces with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, vines and other horticultural materials. The plan may include other decorative surfacing such as wood chips, crushed stone or other mulch materials.~~

- ~~B. Where there is significant existing vegetation on site, staff may require an inventory of plant material. Existing trees shall be saved on the property unless otherwise approved through the review process.~~
- ~~C. Xeriscape plant materials are strongly encouraged. All landscape material shall be in compliance with the standards of the American Association of Nurserymen. All plant material shall have a habit of growth that is normal for the species and shall be of sound health, vigorous growth, and free from insect pests, diseases and injuries. All plants shall equal or exceed the measurements specified on the plan.~~
- ~~D. All planting materials and methods must be approved by the City of Centennial's designated Weed Control Inspector. Weed control methods may need to be employed prior to construction and/or the installation of the landscape plan.~~
- ~~E. The use of weed free seed, gravel or fill dirt is required as approved by the City of Centennial's designated Weed Control Inspector. The use of competitive grasses, shrubs or trees that provide sufficient ground cover may be required where weed problems already occur or may occur in the future. Plant species that appear on the Colorado State Noxious Weed lists are unacceptable for use in proposed landscaping.~~
- ~~F. The open space and landscape requirements stated herein are in addition to any public land dedication requirements, unless otherwise determined by the City Council.~~

~~Section 11.1.4804 Areas to be Landscaped~~

~~Landscaping for private and public parks shall comply with Section 11.1.4800 herein.~~

- ~~A. All portions of a site not occupied by structures, water bodies, streets, roads, driveways, sidewalks, plazas, patios, parking areas and other vehicle use areas are required to be landscaped in accordance with these standards unless excluded in Section 11.1.4800 above.~~
- ~~B. For undeveloped areas with natural vegetation, up to 50 percent (50%) of the natural area may be allowed to count toward the minimum requirement, as determined by the Land Use Services Department Director. The percentage of these areas eligible to partially satisfy the minimum requirement will be determined based upon its effectiveness to function as a buffer and enhance the visual and natural attributes of the site.~~
- ~~C. All development sites, excluding single family detached development, shall feature landscape areas along the front, sides and rear property lines.~~
- ~~D. A 20-foot landscape buffer is required where non-residential development abuts residential development.~~

~~E. Drainage easements and detention ponds shall be included as landscaped areas upon approval by the Land Use Services Department. Detention ponds with earthen walls and a maximum 4:1 slopes shall be considered but other design solutions shall require Land Use Services Department approval for credit to the requirements. Any landscaping materials planted in a drainage easement in addition to ground cover shall be approved by the Land Use Services Department.~~

~~Section 11.1.4805 Areas That Do Not Qualify as Landscaping~~

- ~~A. Paved portions of parking lots, open air showrooms, outdoor display areas, roads or service areas at, above or below ground level.~~
- ~~B. The portion of pedestrian and/or bike paths as well as sidewalks that are crossed by motor vehicle circulation routes.~~
- ~~C. Paved medians including concrete, asphalt, brick, decorative pavers, etc. (See Streetscape Guidelines in Section 11.2A.300 herein)~~
- ~~D. Public rights of way shall be excluded only when planned for future widening per City standards.~~

~~Section 11.1.4806 Landscaping Requirements~~

- ~~A. Within a required landscaped area for residential development, the following ratios apply for single family detached, single family attached and multifamily development:
 - ~~1. Lots 3,999 square feet to 5,000 square feet as an average lot size require one (1) tree and ten (10) shrubs or an acceptable combination of trees and shrubs per 2,000 square feet of landscaped area.~~
 - ~~2. Lots 4,999 square feet or less as an average require one (1) tree and ten (10) shrubs per 1,000 square feet of landscaped area.~~~~
- ~~B. These ratios of trees and shrubs may include an acceptable combination of trees and shrubs for the area required to be landscaped. A determination for landscape ratios will be made on a case by case basis for landscape tracts (including rights of way) within filings that include residential development with mixed densities based upon the location and use of the tract.~~
- ~~C. Within a required landscaped area for commercial, industrial and business development, the following ratios apply:
 - ~~One (1) tree and ten (10) shrubs or an acceptable combination of trees and shrubs for every 1,000 square feet of landscaped area.~~~~

- ~~D. Proposed open space quantities above the minimum requirements (per Section 11.1.4900 of this Land Development Code) shall be excluded from the requirements of 11.1.4806.A and 11.1.4806.C listed above. Landscaping may be required based upon the intent of these Regulations and will be reviewed on a case by case basis by the Land Use Services Department.~~
- ~~E. All required landscaped areas shall be served by a functioning automatic irrigation system unless otherwise approved by the Land Use Services Department.~~
- ~~F. Minimum requirements stated herein may be modified based upon the proposed use, design of adjacent uses, and overall impact and scale of the project.~~
- ~~G. The landscaping materials shall be distributed throughout the landscaped areas in order to avoid over massing of plant materials or obstructing views determined important through the development review process. Trees and shrubs shall be configured in appropriate groupings.~~
- ~~H. Any landscaping around a fire hydrant shall be placed such that a three foot clear space is maintained at all times.~~
- ~~I. Landscaping shall be protected from vehicles by the placement of wheel stops, curbs or other acceptable means.~~
- ~~J. Temporary irrigation methods shall be required when native seed mixes or other low water plantings are utilized requiring temporary irrigation.~~

~~Section 11.1.4807 Plant Specifications~~

The following minimum sizes apply wherever landscaping is required:

PLANT SPECIFICATIONS	
Trees	Minimum Size
Deciduous Trees*	2.0 Inch Caliper
Ornamental Trees	1.5 Inch Caliper
Coniferous Trees	8' Height adjacent to public R-O-W 6' Height in other locations
Shrubs	5 Gallon container
Vines	1 Gallon Container
Groundcover	No minimum size; spacing shall provide 80% groundplane coverage within 2 years.

~~*Russian Olive trees are prohibited on landscaping plan.~~

~~Section 11.1.4808 Landscape Plan~~

~~The landscape plan shall be prepared at a scale that allows for maximum clarity of the proposal and must be approved by the staff planner. The landscape plan is one or more sheets including the FDP, ASP, SDP or USR document.~~

- ~~A. Dimension all easements, pedestrian walkways and pedestrian oriented areas (existing and proposed), and types of surface materials.~~
- ~~B. Delineate the total gross square footage of the total planting area, including areas to be maintained in a natural state (undeveloped) and/or established with native seed.~~
- ~~C. Draw plant materials at three fourths (3/4) of mature size.~~
- ~~D. Identify common and botanical names, size and quantities of materials to be used. Identify trees, shrubs, lawn areas and groundcover areas (organic and inorganic).~~
- ~~E. Identify and show dimensions of all landscape elements including fences, walls, border edge treatments, berms, water features, bike racks, trash enclosures, street furniture and recreational facilities, as applicable. Details of landscape features or structures may be required on the landscape plan as determined by the Land Use Services Department.~~
- ~~F. In order to preserve significant natural vegetative areas, trees, wildlife habitat and landscape features, the landscape plan shall locate and identify and when necessary dimension these natural features in accordance with Land Use Services Department requirements. A tree preservation plan with specific construction limits and protective fencing and mulching may be required.~~
- ~~G. Show planting details, including typical methods of planting.~~
- ~~H. Delineate existing and proposed grades with 1 foot contours.~~
- ~~I. Indicate sources of irrigation water and types of irrigation used. This may be provided on a separate 8.5" x 11" sheet included with the site plan narrative. If source is a private well, provide evidence of landscape irrigation rights. Information regarding specific design techniques used to prevent water infiltration or damage at the street section may be requested by the Land Use Services Department.~~
- ~~J. In the event the site is served by a well which prohibits landscape usage, a waiver of the landscape requirements noted herein will not be granted. The applicant will be required to obtain an off site water source with acceptable documentation. Landscaping shall comply with Section 11.1.4800 herein.~~
- ~~K. Landscaping shall comply with the requirements for sight distance triangles in accordance with the City of Centennial Streetscape Guidelines, Section 11.2A.300 herein.~~

~~L. All landscaping within the City rights of way, or landscaping close enough to affect the horizontal or vertical clearance of the right-of-way, shall comply with the City of Centennial Roadway Design and Construction Standards and the City of Centennial Storm Drainage Design and Technical Criteria Manual.~~

~~Section 11.1.4809 Requirements Within City Rights-Of-Way and Medians~~

~~All landscaping within the City rights of way and medians shall comply with the City of Centennial Streetscape Guidelines stated in Section 11.2A.300 of this document. The types, sizes and locations of landscape materials and features will be established during development review by the Land Use Services Department. Medians and rights of way must comply with the following:~~

- ~~A. The landscaping of any City rights of way or median associated with a residential development project based upon an approved landscape plan shall begin prior to the issuance of building permits for 20% of the dwelling units approved in the project.~~
- ~~B. Plant materials are required based upon Section 11.2A.300 listed above.~~

~~Section 11.1.4810 Requirements Within Detention Areas~~

~~All development within a detention area shall be approved by the Land Use Services Department in order to ensure compliance with approved drainage plans. Regional detention facilities are exempt from these requirements unless otherwise determined by the City Council. Within detention areas, the following types and quantities of plant materials and other improvements shall be required in accordance with the Land Use Services Department review:~~

- ~~A. A functioning, automatic irrigation or a temporary irrigation method when native seed mixes or other low water plantings are utilized requiring temporary irrigation;~~
- ~~B. Natural and/or man-made landscaping features including grass seed mix or other ground cover approved during the development process for type, size, quantity and location;~~
- ~~C. The installation of trees, shrubs and drought tolerant grasses of a species and quantity approved by the City;~~
- ~~D. Development projects abutting residential lots may require fencing as determined by the Land Use Services Department;~~
- ~~E. In instances where on-line detention areas are located in the 100-year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District.~~

~~F. Access to the detention pond shall be secured for maintenance purposes.~~

~~Section 11.1.4811 Major Drainageways~~

~~Major drainageways (basin tributary area of 130 acres or more per Urban Drainage and Flood Control District requirements) shall be maintained in the natural topography of the channel and piping or channels with side slopes exceeding 4:1 will not be allowed to convey the drainage.~~

~~Section 11.1.4812 Requirements Within Public and Private Parks~~

~~Public park requirements for landscaping improvements will be established during the development review process, which includes the agency/district receiving the park. Private parks shall be located and configured to serve as useable park area with the following improvements:~~

- ~~A. A minimum of one (1) tree and ten (10) shrubs, or five (5) trees and no shrubs, for every 5,000 square feet of area;~~
- ~~B. A functioning automatic irrigation system;~~
- ~~C. Natural and/or man made landscaping features including turf grass sod, grass seed mix or other ground cover, of types, sizes, quantities and in locations approved by the development process;~~
- ~~D. The City may additionally require trails, lights, parking lots, playgrounds, play courts, benches, signs and other amenities suitable for the developed open space;~~
- ~~E. The landscaping of all parks within a residential development project shall be completed prior to the issuance of building permits for more than 50% of the dwelling units approved in the project unless otherwise approved by the City Council. Any failure to complete the required landscaping by the deadlines specified herein shall result in withholding of Certificates of Occupancy until compliance with the requirement occurs.~~
- ~~F. In instances where parks are located in the 100 year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District and the City's Engineering Division.~~
- ~~G. All parks shall be designed to blend with adjacent areas. Slopes shall not exceed 4:1 unless specifically allowed by the Land Use Services Department.~~

Chapter 1—Zoning Regulations
Part 4800A Specific Use Regulations

Section 11-1-4801A	Findings and Intent
Section 11-1-4802A	Applicability and Exceptions
Section 11-1-4803A	Waste Transfer Stations
Section 11-1-4804A	Reserved
Section 11-1-4805A	Convenience Stores and Gasoline Stations
Section 11-1-4806A	Fast Food Restaurants
Section 11-1-4807A	Vehicle Wash Facilities
Section 11-1-4808A	Self-Storage Facilities

Section 11-1-4801A Findings and Intent

Findings. The City Council finds and determines that:

1. Land uses identified in this Section 11-1-4800A and its subsections may detrimentally impact the public health, safety, and welfare unless such uses are appropriately and reasonable regulated to ensure that impacts are eliminated, reduced, or mitigated.
2. The City finds that, unless properly managed and controlled, the impacts associated with certain land uses may impair the ability of adjacent and neighboring properties to be devoted to reasonable use consistent with the needs of the residents of the City of Centennial.

Intent. This Section 11-1-4800A and its subsections are intended to balance the reasonable needs of property owners to conduct uses explicitly permitted within the applicable zone district with the health, safety, and welfare of the community. Property use conducted in conformance with the requirements of the applicable zone district or preliminary development plan, the City of Centennial Municipal Code, the City of Centennial Land Development Code, applicable federal and state law will be found compatible with adjacent property subject to the imposition of conditions deemed necessary by the City to address site-specific circumstances attendant to particular projects and proposed activities.

Section 11-1-4802A Applicability and Exceptions.

- A. **Applicability.** This Section 11-1-4800A and its subsections shall apply to all property within the City of Centennial.
- B. **Exceptions.** This Section 11-1-4800A and its subsections shall not apply to the following:

1. Any land use for which a valid and effective vested property right (within the meaning of Colorado law) lawfully existed on the effective date of this Section 11-1-4800A to the extent that the application of this Section would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the property as set forth in the plan that conferred the vested property right, except as otherwise permitted by C.R.S. § 24-68-101 et seq.
2. Any land use explicitly approved and illustrated on a final development plan and which was established and conducted on the effective date of this Section 11-1-4800A provided that such use is not expanded or increased in intensity in a manner necessitating an amendment to the final development plan. Any expansion or increase in intensity necessitating an amendment the final development plan shall require that such use be brought into conformance with the requirements for such use imposed by this Section 11-1-4800A.

Chapter 1—Zoning Regulations
Section 4800A Specific Use Regulations

Section 11-1-4803A Waste Transfer Stations.

Section 11.1.4803A	Waste Transfer Stations
Section 11.1.4803A.01	Applicability
Section 11.1.4803A.02	Location and Siting Requirements
Section 11.1.4803A.03	Design Requirements
Section 11.1.4803A.04	Operational Requirements
Section 11.1.4803A.05	Additional Application Requirements
Section 11.1.4803A.06	Violation Abatement Fund
Section 11.1.4803A.07	Violations

Section 11-1-4803A.01 Applicability.

This Section 11-1-4803A and its subsections apply to the construction and operation of waste transfer stations. On and after the effective date of this regulation, no person shall construct or operate a transfer station without first having obtained express authorization for such use by approval of a Final Development Plan explicitly describing the use of the property as a waste transfer station and demonstrating compliance with this Section 11-1-4803A.

Section 11-1-4803A.02 Location and Siting Requirements.

The following requirements shall be met for any waste transfer station regardless of whether such use is permitted by the applicable zone district or applicable preliminary development plan:

- A. A waste transfer station shall not be located within 1,500 feet of the platted right-of-way of: Arapahoe Road; Briarwood Avenue, Parker Road; Broncos Parkway; Easter Avenue (between U.S. I-25 and South Potomac Street); or Jordan Road (south of Hinsdale Drive).
- B. A waste transfer station shall not be located closer than 1,760 feet from the following intersections, as measured by a straight line from the center point of the intersection:
 - 1. Arapahoe Road and any of the following streets: Yosemite Street, Havana Street, Lima Street, Peoria Street, Revere Parkway, Potomac Street; Jordan Road;
 - 2. Parker Road and Broncos Parkway.
 - 3. Jordan Road and Broncos Parkway.
 - 4. Broncos Parkway and Potomac Street.
 - 5. Potomac Street and Briarwood Avenue.

- C. Waste transfer stations handling putrescible wastes within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used only by piston-type aircraft shall be designed and operated in a manner that will not result in bird hazard to aircraft.
- D. Waste transfer stations shall be located, designed, or operated in a manner that will not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of waste or otherwise pose a hazard to human health, wildlife, or contamination of land or water resources.
- E. New waste transfer stations and expansion of stations shall not be located within or encroach into any floodway, 100-year floodplain, or wetland.
- F. No building or area in which the unloading, storage, processing, or transfer of waste shall be located within:
 - 1. Fifty (50) feet of the lot line on which the waste transfer station is located; or
 - 2. Two hundred (200) feet of:
 - a. A lot line of a residentially zoned property, or
 - b. Any non-residential structure located on property not owned or leased by the owner of the waste transfer station; or
 - c. Any wetland; or
 - d. Any water well; or
 - e. Any natural or artificial pond (including detention or retention pond or facility); natural stream, water way, or water course, or
 - f. Artificial drainage way or canal, unless the waste transfer station site is designed to prevent the entry of surface water flows from the station generated during a 1 year storm event from entering the artificial drainage way or canal.
- G. Waste transfer stations shall be located so that truck traffic generated by the station can access an arterial street without need for travel upon a public street within or adjacent to any residentially zoned area or along thoroughfares adjacent to any public park or public recreational area or recreational facility.
- H. Minimum lot size for a waste transfer station shall be 4 acres square feet.

Section 11-1-4803A.03 Design Requirements.

A. General.

- 1. All Functions to be Enclosed. All activities associated with waste transfer, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities shall

be conducted in a fully enclosed building. No outdoor storage of materials or equipment shall be permitted.

2. Suitable enclosed office/and employee restroom facilities shall be provided on-site.
3. Adequate snow storage areas shall be provided within the waste transfer station. Snow storage areas shall be made accessible and available at all times for the exclusive use of snow storage from October 1 to April 30.

B. On-site Parking and Roads.

1. The facility shall be designed with sufficient off-street parking and stacking areas to accommodate all employees, visitors, and waste trucks. Public streets shall not be utilized at any time for parking, stacking, or storage of employee vehicles, visitor vehicles, or trash transport trucks.
2. The facility shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between facility operations and use of emergency access easements and fire lanes.
3. The road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding all expected loads.
4. On-site roads shall be passable by loaded collection and transfer vehicles in all weather conditions.
5. The road system shall be designed to eliminate the need for the backing of truck traffic.

C. Unloading and Loading Areas.

1. The unloading area shall be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles.
2. The unloading and loading pavement areas shall be constructed of concrete or asphalt paving material and equipped with adequate drainage structures and systems.
3. Processing, tipping, sorting, storage, and compaction areas shall be located within an enclosed building.
4. Provisions shall be made for weighing or measuring all solid waste transferred to the facility.
5. Sufficient internal storage areas shall be provided for incoming solid waste.

6. Truck wheel curbs or equivalent shall be provided to prevent backing into pits while unloading.

D. Fencing and Aesthetics

1. Waste transfer station design shall include an eight (8) foot perimeter fence interrupted only by necessary access and maintenance gates. Fencing shall be constructed of brick, block, stone, or other materials with similar aesthetic and quality characteristics. The use of brick and stone in combination with wood may be permitted where such material use is found by the City as consistent and compatible with other fencing and building materials used within the immediate area. Use of split-face style cinder block shall be permitted if a neutral earth-tone color (no untextured common gray cinder block permitted).
2. Gates shall be designed in a manner to balance the aesthetic compatibility of the station fencing materials with station security. Colored metal or wrought iron gates designed to substantially reduce public views into the station are encouraged. Use of chain link materials for gates is prohibited.
3. Facility layout, building materials, and building design shall, to the greatest extent possible, be planned to present an aesthetically attractive appearance from off-site locations when viewed through gated openings that will remain open during daylight or business hours.
4. The use of chain link or barbed wire within the station shall be limited to areas not visible from any public right-of-way.
5. Landscaping meeting the requirements of Section 4800 of the Land Development Code shall be required. The Planning Director shall be authorized to waive landscaping requirements for areas within the perimeter fencing of the waste transfer station in the event that the Director finds that the waste transfer station integrates landscape buffer areas and significant landscaping amenities along the exterior of the perimeter fencing. The use of coniferous trees as a means of screening the station is strongly encouraged.

E. Waste Liquid Collection and Disposal

1. All transfer stations shall be designed and constructed to include a collection and disposal system that will prevent liquids contained in waste materials and generated by normal operations such as wash-out and cleaning of equipment, trucks, and floors (“waste liquids”), from contaminating the soil, surface water, or ground water.
2. Tipping, loading, and unloading areas shall be constructed of impervious material and equipped with drains connected to either: (i) a sanitary sewer system if permitted by the sanitation district or service provider; or (ii) a corrosion-resistant holding tank.

Alternate designs may be used with prior written approval of the City if the applicant can show that the alternate design will prevent waste liquids contaminating the soil, surface water, and ground water.

Section 11-1-4803A.04 Operational Requirements

- A. Waste Acceptance. Only household waste, commercial, and industrial waste shall be accepted at any waste transfer station. Unless otherwise collected in accordance with a plan approved by the City, no wastes classified as hazardous in accordance with C.R.S. 25-15-101 et seq. shall be knowingly accepted. The operator shall employ a plan for proper identification, control, and disposal of hazardous wastes received by the waste transfer station. No asbestos waste shall be knowingly accepted at a transfer station facility. The operator shall employ a plan for proper identification, control, and disposal of hazardous and asbestos wastes.
- B. All Functions to be Enclosed. All activities associated with processing, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities shall be conducted in a fully enclosed building.
- C. Storage. Adequate storage space for all waste shall be available at the transfer station in a fully enclosed building. No external storage of wastes or storage shall be permitted. Solid wastes shall not remain at the transfer station for more than 72 hours. Any solid waste that is to be kept overnight at the station shall be stored in an impervious enclosed structure.
- D. Overnight Truck Parking. Trucks or vehicles shall not be parked or stored overnight at the waste transfer station unless screen in a manner that will substantially prevent view of stored vehicles from public rights-of-way. Any vehicle maintenance services shall be a secondary and subordinate use of the site and shall be limited to maintenance of vehicles associated with trash delivery and transfer at the waste transfer station. Junked or inoperable vehicles shall not be stored at the waste transfer station.
- E. Emergency Access Required. Emergency access easements and fire lanes shall be maintained at all times in an unobstructed and fully accessible condition.
- F. Supervision of Facility. The transfer station shall have an on-site operator on duty at all times the facility is open. Such operator shall be licensed and/or certified if licensure or certification is required by state law. Suitable security measures and signage shall be provided to limit unauthorized persons from access to the facility when the station is closed.
- G. Control of Litter, Insects, Odors, and Vectors. The operation of the transfer station and the storage and handling of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects, rodents, and other vectors (e.g., flies, maggots, roaches, rodents, and similar vermin) and to eliminate conditions which cause

or may potentially cause: (i) Harm to the public health and the environment; (ii) congregation of birds; (iii) safety hazards to individuals and surrounding property; and (iv) excessive odor problems, unsightliness, and other nuisances.

H. Facility Maintenance.

1. Waste transfer stations shall be maintained in a neat and orderly appearance at all times through the control of uncontained waste, trash, and liter. Operators shall cause periodic policing not less than once every day or more often as needed of the entire waste transfer station site. Operators shall also cause periodic off-site policing and clean-up of waste, trash, and litter along all truck routes described in the Truck Routing Plan (as defined by this Section 11-1-4800A) within 1760 feet of the station not less than three times per week or more often if needed to ensure a neat and orderly appearance of the public rights-of-way.
2. Sanitary conditions shall be maintained through the periodic wash-down or other appropriate cleaning method of the transfer station and transfer vehicles. Frequency of cleaning shall be sufficient to prevent odors and other nuisance conditions from developing. All residuals shall be properly disposed of following cleaning operations.

I. Other Operational Requirements and Prohibitions.

1. No liquids, other than those used to disinfect, to suppress dust, or to absorb or cover odors from the solid waste, shall be added to the solid waste.
2. Open burning is prohibited on any waste transfer station site.
3. Scavenging is prohibited at any waste transfer station.

Section 11-1-4803A.05 Operational Requirements

In addition to any other applications, documentation, or supporting materials required for a Final Development Plan for a waste transfer station, the application shall include:

- A. Operations Plan. The Operations Plan shall describe all activities to be conducted at the waste transfer station and describe programs and requirements to be imposed to ensure compliance with the provisions of this Section 11-1-4800A. The Operations Plan shall be maintained and be made readily available for reference and inspection at the waste transfer station and shall be updated and re-approved by the City of Centennial as necessary to reflect changes in operations. The Operations Plan shall, at a minimum, describe:
 1. How the requirements of this Section 11-1-4800A will be satisfied;

2. The schedule of operation including the days and hours that the facility will be open;
 3. Personnel required and their training and responsibilities.
 4. A description of measures that will be taken to identify and control undesirable wastes received that could either contaminate other wastes or pose unusual health hazards and risks to employees such as infectious medical waste and hazardous wastes;
 5. Equipment provided at the facility and its operation;
 6. Site access control method;
 7. A description of potential safety hazards and the safety equipment and protective gear to be available on site, including but, not limited to, showers, eye wash, fire extinguisher, hoses, hard hats, safety goggles, respirators, hearing protection and personal hygiene facilities;
 8. Fire fighting procedures, including availability of water for fire fighting;
 9. A contingency plan outlining the corrective or remedial measures that will be taken if unapproved wastes are delivered to the facility and in the event of odors, surface or ground water contamination, spills, equipment breakdown, and other undesirable conditions such as fires, dust, noise, and vectors; and
 10. Other information as required by the City of Centennial that is appropriate to the facility operating plan.
- B. Truck Routing Plan. The Truck Routing Plan shall describe the process and procedures associated with the delivery and hauling of all wastes processed at the waste transfer station. The Truck Routing Plan shall include, at a minimum:
1. The type or class of vehicles to engage in delivery and hauling of wastes;
 2. The anticipated frequency of delivery and departures of trucks;
 3. The hours of truck traffic; and
 4. A map illustrating the route(s), within a 1 mile radius of the waste transfer station, of all trucks delivering wastes to or hauling waste from, the station. Such map shall be prepared at a scale of one inch equals 250 feet or other scale approved by the Land Use Services Director.

5. A map illustrating the routing and flow of trucks within the waste transfer station. Such map shall be prepared at a scale of not greater than one inch equals 50 feet or other scale approved by the Land Use Services Director.

Section 11-1-4803A.06 Violation Abatement Fund.

- A. As a condition of commencing operation of a waste transfer station, the operator shall maintain at all time a cash deposit with the City of Centennial in the amount of \$2,000.00 (the “Abatement Fund”). The Abatement Fund shall be maintained in an account determined by the City. Interest, if any, earned on such Abatement Fund deposit shall accrue to such account for use in the same manner and purpose as the Abatement Fund. The Abatement Fund shall assure the prompt and complete performance of the operator with requirements imposed by this Chapter and, in particular, the requirement to maintain the station and the truck routes described in the Truck Routing Plan within 1760 feet of the station in a neat and orderly appearance. The City of Centennial shall be authorized at its discretion to draw upon and use all or any portion of the Abatement Fund in order to remedy a violation under the following procedures:
 1. The City shall first notify the waste transfer station’s supervisor in writing of the specific conditions existing that are deemed in violation of the requirements of this Chapter; and
 2. The City shall provide the station’s supervisor not less than five (5) business hours from the delivery of notice to remedy the cited violation; and
 3. In the event that the cited violation is not remedied within the time specified by the notice, the City shall be authorized to apply all or any part of the Abatement Fund to the remedy of the cited violation.
- B. The operator shall maintain a balance of \$2,000.00 in the Abatement Fund at all times.
- C. Nothing in this section shall prevent or preclude the City from pursuing any other remedy or right to enforcement or abatement of violations or nuisances resulting from the operation of a waste transfer station.

Section 11-1-4803A.07 Violations.

- A. It shall be unlawful and a violation of this Section 11-1-4803A to:
 1. Fail to comply with any requirement of this Section 11-1-4803A; or
 2. Fail to maintain or to replenish, upon demand, an Abatement Fund to a level of \$2,000.00 as required by Section 11-1-4803A.06.

- B. A failure to cure any violation of this Section 11-1-4800A within 24-hours notice by the City shall be subject to prosecution in any appropriate court of the state of Colorado, including the City of Centennial Municipal Court.
- C. Each calendar day that a violation exists shall be a separate offense and violation of this Section 11-1-4803A.
- D. Upon a finding of a violation of any provision of this Section 11-1-4803A by any operator, the court shall impose the following minimum penalty, unless the City requests or consents to a lesser or different penalty:
 - 1. Enjoin or otherwise order the defendant to fully abate and remedy the violation within a specified and reasonable period of time not to exceed ten (10) days following the entry of the court's order; and
 - 2. Fine the operator for each violation an amount not less than \$500.00 nor more than \$1,000.00 for the first violation, not less than \$700.00 nor more than \$1,000.00 for the second violation, and not less than \$900.00 nor more than \$1,000.00 for the third and for each subsequent violation. No portion of any minimum fine may be suspended or held in abeyance by the court; and
 - 3. Order the operator to forthwith pay restitution to the City for the actual costs or loss caused to the City by the violation(s) including but not limited to administrative expenses, costs to protect the public from the violation, court costs, and attorney fees.

Chapter 1—Zoning Regulations
Section 1-4800A Specific Use Regulations

Section 11-1-4804A Automobile or Vehicle Sales

Section 11-1-4804A.01	Applicability.
Section 11-1-4804A.02	Location and Siting Requirements.
Section 11-1-4804A.03	Exemption for Certain Automobile or Vehicle Sales Operations.

Section 11-1-4804A.01 Applicability

- A. This Section 11-1-4804A and its subsections apply to automobile or vehicle sales as defined by Section 3-402 of Part 3, Appendices, titled “Definitions” of the Land Development Code.
- B. This Section 11-1-4804A shall not apply to an increase in the size of the lot on which a lawfully established and existing automobile or vehicle sales operation is located as of April 18, 2005, (“Existing Dealership”) provided that *either*:
1. Such increase in the size of the lot is clearly described or identified within a Preliminary Development Plan (PDP) or Final Development Plan (FDP) approved prior to April 18, 2005; or
 2. Such increase in the size of the lot would not enlarge the overall land area of such Existing Dealership by more than ten percent (10%) and such expansion is approved by amendment of the PDP and/or FDP, as may be required by the Land Development Code.

For purposes of this Section 11-1-4804A, “lot” shall mean the land area of an Existing Dealership as described in the approved PDP or FDP for such use as in effect on April 18, 2005.

- C. This Section 11-1-4804A shall not apply to any Existing Dealership in a manner that would:
1. Cause such Existing Dealership to be declared a non-conforming use due to failure to meet the location and siting requirements or minimum lot size established by Section 11-1-4804A.02; or
 2. Prevent, prohibit, or impair the ability of such Existing Dealership to lawfully expand, enlarge, add, remove, relocate, reconstruct, renovate, or perform any other permitted modification of any existing or any new structure(s) or improvement(s) within the lot of the existing automobile or vehicle sales use as such lot existed on April 18, 2005, or as such lot may

be subsequently expanded in accordance with Section 11-1-4804A.01(B) above.

Section 11-1-4804A.02 Location and Siting Requirements

The following requirements shall be met for any automobile or vehicle sales use regardless of whether such use is permitted by the applicable zone district or applicable preliminary development plan:

- A. An automobile or vehicle sales use shall not be located within 1,500 feet of the platted right-of-way of: Arapahoe Road; Briarwood Avenue; Parker Road; Broncos Parkway; or Jordan Road (south of Hinsdale Drive).
- B. An automobile or vehicle sales use shall not be located closer than 1,500 feet from the following intersections, as measured by a straight line from the center point of the intersection:

Easter Avenue and Havana Street (both intersections).

- C. Minimum lot size for an automobile or vehicle sales use shall be five (5) acres.

Section 11-1-4804A.03 Exemption for Certain Automobile or Vehicle Sales Operations

Sections 11-1-4804A.01 and 11-1-4804A.02 shall not apply to:

- A. Any automobile or vehicle sales operation expressly described in an annexation agreement approved by ordinance of the City of Centennial.
- B. A lawfully-established automobile or vehicle sales operation of less than five (5) acres in size provided that such operation meets all of the following:
 - 1. The operation does not display automobiles or vehicles for sale or lease to the general public. For purpose of this Section, “display for sale or lease” shall mean locating, positioning, or marking one or more automobiles or vehicles (including but not limited to the use of for sale signs, pricing signs, flags, or banners) on any portion of the lot directly visible from a public street with the apparent intent to offer such automobile or vehicle for sale or lease or to solicit interest from the public in the purchase or lease of the automobile or vehicle; and

2. The operation's predominant and primary purpose is to represent its contracting clientele in automobile and vehicle sales or lease negotiations and to locate and acquire a model of automobile or vehicle selected by such client from a wide variety of automobile manufacturers or other wholesale or retail automobile or vehicle sales operations; and
3. The operation is not a franchised dealer of any specific automobile or vehicle manufacturer(s); and
4. The operation does not provide on-site automobile or vehicle repair services other than automobile or vehicle detailing and occasional installation of accessories; and
5. The property on which the operation is located includes not less than 10,000 square feet of office space and, together with necessary areas of automobile and vehicle parking, the property's appearance is substantially similar to a professional office use. (Ord. 2005-O-04)

Chapter 1—Zoning Regulations
Section 4800A Specific Use Regulations

Section 11-1-4805A Convenience Stores and Gasoline Stations.

Section 11-1-4805A	Convenience Stores and Gasoline Stations
Section 11-1-4805A.01	Applicability
Section 11-1-4805A.02	Location and Siting Requirements
Section 11-1-4805A.02.01	Location and Siting Requirement Exceptions
Section 11-1-4805A.03	Design Requirements
Section 11-1-4805A.04	Operational Requirements

Section 11-1-4805A.01 Applicability.

- A. This Section 11-1-4805A and its subsections apply to the construction and operation of Convenience Stores and Gasoline Stations. On and after the effective date of this regulation, no person shall construct or operate a Convenience Store or Gasoline Station without first having obtained express authorization for such use by approval of a Final Development Plan explicitly describing the use of the property as a Convenience Store or Gasoline Station and demonstrating compliance with this Section 11-1-4805A.
- B. The regulations in this Part 1-4805A are intended to allow reasonable opportunities for Convenience Stores or Gasoline Stations and to:
1. Reduce noise and visual impacts on abutting uses, particularly residential uses;
 2. Promote safer and more efficient on-site vehicular circulation;
 3. Promote an aesthetically pleasing environment for all new Convenience Stores or Gasoline Stations;
 4. Locate Convenience Stores or Gasoline Stations so that they are not the dominant land uses of the primary commercial or retail corridors of the City of Centennial; and
 5. Implement the provisions of the City of Centennial Comprehensive Plan.
 6. This Section 11-1-4805A shall not apply to any lawfully established and existing Convenience Store or Gasoline Station as of June 6, 2005 in a manner that would:
- C. Cause such existing use to be declared a non-conforming use pursuant to Part 1, Section 500 of the Code due to failure to meet the location and siting requirements or minimum lot size established by Section 11-1-4805A.02; or
- D. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the

existing Convenience Store or Gasoline Station provided that such expansion, enlargement, addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 11-1-4805.03 to evidence compliance with the intent of these regulations as determined by the City of Centennial.

Section 11-1-4805A.02 Location and Siting Requirements.

Subject to exceptions otherwise contained in the code the following requirements shall be met for any Convenience Store or Gasoline Station located in the City of Centennial in the area bounded on the west by South Yosemite Street and on the east by South Parker Road regardless of whether such use is permitted by the applicable zone district or applicable preliminary development plan:

- A. A Convenience Store or Gasoline Station shall not be located within 300 feet of the platted right-of-way of Arapahoe Road, Parker Road, or Broncos Parkway.
- B. A Convenience Store or Gasoline Station shall not be located closer than 500 feet from the following intersections, as measured by a straight line from the center point of the intersection:
 - 1. Briarwood Avenue and Jordan Road;
 - 2. Parker Road and Broncos Parkway;
 - 3. Jordan Road and Broncos Parkway;
 - 4. Easter Avenue and Havana Street; and
 - 5. Easter Avenue and Peoria Street.
- C. A Gasoline Station or Convenience Store shall not be located within one thousand (1,000) feet of a parcel containing an existing and operational Gasoline Station or Convenience Store.
- D. No Convenience Store or Gasoline Station shall be permitted within three hundred (300) feet of a residentially zoned or residentially used property.
- E. Minimum lot size for a Convenience Store or Gasoline Station shall be one-half acre (21,780 square feet).

Section 11-1-4805A.02.01 Location and Siting Requirement Exceptions.

The location and siting requirements of this Section 11-1-4805A.02 shall not apply to the following form(s) of development:

- A. Any Convenience Store or Gasoline Station expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.
- B. Any Convenience Store or Gasoline Station for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.
- C. A planned, mixed-use commercial development that meets or satisfies all of the following:
 - 1. The development contains a total aggregate of at least 50,000 square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use; and
 - 2. The development includes four (4) or more separate commercial retail uses other than a vehicle wash facility, convenience store, gasoline station, fast food restaurant, or self-storage; and
 - 3. All structures within the development are designed and constructed as a planned, integrated, compatible, and coordinated manner using the same or substantially identical:
 - a. Exterior building materials and colors;
 - b. Architectural features and style; and
 - c. Lighting and lighting fixtures, and
 - 4. All use(s) within the development demonstrate compliance with any applicable City-adopted design standards or regulations for such use(s); and
 - 5. Construction of the vehicle wash facility, convenience store, gasoline station, fast-food restaurant, or self-storage facility within the development occurs either: (a) following issuance of a building permit(s) for buildings or structures containing at least 20,000 square feet of other commercial retail within the development; or (b) at a time or phase of development identified in a written subdivision improvement agreement or development agreement approved by the developer and the City.
- D. For purposes of this Section 11-1-4805A.02.01, “commercial retail use” shall mean a use for which the primary and predominate activity is the display and retail sale of goods, merchandise, or services subject to local sales tax imposed by the City of Centennial. Notwithstanding the foregoing, “commercial retail use” shall not include:
 - 1. Automobile, boat, or other vehicle sales for which a use tax may be applicable when such automobile or vehicles are sold to purchasers residing outside of the City of Centennial; and

2. Lumber yards or similar building material businesses projected to produce more than 30% of gross revenues exempt from sales tax levied by the City; and
3. Vehicle wash facility, convenience store, fast-food restaurant, self-storage, or gasoline station; and
4. Sexually Oriented Business or Sexual Encounter Establishment as defined by the Land Development Code.

Section 11-1-4805A.03 Design Requirements.

A. General.

1. Outdoor display, storage, or sale of merchandise, vehicles, trailers or other equipment on a permanent, temporary or seasonal basis shall not be permitted, except that items such as propane tanks and other merchandise not permitted to be stored inside may be located outside of the convenience store. Soda, water and other vending machines shall be placed within a building.
2. Buffering. Loading, service and trash areas shall be screened from other properties and public streets. Screen walls, trash enclosures and other service areas must be constructed of materials and finishes which are consistent with the primary building. Landscape berms and plantings are required to minimize views of service and trash areas.
3. Limits on Number of Pump Islands and Fuel Dispensers.
 - a. Fuel Pump Islands associated with Gasoline Stations or Convenience Stores shall contain no more than 2 fuel dispensers per island.
 - b. A Gasoline Station or Convenience Store with fuel sales may have a maximum of two (2) fuel pump islands, or four (4) fuel dispensers on a minimum one-half acre lot.
 - c. One (1) fuel pump island, or two fuel dispensers may be added for each additional 2,000 square feet of lot area, provided that the total number of fuel pump islands shall not exceed four (4) per lot, and the total number of fuel dispensers shall not exceed sixteen (16) per lot.

B. Access, Circulation and On-Site Parking.

1. A Convenience Store or Gasoline Station shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between loading and unloading, trash collection and other facility operations, use of emergency access easements and fire lanes, and pedestrian access. On-site circulation shall be adequate to allow vehicles to stack in a line for fuel dispensing services without using or obstructing any portion of an adjacent sidewalk or right-of-way.

2. No compact vehicle parking is allowed; all parking spaces shall accommodate full size vehicles.
3. To the greatest extent possible, access points and driveways must be planned and shared between adjacent properties and access easements must be noted on the Final Development Plan. Convenience Store or Gasoline Station designs that fail to provide or accommodate cross access to adjacent commercial or industrial parcels are discouraged.
4. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access must be provided from the perimeter of the property to the Convenience Store or Gasoline Station. Sidewalks in front of, or directly adjacent to a Convenience Store or Gasoline Station building must be no less than seven (7) feet in width.

C. Building and Equipment Setbacks.

1. The principal building of a Convenience Store or Gasoline Station shall be set back a minimum of 40 feet from any street right-of-way.
2. Fuel dispensers, fuel pump islands, detached canopies, compressed air connections, and similar equipment shall be set back a minimum of twenty (20) feet from any street right-of-way.
3. Fuel dispensers shall be set back a minimum of twenty (20) feet from any other fuel dispenser located on a parallel pump island, as well as from the primary building and any building containing an accessory or secondary use. Such distance shall be measured from pump island to parallel pump island and from pump island to the curb surrounding the building or to the building itself whichever is closer.
4. In the event this requirement conflicts with the requirement contained in any approved Preliminary Development Plan or Final Development Plan or other requirement adopted by the City of Centennial, the most restrictive setback requirements shall apply.

D. Architectural Design.

1. A Convenience Store or Gasoline Station must maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design. This requirement includes fuel pump canopies, cashier booths, car wash and other accessory structures.
2. 360 Degree Architectural Treatment, as defined in Section 3-402, is required. Building design must incorporate variation in building height, building mass, roof

forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

3. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brush, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.
 4. Fuel pump canopies shall not serve as the dominant feature on the site or as a sign or an attention-getting device. Signs bearing the corporate insignia or brand name of the gasoline sold and/or type of services available on site (i.e., full-service or self-service), shall be the only signs incorporated on the canopy.
 5. Site furniture is required to be incorporated in the design of the Convenience Store or Gasoline Station. This includes bicycle racks, trash receptacles, and benches in an amount to be determined by the City through the final development plan process. The style of the site furniture must complement the overall design of the principal building and be of high quality.
- E. Lighting Requirements. In addition to general lighting requirements specified in Section 11-1-4705 of the Land Development Code, the following specific lighting requirements shall apply to Convenience Stores and Gasoline Stations:
1. Canopy Lighting Standards. The following criteria shall apply to site lighting:
 - a. Lighting levels for canopies shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business. Under canopy lighting shall be designed to provide an average level of illumination not to exceed twenty (20) foot candles with a maximum foot-candle reading beneath the canopy not exceeding thirty (30) foot-candles.
 - b. Light levels measured at the property line shall not exceed 0.5 foot-candles and twenty (20) foot beyond the site's property line shall never exceed 0.2 foot-candles as a direct result of the on-site lighting.
 - c. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and are shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
 - d. Lights shall not be mounted on the top or sides of a canopy; however, the sides (banding) of a canopy may be internally illuminated.
 2. Prohibited Lighting. The following lighting is prohibited on Convenience Store or Gasoline Station sites:
 - a. Exposed strip lighting used to illuminate building facades or outline buildings.
 - b. Neon tubing.

- c. Blinking or flashing lights.

F. Landscaping/Hardscaping

1. Landscaping. All landscaping must comply with Section 11-1-4806 of the Land Development Code, which shall be minimum requirements. Additional landscaping may be required by the City to achieve the following purposes: to buffer or enhance views; create or enhance entry ways and public street appearance; and/or enhance the overall appearance of the Convenience Store or Gasoline Station.
2. Hardscaping. Large expanses of concrete or asphalt shall not be permitted. The amount of unrelieved uninterrupted asphalt or pavement area must be limited through the use of landscaping, contrasting colors and banding or pathways of alternative paving material. Points of vehicle and pedestrian conflict must be clearly defined with textured and colored pavement or brick pavers or in an appropriate manner as determined by the City.

G. Vehicle Wash Facility as Accessory Use

1. A single-bay vehicle wash facility is allowed as an accessory use to a permitted Gasoline Station or Convenience Store subject to any use restrictions imposed by a governing preliminary development plan or applicable zone district and subject to the design standards contained in Section 11-1-4807A.

Section 11-1-4805A.04 Operational Requirements.

- A. Trash receptacles shall be emptied on a regular basis so as to maintain a clean and orderly appearance.
- B. The performance of all minor automotive repair work associated with a Gasoline Station shall be wholly performed within an enclosed building or structure. No exterior parking or storage of vehicles prior to, during, or following repair work shall be permitted on the site unless spaces for parking or storage of such vehicles are clearly illustrated on the Final Development Plan and are limited to no more than three (3) spaces. All vehicle parts, dismantled vehicles, and similar materials and all discarded materials such as tires, cans, and drums shall be stored within an enclosed building or totally screened from public view by a solid, opaque fence or wall.
- C. Where a Convenience Store with fuel sales or Gasoline Station abuts property zoned or used for residential purposes, lights illuminating the fuel pumps, canopies or other areas of the site shall be extinguished at the close of business.
- D. Water Recycling Requirements for Accessory Vehicle Wash Facilities:

1. All Vehicle Wash Facilities accessory to a convenience store or gasoline station that obtain a Certificate of Occupancy or a Temporary Certificate of Occupancy after June 6, 2005 shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash installation.
2. Any operator of a Vehicle Wash Facility that has obtained a Certificate of Occupancy or a Temporary Certificate of Occupancy prior to June 6, 2005 shall be required to install, and maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water as a condition of any permit granted by the City of Centennial or any water service district within the City of Centennial to:
 - a. Enlarge the water tap, meter, or service line in any such vehicle wash facility; or
 - b. Demolish, destroy or remove and then replace more than fifty percent (50%) of the gross square footage of the floor area of the vehicle wash facility building as it exists on June 6, 2005, except for the purpose of replacing under floor heating equipment, or
 - c. Expand the gross square footage of the floor area of the vehicle wash facility building by more than fifty percent (50%) of the square footage of the vehicle wash facility building as it exists on June 5, 2005.
3. An applicant for a convenience store or gasoline station with an accessory vehicle wash facility proposed for construction after June 6, 2005, shall submit its Final Development Plan for review to the applicable water and wastewater providers to insure appropriate and safe provision, use and discharge of water into the wastewater system and shall provide the City with evidence of its submittal to and response by the applicable water and wastewater providers.

Chapter 1—Zoning Regulations

Section 11-1-4800A Specific Use Regulations

Section 11-1-4806A Fast Food Restaurants.

Section 11-1-4806A	Fast Food Restaurants
Section 11-1-4806A.01	Applicability and General Purpose
Section 11-1-4806A.02	Location and Siting Requirements
Section 11-1-4806A.02.01	Location and Siting Requirement Exceptions
Section 11-1-4806A.03	Design Requirements
Section 11-1-4806A.04	Operational Requirements

Section 11-1-4806A.01 Applicability and General Purpose.

- A. This Section 11-1-4806A and its subsections apply to the construction and operation of Fast Food Restaurants. On and after the effective date of this regulation, no person shall construct and operate a Fast Food Restaurant without first having obtained express authorization for such use by approval of a Final Development Plan explicitly describing the use of the property as a Fast Food Restaurant and demonstrating compliance with the provisions of this Section 11-1-4806A.
- B. The regulations in this Part 1-4806A are intended to allow reasonable opportunities for Fast Food Restaurants and to reduce the negative impacts such uses may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, visual appearance, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The general purposes of this Part 1-4806A are to:
1. Reduce noise, lighting and visual impacts on abutting uses, particularly residential uses;
 2. Promote safer and more efficient on-site vehicular and pedestrian circulation;
 3. Promote an aesthetically pleasing environment by requiring 360 Degree Architectural Treatment for all new Fast Food Restaurants;
 4. Reduce conflicts between queued vehicles and traffic on adjacent streets;
 5. Locate Fast Food Restaurants in areas where they are generally visible from major thoroughfares but to manage such uses so that they are not the dominant land uses of the primary commercial or retail corridors of the City of Centennial; and
 6. Implement the provisions of the City of Centennial Comprehensive Plan.

C. Notwithstanding any provision in Part 1, Section 500 of the Code, this Section 11-1-4806A shall not apply to any lawfully established and existing Fast Food Restaurant existing as of June 6, 2005 in a manner that would:

1. Cause such existing use to be declared a non-conforming use pursuant to Part 1, Section 500 of the Code due to failure to meet the location and siting requirements or minimum lot size established by Section 11-1-4806A.02; or
2. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the existing Fast Food Restaurant provided that such expansion, enlargement, addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 11-1-4806.03 to evidence compliance with the intent of these regulations as determined by the City of Centennial.

Section 11-1-4806A.02 Location and Siting Requirements.

Subject to the exceptions in Section 11-1-4806.A.02.01, the following requirements shall be met for any Fast Food Restaurants located in the City of Centennial in the area bounded on the west by South Yosemite Street and on the east by South Parker Road regardless of whether such use is permitted by the applicable zone district or applicable preliminary development plan:

- A. A Fast Food Restaurant shall not be located within 300 feet of the platted right-of-way of Arapahoe Road, Parker Road, or Broncos Parkway.
- B. A Fast Food Restaurant shall not be located closer than 500 feet from the following intersections, as measured by a straight line from the center point of the intersection:
 1. Briarwood Avenue and Jordan Road;
 2. Parker Road and Broncos Parkway;
 3. Potomac Street and Briarwood Avenue;
 4. Easter Avenue and Havana Street; and
 5. Easter Avenue and Peoria Street.
- C. No Fast Food Restaurant shall be permitted within three hundred (300) feet of a residentially zoned or residentially used property.

Section 11-1-4806A.02.01 Location and Siting Requirement Exceptions.

The location and siting requirements of Section 11-1-4806A.02 shall not apply to preclude or limit the location of the following:

- A. Any Fast Food Restaurant expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.
- B. Any Fast Food Restaurant for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.
- C. A unified, master-planned, commercial development that meets or satisfies all of the requirements of Section 11-1-4806A.02.01.
 - 1. The development contains a total aggregate of at least **50,000** square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use whether on separate pad sites or contained within one building or structure; and
 - 2. The development includes four (4) or more separate commercial retail uses other than a vehicle wash, convenience store, gasoline station, fast food restaurant, or self-storage; and
 - 3. All structures within the development are designed and constructed as a planned, integrated, compatible, and coordinated manner using the same or substantially identical:
 - a. Exterior building materials and colors;
 - b. Architectural features and style; and
 - c. Lighting and lighting fixtures; and
 - 4. All use(s) within the development demonstrate compliance with any applicable City-adopted design standards or regulations for such use(s); and
 - 5. Construction of the vehicle wash facility, convenience store, gasoline station, fast-food restaurant, or self-storage facility within the development occurs either: (a) following issuance of a building permit(s) for buildings or structures containing at least 20,000 square feet of other commercial retail within the development; or (b) at a time or phase of development identified in a written subdivision improvement agreement or development agreement approved by the developer and the City.
- D. For purposes of this Section 11-1-4806A.02.01, “commercial retail use” shall mean a use for which the primary and predominate activity is the display and retail sale of goods, merchandise, or services subject to local sales tax imposed by the City of Centennial. Notwithstanding the foregoing, “commercial retail use” shall not include:
 - 1. Automobile, boat, or other vehicle sales for which a use tax may be applicable when such automobile or vehicles are sold to purchasers residing outside of the City of Centennial; and

2. Lumber yards or similar building material businesses projected to produce more than 30% of gross revenues exempt from sales tax levied by the City; and
3. Vehicle wash facility, convenience store, fast-food restaurant, self-storage facility, or gasoline station; and
4. Sexually Oriented Business or Sexual Encounter Establishment as defined by the Land Development Code.

Section 11-1-4806A.03 Design Requirements.

The following requirements shall be met for any new Fast Food Restaurant located in the City of Centennial.

A. General.

1. Buffering/Screening. Loading, service and trash areas shall be fully screened from other properties and public streets. Screen walls, trash enclosures and other service areas shall be constructed of materials and finishes which are consistent with the primary building. Landscape berms, plantings and/or fencing are required to minimize views of service and trash areas.
2. Drive-in lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls, railings, or hedges at least thirty-six inches (36”) in height.

B. Access, Circulation and On-Site Parking.

1. Access points and driveways shall be planned and shared between properties to the greatest extent possible, and access easements shall be noted on the Final Development Plan.
2. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the Fast Food Restaurant. Sidewalks in front of, or directly adjacent to, a Fast Food Restaurant shall be no less than seven (7) feet in width.
3. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.
4. Adequate stacking spaces shall be provided for the drive-through lanes of a Fast Food Restaurant in accordance with §1-4600. Required stacking lanes shall not block or otherwise interfere with site circulation patterns.

5. No compact parking is allowed; all parking spaces shall accommodate full size vehicles.
6. Customer/employee parking shall be separated from driving activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.

C. Building and Equipment Setbacks.

1. A Fast Food Restaurant shall be set back a minimum of 40 feet from any street right-of-way.
2. Fast Food Restaurants shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.
3. In the event this requirement conflicts with the requirement contained in any approved Preliminary Development Plan or Final Development Plan or other requirement adopted by the City of Centennial, the most restrictive setback requirements shall apply.

D. Architectural Design.

1. A Fast Food Restaurant shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.
2. 360 Degree Architectural Treatment is required. Building design shall incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.
3. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.
4. Drive-in displays, ordering areas and parking canopies are permitted but shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.
5. Site furniture is required to be incorporated in the design of Fast Food Restaurant. This includes: bicycle racks, outdoor eating areas, trash receptacles, and benches in an amount to be determined by the City through the final development plan process.

The style of the site furniture shall complement the overall design of the principal building and be of high quality.

E. Lighting Requirements. In addition to general lighting requirements specified in Section 11-1-4705 of the Land Development Code, the following specific lighting requirements shall apply to Fast Food Restaurants:

1. Lighting Standards.

- a. General. Lighting fixtures and poles shall comply with the standards set forth in §1-4700.
- b. Lighting for Fast Food Restaurants shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.
 - i. The maximum level of illumination shall not exceed twenty (20) foot candles provided that light levels measured at the property line shall not exceed 0.5 foot-candles, and
 - ii. Twenty (20) feet beyond the site's property line shall never exceed 0.2 foot-candles as a direct result of the on-site lighting.

2. Prohibited Lighting. The following lighting is prohibited on Fast Food Restaurant sites:

- a. Exposed strip lighting used to illuminate building facades or outline buildings.
- b. Neon tubing.
- c. Blinking or flashing lights.

F. Landscaping/Hardscaping

1. Landscaping. All landscaping shall comply with Section 11-1-4806 of the Land Development Code, which shall be minimum requirements. Additional landscaping may be required by the City to achieve the following purposes: to buffer or enhance views; create or enhance entryways and public street appearance; and/or enhance the overall appearance of the Fast Food Restaurant.

2. Hardscaping. Large expanses of concrete or asphalt shall not be permitted. The amount of unrelieved uninterrupted asphalt or pavement area shall be limited through the use of landscaping, contrasting colors and banding or pathways of alternative paving material. Points of vehicle and pedestrian conflict shall be clearly defined with textured and colored pavement or brick pavers or in an appropriate manner as determined by the City.

Section 11-1-4806A.04 Operational Requirements

- A. Trash receptacles shall be emptied on a regular basis so as to maintain a clean and orderly appearance.
- B. Where a Fast Food Restaurant abuts property zoned or used for residential purposes, lights illuminating the drive-in lanes, vehicle stacking areas or the order/pick-up windows shall be extinguished at the close of business.

Chapter 1—Zoning Regulations

Section 11-1-4800A Specific Use Regulations

Section 11-1-4807A Vehicle Wash Facilities.

Section 11-1-4807A	Vehicle Wash Facilities
Section 11-1-4807A.01	Applicability and General Purpose
Section 11-1-4807A.02	Location and Siting Requirements
Section 11-1-4807A.02.01	Location and Siting Requirement Exceptions
Section 11-1-4807A.03	Design Requirements
Section 11-1-4807A.04	Operational Requirements

Section 11-1-4807A.01 Applicability and General Purpose.

- A. This Section 11-1-4807A and its subsections apply to the construction and operation of Vehicle Wash Facilities. On and after the effective date of this regulation, no person shall construct and operate a Vehicle Wash Facility without first having obtained express authorization for such use by approval of a Final Development Plan explicitly describing the use of the property as a Vehicle Wash Facility and demonstrating compliance with the provisions of this Section 11-1-4807A.
- B. The regulations in this Part 1-4807A are intended to allow reasonable opportunities for Vehicle Wash Facilities and to:
1. Reduce noise and visual impacts on abutting uses, particularly residential uses;
 2. Insure adequate drainage and prevent freezing of runoff water from Vehicle Wash Facilities;
 3. Promote safer and more efficient on-site vehicular circulation;
 4. Promote an aesthetically pleasing environment for all new Vehicle Wash Facilities;
 5. Locate Vehicle Wash Facilities so that they are not the dominant land uses of the primary commercial or retail corridors of the City of Centennial; and
 6. Implement the provisions of the City of Centennial Comprehensive Plan.
- C. This Section 11-1-4807A shall not apply to any lawfully established and existing Vehicle Wash Facility as of June 6, 2005 in a manner that would:
- 1 Cause such existing use to be declared a non-conforming use pursuant to Part 1, Section 500 of the Code due to failure to meet the location and siting requirements or minimum lot size established by Section 11-1-4807A.02; or

2. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the existing Vehicle Wash Facility provided that such expansion, enlargement, addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 11-1-4807.03 to evidence compliance with the intent of these regulations as determined by the City of Centennial.

Section 11-1-4807A.02 Location and Siting Requirements.

Subject to exceptions otherwise contained in the code the following requirements shall be met for a Vehicle Wash Facility located in the City of Centennial in the area bounded on the west by South Yosemite Street and on the east by South Parker Road regardless of whether such use is permitted by the applicable zone district or applicable preliminary development plan:

- A. A Vehicle Wash Facility shall not be located within 300 feet of the platted right-of-way of Arapahoe Road, Parker Road, or Broncos Parkway.
- B. A Vehicle Wash Facility shall not be located closer than 500 feet from the following intersections, as measured by a straight line from the center point of the intersection:
 1. Briarwood Avenue and Jordan Road;
 2. Parker Road and Broncos Parkway;
 3. Potomac Street and Briarwood Avenue;
 4. Easter Avenue and Havana Street; and
 5. Easter Avenue and Peoria Street.
- C. A Vehicle Wash Facility shall not be located within one thousand (1000) feet of a parcel containing an existing and operational Vehicle Wash Facility.
- D. No Vehicle Wash Facility shall be permitted within three hundred (300) feet of a residentially zoned or residentially used property.
- E. No Vehicle Wash Facility shall be located on a corner lot.

Section 11-1-4807A.02.01 Location and Siting Requirement Exceptions.

The location and siting requirements of Section 11-1-4807A.02 shall not apply to preclude or limit the location of the following:

- A. Any Vehicle Wash Facility expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.

- B. Any Vehicle Wash Facility for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.
- C. A unified, master-planned, commercial development that meets or satisfies all of the requirements of Section 11-1-4807A.02.01.
1. The development contains a total aggregate of at least 50,000 square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use; and
 2. The development includes four (4) or more separate commercial retail uses other than a vehicle wash facility, convenience store, gasoline station, fast-food restaurant, or self-storage; and
 3. All structures within the development are designed, constructed and permanently maintained in a planned, integrated, compatible, and coordinated manner using the same or substantially identical:
 - a. Exterior building materials and colors;
 - b. Architectural features and style; and
 - c. Lighting and lighting fixtures.
 4. All use(s) within the development demonstrate compliance with any applicable City-adopted design standards or regulations for such use(s); and
 5. Construction of the vehicle wash facility, convenience store, gasoline station, fast-food restaurant, or self-storage within the development occurs either: (a) following issuance of a building permit(s) for buildings or structures containing at least 20,000 square feet of other commercial retail within the development; or (b) at a time or phase of development identified in a written subdivision improvement agreement or development agreement approved by the developer and the City.
- D. For purposes of this Section 11-1-4807A.02.01, “commercial retail use” shall mean a use for which the primary and predominate activity is the display and retail sale of goods, merchandise, or services subject to local sales tax imposed by the City of Centennial. Notwithstanding the foregoing, “commercial retail use” shall not include:
1. Automobile, boat, or other vehicle sales for which a use tax may be applicable when such automobile or vehicles are sold to purchasers residing outside of the City of Centennial; and
 2. Lumber yards or similar building material businesses projected to produce more than 30% of gross revenues exempt from sales tax levied by the City; and

3. Vehicle wash facility, convenience store, fast-food restaurant, self-storage, or gasoline station; and
4. Sexually Oriented Business or Sexual Encounter Establishment as defined by the Land Development Code.

Section 11-1-4807A.03 Design Requirements.

The following requirements shall be met for any new Vehicle Wash Facilities located in the City of Centennial.

A. General.

1. Buffering/Screening of Trash Areas. Any trash or service area of a Vehicle Wash Facility shall be fully screened from other properties and public streets.
2. To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

B. Access, Circulation and On-Site Parking.

1. Access points and driveways shall be planned and shared between properties to the greatest extent possible, and access easements shall be noted on the Final Development Plan.
2. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the Vehicle Wash Facility. Sidewalks in front of, or directly adjacent to a Vehicle Wash Facility shall be no less than seven (7) feet in width.
3. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.
4. There shall be a minimum distance of fifty-feet (50') between any two curb cuts used for entrances and/or exits to a Vehicle Wash Facility.
5. If accessory vacuuming facilities are provided, a minimum of one parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

6. In addition to parking requirements for employees and wash bays set forth in Section 11-1-4608, each car wash bay of a Vehicle Wash Facility shall have the following vehicle stacking capacity for vehicles waiting to be serviced:
 - a. Three (3) stacking spaces for each bay in a self service vehicle wash facility;
 - b. Six (6) stacking spaces for each in-bay or conveyor vehicle wash facility.

C. Building and Equipment Setbacks.

1. A Vehicle Wash Facility shall be set back a minimum of forty-feet (40') from any adjacent streets.
2. Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.
3. Vehicle Wash Facilities shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.
4. In the event this requirement conflicts with the requirement contained in any approved Preliminary Development Plan or Final Development Plan or other requirement adopted by the City of Centennial, the most restrictive setback requirements shall apply.

D. Architectural Design.

1. A Vehicle Wash Facility must maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.
2. 360 Degree Architectural Treatment, as defined in Section 3-402, is required. Building design must incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.
3. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.
4. Site furniture is required to be incorporated in the design of a Vehicle Wash Facility. This includes bicycle racks, trash receptacles, and benches in an amount to be determined by the City through the final development plan process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

E. Lighting Requirements. In addition to general lighting requirements specified in Section 11-1-4705 of the Land Development Code, the following specific lighting requirements shall apply to Vehicle Wash Facilities:

1. Lighting Standards.

- a. General: Lighting fixtures and poles shall comply with the standards set forth in §1-4700.
- b. Lighting of Vehicle Wash Facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.
 - i. The maximum level of illumination shall not exceed twenty (20) foot candles provided that light levels measured at the property line shall not exceed 0.5 foot-candles, and
 - ii. Twenty (20) foot beyond the site's property line shall never exceed 0.2 foot-candles as a direct result of the on-site lighting.

2. Prohibited Lighting. The following lighting is prohibited on Vehicle Wash Facility sites:

- a. Exposed strip lighting used to illuminate building facades or outline buildings.
- b. Neon tubing.
- c. Blinking or flashing lights.

3. Landscaping Requirements. All landscaping shall comply with Section 11-1-4807 of the Land Development Code, which shall be minimum requirements.

Section 11-1-4807A.04 Operational Requirements

A. Water Recycling Requirements:

1. All Vehicle Wash Facilities that obtain a Certificate of Occupancy or a Temporary Certificate of Occupancy after June 6, 2005 shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash installation.
2. Any operator of a Vehicle Wash Facility that has obtained a Certificate of Occupancy or a Temporary Certificate of Occupancy prior to June 6, 2005 shall be required to install, and maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water as a condition of any permit granted by the City of Centennial or any water service district within the City of Centennial to:
 - a. Enlarge the water tap, meter, or service line in any such vehicle wash facility; or

- b. Demolish, destroy or remove and then replace more than fifty percent (50%) of the gross square footage of the floor area of the vehicle wash facility building as it exists on June 6, 2005, except for the purpose of replacing under floor heating equipment, or
 - c. Expand the gross square footage of the floor area of the vehicle wash facility building by more than fifty percent (50%) of the square footage of the vehicle wash facility building as it exists on June 5, 2005.
3. An applicant for a Vehicle Wash Facility proposed for construction after June 6, 2005, shall submit its Final Development Plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water and shall provide the City with evidence of its submittal to and response by the applicable water and wastewater providers.
- B. All Self-Service Vehicle Wash Facilities shall be exempt from provisions 1-4807A.04 (A) (1-3).
- C. Trash receptacles shall be emptied on a regular basis so as to maintain a clean and orderly appearance.
- D. No outdoor storage of vehicles, products, or discarded materials shall be permitted.

Chapter 1—Zoning Regulations

Section 11-1-4800A Specific Use Regulations

Section 11-1-4808A Self-Storage Facilities

Section 11-1-4808A	Self-Storage Facilities
Section 11-1-4808A.01	Applicability and General Purpose
Section 11-1-4808A.02	Location and Siting Requirements
Section 11-1-4808A.02.01	Location and Siting Requirement Exceptions
Section 11-1-4808A.03	Design Requirements
Section 11-1-4808A.04	Operational Requirements

Section 11-1-4808A.01 Applicability and General Purpose

- A. This Section 11-1-4808A and its subsections apply to the construction and operation of Self-Storage Facilities. On and after the effective date of this regulation, no person shall construct and operate a Self-Storage Facility without first having obtained express authorization for such use by approval of a Final Development Plan explicitly describing the use of the property as a Self-Storage Facility and demonstrating compliance with the provisions of this Section 11-1-4808A.
- B. The regulations in this Part 1-4808A are intended to allow reasonable opportunities for Self-Storage Facilities and to:
1. Reduce lighting and visual impacts on abutting uses, particularly residential uses;
 2. Promote safer and more efficient on-site vehicular circulation;
 3. Promote an aesthetically pleasing environment for all new Self-Storage Facilities;
 4. Locate Self-Storage Facilities so that they are not the dominant land uses of the primary commercial or retail corridors of the City of Centennial; and
 5. Implement the provisions of the City of Centennial Comprehensive Plan.
- C. This Section 11-1-4808A shall not apply to any lawfully established Self-Storage Facility existing as of June 6, 2005 in a manner that would:
1. Cause such existing use to be declared a non-conforming use pursuant to Part 1, Section 500 of the Code due to failure to meet the location and siting requirements or minimum lot size established by Section 11-1-4808A.02; or
 2. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the existing Self-Storage Facility provided that such expansion, enlargement,

addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 11-1-4808A.03 to evidence compliance with the intent of these regulations as determined by the City of Centennial.

Section 11-1-4808A.02 Location and Siting Requirements.

Subject to exceptions otherwise contained in this Section 11-1-4808A, the following requirements shall be met for any Self-Storage Facility located in the City of Centennial in the area bounded on the west by South Yosemite Street and on the east by South Parker Road regardless of whether such use is permitted by the applicable zone district or applicable preliminary development plan:

- A. A Self-Storage Facility shall not be located within 300 feet of the platted right-of-way of Arapahoe Road, Parker Road, or Broncos Parkway.
- B. A Self-Storage Facility shall not be located closer than 500 feet from the following intersections, as measured by a straight line from the center point of the intersection:
 - 1. Briarwood Avenue and Jordan Road;
 - 2. Parker Road and Broncos Parkway;
 - 3. Potomac Street and Briarwood Avenue;
 - 4. Easter Avenue and Havana Street; and
 - 5. Easter Avenue and Peoria Street.
- C. A Self-Storage Facility shall not be located within one thousand (1,000) feet of a parcel containing an existing and operational Self-Storage Facility.
- D. No Self-Storage Facility shall be permitted within three hundred (300) feet of a residentially zoned or residentially used lot measured by a straight line from the property lines of the residential lot and the Self-Storage Facility.
- E. No Self-Storage Facility shall exceed five (5) acres in size.

Section 11-1-4808A.02.01 Location and Siting Requirement Exceptions.

The location and siting requirements of Section 11-1-4808A.02 shall not apply to, preclude, or limit the location of the following:

- A. Any Self Storage Facility expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.
- B. Any Self Storage Facility for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.

C. A unified, master-planned, commercial development that meets or satisfies all of the following:

1. The development contains a total aggregate of at least 50,000 square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use; and
2. The development includes four (4) or more separate commercial retail uses other than a vehicle wash, convenience store, gasoline station, fast-food restaurant, or self-storage; and
3. All structures within the development are designed and constructed in a planned, integrated, compatible, and coordinated manner using the same or substantially identical:
 - a. Exterior building materials and colors;
 - b. Architectural features and style; and
 - c. Lighting and lighting fixtures; and
4. All structures within the development will be permanently maintained in a planned, integrated, compatible, and coordinated manner as required by (3) above through the imposition of covenants, conditions, or restrictions running with the property; and
5. All use(s) within the development demonstrate compliance with any applicable City-adopted design standards or regulations for such use(s); and
6. Construction of the vehicle wash facility, convenience store, gasoline station, fast-food restaurant, or self-storage facility within the development occurs either: (a) following issuance of a building permit(s) for buildings or structures containing at least 20,000 square feet of other commercial retail within the development; or (b) at a time or phase of development identified in a written subdivision improvement agreement or development agreement approved by the developer and the City; and
7. Construction of the vehicle wash facility, convenience store, gasoline station, fast-food restaurant, or self-storage within the development occurs either: (a) following issuance of a certificate of occupancy for all other proposed structures within the development; or (b) at a time or phase of development identified in a written subdivision improvement agreement or development agreement approved by the developer and the City.

D. For purposes of this Section 11-1-4808A.02.01, “commercial retail use” shall mean a use for which the primary and predominate activity is the display and retail sale of goods, merchandise, or services subject to local sales tax imposed by the City of Centennial. Notwithstanding the foregoing, “commercial retail use” shall not include:

1. Automobile, boat, or other vehicle sales for which a use tax may be applicable when such automobile or vehicles are sold to purchasers residing outside of the City of Centennial; and
2. Lumber yards or similar building material businesses projected to produce more than 30% of gross revenues exempt from sales tax levied by the City; and
3. Vehicle wash facilities, convenience stores, fast-food restaurants, self-storage facilities, or gasoline stations; and
4. Sexually Oriented Business or Sexual Encounter Establishment as defined by the Land Development Code.

Section 11-1-4808A.03 Design Requirements.

The following requirements shall be met for any new Self-Storage Facility located in the City of Centennial:

A. General.

1. Buffering/Screening. A Self-Storage Facility shall be completely enclosed with a brick or other masonry perimeter wall of no less than six feet in height. Additional or alternative buffering such as increased wall height, berming or intensive landscaping may be required by the City to achieve the following purposes: to buffer or enhance views; create or enhance entry ways and public street appearance; and/or enhance the overall appearance of a Self-Storage Facility.
2. No individual Self-Storage unit, loading area or other service area shall be visible from any public right of way except through openings serving as gates within fencing or where topographic conditions such as elevated rights-of-way will permit visibility over the perimeter wall.
3. Gates shall be designed in a manner to balance the aesthetic compatibility of the Self-Storage Facility fencing materials with the Facility security. Colored metal or wrought iron gates designed to enhance the appearance of the Facility are encouraged.
4. The use of chain link or barbed wire within the Self-Storage Facility shall be prohibited.
5. Restroom facilities shall be provided on-site suitable for employee and visitor use.
6. Trash dumpsters shall be provided within the Self-Storage Facility site. Dumpsters shall not visible from any public right of way or if visible, shall be enclosed within a wall similar in design and construction as the perimeter wall.

B. Access, Circulation and On-Site Parking.

1. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site.
2. Ingress and egress for a Self-Storage Facility shall provide for a hard surface of a minimum of fifteen foot (15') width with a radius of fifty feet at all cul-de-sacs or turnarounds for fire and other safety vehicles.
3. Parking areas shall not be located in any loading area of individual Self-Storage units.
4. Adequate snow storage areas shall be provided within the property of the Self-Storage Facility. Snow storage areas shall be made accessible and available at all times for the exclusive use of snow storage from October 1 to April 30.

C. Building and Equipment Setbacks.

1. A Self-Storage Facility shall be set back a minimum of 40 feet from any street right-of-way.
2. Self-Storage Facilities shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.
3. In the event this requirement conflicts with the requirement contained in any approved Preliminary Development Plan or Final Development Plan or other requirement adopted by the City of Centennial, the most restrictive setback requirements shall apply.

D. Architectural Design.

1. The architectural design of a Self-Storage Facility shall be harmonious with the character of the surrounding neighborhood and shall integrate neutral colors and tones as the predominate color palate.
2. Flat roofs shall be prohibited. All roofs shall be pitched and sloped to create visual interest. Use of varying roof pitches and slopes is encouraged and, where a Self-Storage Facility is located within 1000 feet of a residential area, roof pitches and slopes are encouraged to mimic the pitches and slopes of the residential structures.
3. At least sixty percent (60%) of the exterior façade of a Self-Storage Facility shall consist of masonry. Masonry shall include brick, stone or integrally tinted, textured masonry block.

4. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be permitted in signage.
 5. The use of intense, reflective, fluorescent, or metallic colors on storage unit doors, fencing, roofing, or walls is prohibited. Intense colors include but are not be limited to yellow, orange, and red.
- E. Lighting Requirements. In addition to general lighting requirements specified in Section 11-1-4705 of the Land Development Code, the following specific lighting requirements shall apply to Self-Storage Facilities:
1. Lighting Standards.
 - a. General: Lighting fixtures and poles shall comply with the standards set forth in §1-4700.
 - b. Lighting for Self-Storage Facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.
 - i. The maximum level of illumination shall not exceed twenty (20) foot candles provided that light levels measured at the property line shall not exceed 0.5 foot-candles, and
 - ii. Twenty (20) foot beyond the site's property line shall never exceed 0.2 foot-candles as a direct result of the on-site lighting.
 2. Prohibited Lighting. The following lighting is prohibited on Self-Storage Facility sites:
 - a. Exposed strip lighting used to illuminate building facades or outline buildings
 - b. Neon tubing.
 - c. Blinking or flashing lights.
- F. Landscaping Requirements. All landscaping shall comply with Section 11-1-4808 of the Land Development Code, which shall be minimum requirements.

Section 11-1-4808A.04 Operational Requirements

- A. Climate controlled Self-Storage Facilities are permitted. In no event, however, shall a Self-Storage Facility be refrigerated. For purposes of this section, "refrigerated" shall mean maintaining a temperature below 55° Fahrenheit for more than one (1) hour.
- B. No Self-Storage unit within a Self-Storage Facility shall contain electrical outlets for use by tenants of such Facility.

- C. The Self-Storage Facility shall have a security system requiring the use of cards, keypads, keys or similar security devices limiting access to tenants and to fire, police, and emergency service officials when required.
- D. Self-Storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for conducting or operating a business, hobby, or any type of activity not related to the storage of personal property.
- E. No Self-Storage unit shall be used for the storage of explosives, ammunition or hazardous or flammable materials and the operator/owner of a Self-Storage Facility shall include such requirement in its written agreement with each tenant.
- F. No outdoor storage is permitted on the site of the Self-Storage Facility. (Ord. 2005-24)

Chapter 1—Zoning Regulations

Part 4900

Planned Unit Development (P.U.D.)

Section 11.1.4901	Intent
Section 11.1.4902	General Provisions
Section 11.1.4903	General Process (PDP, FDP, Streamlined FDP and MDP)
Section 11.1.4904	Submittal Process for PDP, FDP and MDP
Section 11.1.4905	Streamlined FDP Process
Section 11.1.4906	General Submittal Requirements (PDP and FDP)
Section 11.1.4907	Plan Exhibit (PDP only)
Section 11.1.4908	Plan Exhibit (FDP only)
Section 11.1.4909	Master Development Plan Submittal Requirements
Section 11.1.4910	Administrative Site Plan Process and Submittal Requirements
Section 11.1.4911	Recordation Procedure
Section 11.1.4912	Expiration of Approval
Section 11.1.4913	Vested Property Rights Provisions

Section 11.1.4901 Intent

- A. The alteration of established land uses and/or development criteria, can substantially affect the overall planning of areas in the City of Centennial. Therefore a rezoning process has been established, in accordance with the Administrative Provisions of this document, to provide for the review of land use and/or development criteria revision requests.
- B. As defined in the Definitions section of these Regulations, a Planned Unit Development is an area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational, or industrial uses or any combination of the foregoing, the plan of which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or other restrictions of the existing land use regulations.
- C. The P.U.D. process is intended to prevent the creation of a monotonous urban landscape by allowing for the mixture of uses which might otherwise be considered non-compatible, through the establishment of flexible development standards, provided said standards:
1. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
 2. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

3. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
 4. Enhance convenience for the present and future residents of the City of Centennial by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
 5. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
 6. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.
 7. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.
 8. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.
 9. Enhance the usable open spaces in the City of Centennial, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.
- D. The criteria, just stated, must be addressed prior to approval of any P.U.D. requests, and are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and the City of Centennial decision-makers.
- E. In a standard P.U.D., the development standards are established after the completion of two steps: the Preliminary and Final Development Plans. The final document must achieve the City's nine stated goals for P.U.D. zoning, and must comply with all other applicable restrictions of the Regulations. The preliminary development plan ("PDP") establishes general land uses and siting restrictions, including proposed site development criteria. Through these proposed criteria, the PDP must show, in general terms, how the development will achieve the standards for planned-unit development zoning. The FDP must meet the PDP-minimum development standards and also be an application which is desirable overall when weighed against the P.U.D. standards.

- F. Another form of P.U.D. available for certain types of development proposals is the Master Development Plan (“MDP”). At the time of creation, and until later expanded by resolution of the City Council, the MDP is available only for Office Park Developments and Light Industrial Park Development, as defined in the Definitions Section of these Regulations. The process creates a single development plan that is more refined and more precise than that required for a PDP, while allowing the developer flexibility in establishing specific building architecture and site layout details, to the extent set forth in the MDP, through a subsequent Administrative Site Plan (ASP) approval process. The MDP enables a staff-level review of individual site plans as provided in the MDP. An MDP may be accompanied by a development agreement, which may contain additional standards, restrictions or conditions related to the development; may provide guidance for the interpretation and implementation of the MDP; and may establish vested property rights pursuant to C.R.S. § 24-68-101, et. seq. and Section 11.1.4913 of these Regulations. An MDP also may qualify for establishment of vested property rights as a site specific development plan, as further described in Section 11.1.4913 of these Regulations.

Section 11.1.4902 General Provisions

- A. All applications for amending the Zoning Map after the adoption of these Regulations shall follow either the procedures outlined herein for a PUD or those described for rezoning to a conventional zone district (see Section 11-1-5000).
- B. Zone changes may be initiated by the City of Centennial Planning and Zoning Commission, the City of Centennial City Council, by the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.
- C. When zone changes are initiated by the City of Centennial Planning and Zoning Commission or by the City of Centennial City Council, the owners of record and/or contract purchaser shall be notified by certified mail of the intended zone change. The Planning and Zoning Commission and/or City Council shall adhere to posting, publication, and Public Hearing procedures.
- D. The owners of land wishing to develop their land for uses specified in the R-A, R-1, R-PSF, R-PM, R-PH, SH, R-M, B-1, B-3, B-4, I-1, I-2, MU, C or O districts shall follow the P.U.D. procedure outlined in this section. For purposes of mapping, notice and general information, the P.U.D. shall be identified with a label of the zone district most closely resembling the use(s) requested. For example, if the owner wishes to develop their land with the uses specified in the B-1 district, the P.U.D. will be labeled as B-1 P.U.D. The identification of the zone district is only to establish a general category of uses. The development criteria shall be the criteria stated on the P.U.D. The development criteria stated for the zone district shall be applicable only when the P.U.D. fails to address the criteria at issue.

- E. The owners of land wishing to develop their land under the A-E, A-1, A-2 or F zoning district shall be required to submit a Zoning Plan along with Preliminary and Final Plats (if necessary). The Zoning Plan shall show how the proposed development conforms to the requirements set forth in these Regulations for the appropriate district (i.e., permitted uses, building heights, minimum lot area, setbacks, etc.).
- F. Amendments to an existing P.U.D. require either the signature of all owners listed on the P.U.D. signature document, or in cases where the signature of all owners is not attainable, the signature of the owners(s) of the proposed amendment plan. For amendment cases where governing P.U.D. owner signatures cannot be obtained, the Land Use Services Department Director shall send a notice letter to all owners listed on the governing P.U.D. stating there may be impacts to their property and recommend they evaluate those possible impacts. Such notice shall be sent no less than 30 days prior to the Planning and Zoning Commission Public Hearing.
- G. Amendments to approved P.U.D. documents, which do not qualify for the Administrative Amendment procedure as defined in these Regulations, are to follow the processes described in this section.
- H. The City Council shall have the power to condition approval of individual land use applications upon the receipt of signatures of additional persons with record interests in the land which is the subject of the land use application. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person's irrevocable consent to the action requested or reflected on or in the document.
- I. The Land Use Services Department Director will have the right to add or waive requirements as may be recommended.
- J. All new FDP's, PDP's, ASP's and MDP's from the date of this Code revision must meet the requirements of the Parking (11.1.4600), Landscape (11.1.4800) and Lighting (11.1.4700) sections.
- K. All PUD's shall allocate minimum unobstructed open space based upon the net site area as follows:

Industrial	20%
Commercial	20% or 25% for 3 or more stories
Multifamily & Attached Single Family	20%
Single Family Dwelling	10%

Section 11.1.4903 General Process (PDP, FDP, Streamlined FDP and MDP)

The standard Planned Unit Development process requires the execution of both a Preliminary Development Plan (PDP), and a Final Development Plan (FDP).

A. Preliminary Development Plan (PDP)

1. A Preliminary Development Plan, as defined in the Definitions section of these Regulations, is the first step in establishing land uses and siting restrictions for a parcel of land. The uses and siting restrictions permitted by the PDP set the general parameters with which the development must comply. The uses, minimums and maximums provided in the PDP will be reviewed at the Final Development Plan stage to further determine the appropriateness for the particular site and neighborhood.
2. Once a PDP has been approved, an FDP which complies with the terms, conditions and requirements of the approved PDP must be submitted and approved prior to the issuance of building permits for improvements to any site or sites within the project covered by the PDP.

B. Final Development Plan (FDP)

1. A Final Development Plan, as defined in the Definitions section of these Regulations, is the second step in establishing approval of land uses and siting restrictions for a development. This document provides specific information on the uses to be permitted and the manner in which they may be situated on the property.
2. If the submitted Final Development Plan proposes substantial criteria changes from those approved on the Preliminary Development Plan, the applicant may be required to amend the PDP prior to submitting the Final Development Plan. The thresholds for determining whether an amendment to an approved Preliminary and/or Final Development Plan can be processed administratively can be found in the Administrative Amendment section of these Regulations.

C. Streamlined Final Development Plan (FDP)

1. The intent of the streamlined FDP Review Process is to conduct one Public Hearing with the Planning and Zoning Commission and then have the Council ratify the Planning and Zoning Commission decision without conducting a second Public Hearing. Using this process, applications may be processed in a timely manner while allowing for public review.
2. The Streamlined FDP Review Process applies only to FDP applications submitted with PDP's that were applied for (or amended to comply with this Section) after November 1, 1999. Such applications shall be referred to in this Section as "eligible FDP applications". The new process will not be available for FDP applications arising out of a PDP applied for or acted upon prior to November 1, 1999, unless the text of the PDP specifically allows for review under this Section.

3. For purposes of this Section, the Final Development Plan establishes land use siting restrictions for a development necessary to ensure that the final site design satisfies each of the PUD zoning goals set forth in these Regulations. The FDP document provides specific enforceable standards relating to the land uses and the manner in which they will be situated on the property.

D. Master Development Plan (MDP)

1. A Master Development Plan, as defined in the Definition section of these Regulations, is an alternative to the standard Planned Unit Development process available for Office Park Developments and Light Industrial Park Developments or other eligible types of development as the Council may determine in the future. The process for approval of an MDP shall be the same as the process for approval of an FDP (except that an approved PDP shall not be a prerequisite for submission or approval of an MDP).
2. Preliminary, Final and Master Development Plans requested on parcels located within the “Area of Special Interest”, shall also be required to follow those procedures.
3. Although prepared before final architectural and site layout details are determined, the MDP sets forth one or more proposed development scenarios for the project. It also establishes development parameters that are more refined and more precise than those set forth in the PDP. The MDP shall commit to provide infrastructure and required public improvements as set forth in a master subdivision improvements agreement, approved in connection with the MDP or related subdivision approvals, covering the entire project and each phase thereof. The MDP may also establish conditions on approval of subsequent ASPs (Administrative Site Plan) to assure that construction of or payment for infrastructure, and/or dedication of public easements, rights of way or sites, occurs when warranted in light of the stage of development within the MDP. Except as otherwise provided in the MDP, ASP applications and applications for building permit approvals may be processed concurrently.
4. No ASP applications shall be submitted until the obligations of the master subdivision improvement agreement for public or private improvements related to such ASP application have either been constructed and approved by the City or appropriate collateral for such improvements has been accepted by the City. Each MDP shall establish the signatures required to authorize amendments to the MDP or rezonings of property within the MDP. To assure that free-standing non-Professional Office uses are consistent with the general office character of the overall development, the MDP may establish appropriate conditions and restrictions on such uses (including, but not limited to, size, architecture, site layout, signage, siting restrictions and other physical constraints, and/or

conditional approval subject to Use by Special Review procedures prior to or in conjunction with review of ASP submittals).

Section 11.1.4904 Submittal Process for PDP, FDP and MDP

- A. Applicants are required to meet with the Land Use Services Department prior to formal submittal of a PDP, FDP or MDP request (unless waived by the Land Use Services Department Director) in order to obtain input into the appropriateness of the request). Unless the MDP states otherwise, a pre-submittal meeting shall be necessary with each ASP, unless waived by the Land Use Services Department Director or unless the Land Use Services Department is unable to hold the pre-submittal meeting within five (5) business days after a written meeting request is received by the Land Use Services Department Director or his or her designee.
- B. Following the Pre-submittal meeting, the applicant must complete all of the requirements of the Formal review process as prescribed by the Land Use Services Department. Any portion of the Formal submittal requirements may be waived in writing by the Land Use Services Department Director and/or City's Engineering Division Manager. (contact the Land Use Services Department for details)
- C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is thirty (30) days and can be extended by up to thirty (30) additional days by mutual consent of the applicant and the Land Use Services Department Director or designee. Failure of an agency to respond within the prescribed time period or extension period shall be deemed approval.
- D. Following referral agency review, the applicant and Land Use Services Department staff will meet to discuss the application's readiness for the Planning and Zoning Commission Public Hearing. If the Land Use Services Department determines that the application is not ready for Public Hearing, the applicant will be required to revise the application per City and outside referral agency comments.
- E. Once the Land Use Services Department assesses that the application is ready to proceed to the Planning and Zoning Commission, a reserved date will be set.
- F. The Development Plan submittal, along with the available comments of the Planning and Engineering Staff and appropriate referral agencies shall be presented at a Public Hearing to the Planning and Zoning Commission, which shall inform the applicant of its recommendations.
- G. Following the recommendation by the Planning and Zoning Commission, the staff planner shall schedule the Development Plan (when applicable) with the City Council for final consideration. The applicant shall be notified of the date and time of the applicable Public Meeting or Public Hearing. (Ord. 2003-13)

- H. The City Council will take one of the following actions: approve as submitted, approve with conditions, continue or table to a date certain (for further consideration, information, etc.), take the request under advisement, or deny. The Council may utilize standard conditions of approval and standard motions for approval which incorporate other requirements, conditions, limitations or restrictions. The Council's decision shall be based upon the evidence in the record relating to the application, applying the standards set forth in Section 11.1.4901. For MDP applications, in evaluating the application against the standards in Section 11.1.4901 the Council may consider the fact that the MDP will allow for expedited, administrative approvals of buildings following MDP approval, and may deny approval in cases where the Council determines that sound zoning and planning principles are best served by a Public Hearing process for final site plans. The Council may also impose conditions upon approval of ASPs, which conditions shall be stated in the MDP, as necessary to ensure that the development will not occur in advance of the availability of necessary infrastructure, permits, dedications or easements. (Ord. 2003-13)
- I. If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed development. The resubmittal of a Development Plan application for the same or substantially same request, as determined by the Land Use Services Department Director or designee, shall not be accepted for a one year period from the date of such denial. The applicant may appeal the decision of the Land Use Services Department Director or designee, in writing, to the Council within 10 days from the date of the decision. The Director may allow an application to be withdrawn, without prejudice, at any time during the process.
- J. The applicant shall be responsible for public notice, prior to the Planning and Zoning Commission Public Hearing and City Council Public Hearing when applicable, in compliance with the public notice requirements in Section 11.2A.200 herein. Notice of any Public Hearing for a PDP must be published in a newspaper of general circulation in the City of Centennial at least 15 days prior to the Public Hearing. (Ord. 2003-13)
- K. "Notice of Public Hearing" sign(s) shall be removed from the subject property within two (2) weeks of the Public Hearing which it advertises.
- L. Once the City Council acts on a PDP or FDP request, the applicant and/or duly appointed representative will be notified of the Council's decision as soon as practicable. Copies of the City Council Resolution may be obtained at the office of the City Council. The official City Zoning Map is revised after the Mayor signs the reproducible mylar of the Preliminary Development Plan (or, in the case of rezoning to an A-E, A-1, A-2 or F district, the Zoning Plan).
- K. Building permits may be issued after the Mayor signs the reproducible mylar of the Final Development Plan (assuming the land has received final plat approval prior to or concurrent with Final Development Plan approval, if necessary). (Ord. No. 2003-13)

Section 11.1.4905 Streamlined FDP Process

A. Submittal and Process

Eligible FDP applications shall be reviewed in accord with criteria and standards outlined in this section. Application submittal and processing for PDP and associated FDP applications will occur in accord with standards outlined in Section 11.1.4900 of these Regulations. Public posting and mailing notification shall conform to standards outlined in Section 11.2A.200 of this Code.

B. Analysis

1. **PDP Minimum Requirements.** All PDP applications submitted after November 1, 1999, and all eligible FDP applications, shall comply with PUD standards in Section 11.1.4900 of these Regulations and with the requirements of this Section. The applicant shall have the burden of proving that the application fulfills all applicable standards and requirements in the Land Development Code, and shall include with the application written evidence and analysis to show the application is sufficient and in compliance with this requirement.
2. PDP applications shall be accompanied by evidence and analysis establishing, for each use proposed, that;
 - a. the uses, on each site permitted by the application, meet the standards for PUD zoning in these Regulations;
 - b. there is a public need for each use permitted by the application, and for each amendment to zoning criteria permitted by applications for PDP amendments; and
 - c. the application contains sufficient restrictions to prevent the submission of FDP applications that do not fulfill the zoning analysis.
3. Staff shall require that applicants submit sufficient site-specific analysis and evidence to clearly define the proposed land uses and the manner in which they are to be situated on the plan. Such analysis and evidence shall include, but not be limited to:
 - a. compatibility of each proposed land use with other uses proposed within and allowed adjacent to the proposed PDP plan area;
 - b. existing and proposed traffic patterns and access locations;

- c. mitigation of noise for uses within and adjacent to the proposed PDP plan area;
 - d. buffering and screening of dissimilar uses within and adjacent to the proposed PDP plan area;
 - e. lot size requirements;
 - f. evidence to show the plan meets existing City parking standards;
 - g. architectural character and standards;
 - h. landscaping standards; and
 - i. any other potential impacts associated with development of the proposed plan
4. If the land within the application has not been platted and multiple sites are contemplated, the PDP shall include minimum requirements for lot size, access, and screening to ensure that the final siting of allowed uses will satisfy current PUD standards.
 5. The Land Use Services Department shall have the authority to require that more information be submitted or depicted prior to or after referrals are sent and received to ensure that the ramifications of the PDP application are clear and easily understood. Such information will allow staff to address and resolve issues that arise as a result of analysis by staff, referral agencies or citizen comment.
 6. All PDP's shall include a statement describing the owner, tenant, mortgagee or owners association signatures required on any administrative or formal application for amendment of the PDP. Unless otherwise specified on the PDP application, the PDP will contain a statement that an application for amendment will be eligible for processing and approval so long as it is signed by the owner(s) of all sites upon which the amendment will apply, without regard to whether the amendment is authorized or approved by the owners association, tenants, mortgagees or adjacent owners.
 7. The requirements and standards set forth in the PDP shall comply with all applicable requirements in the Land Development Code, and shall otherwise achieve the goals of the Comprehensive Plan and the Land Development Code. Only defined terms and uses shall be included within a PDP.
 8. Eligible FDP Review. Platting of lots within a PDP shall be consistent with the zoning analysis supporting the PDP. The analysis of whether specific land uses

shall be permitted on specific site shall not be a part of the FDP review because such analysis will occur at the PDP stage.

C. Action

2. For all eligible FDP applications, the Planning and Zoning Commission will take one of the following actions at the Public Hearing: approve (as submitted or with additional conditions), continue or table to a date certain (for information, etc.), take the request under advisement to a date certain, or deny. The Planning and Zoning Commission may utilize standard conditions of approval and standard motions for approval, which incorporate other requirement conditions, limitations or restrictions. The Planning and Zoning Commission's decision shall be based upon the evidence presented, the record relating to the application, and applying the standards set forth in this section.
3. Following Planning and Zoning Commission action, the FDP application shall be placed on the consent agenda of the City Council for final action. The case will be scheduled for ratification by the City Council, unless prior to ratification, a majority of the Council members desire that the application be scheduled for a Public Hearing. If the application is rescheduled for a City Council Public Hearing, the Public Hearing shall be *de novo*, and the Council's action shall be based upon the record developed at the Council Public Hearing. The applicant shall be notified of the City's decision to schedule the application as a Public Hearing, and shall be responsible for complying with the City's notice requirements for the Public Hearing.

D. Request for City Council Public Hearing

Any person or agency affected by the Planning and Zoning Commission decision on a FDP application may request that a Public Hearing be held with the City Council by presenting a written objection to the Council and Land Use Services Department Director within 10 days of the Planning and Zoning Commission action. Following receipt of a written objection, City staff will inform the Council and applicant of such written objection. The case may be scheduled for a Public Hearing if a majority of the City Council members desire to conduct a Public Hearing and the Public Hearing shall be *de novo*. The Council's action on any request for review of the Planning and Zoning Commission's decision shall be based upon the record developed at the Council Public Hearing.

Section 11.1.4906 General Submittal Requirements (PDP and FDP Plans)

The Planning Office provides a Submittal Requirements Matrix; this matrix lists all required items to submit a project, including the number of copies required for each item. Other submittal requirements may be required based on the Land Use Services Department review.

- A. Completed land use application (Available from the Land Use Services Department).
- B. Application fee (Fee Schedule available from the Land Use Services Department).
- C. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible. (A detailed description is available from the Land Use Services Department).
- D. Proof of ownership, which includes a current or updated title insurance policy or title commitment no more than ninety days old.
- E. A notarized letter of authorization from all landowners permitting a representative to process the application with a disclaimer that no other party's consent is required.
- F. Preliminary or Final Development Plan Exhibit with all supporting documents required by staff (per Section 1-4900, herein). The format for all plans and plats shall be in upper sans serif. Font size shall be readable when plans are reduced to an 11x 17- inch size. No plans or plats shall include copyright restrictions.
- G. Technical Report: Phase I (PDP) and Phase III (FDP) drainage plans shall be initially submitted to the Land Use Services Department. The staff planner shall forward the plans to the City's Engineering Division.
- H. Technical Report: A Traffic Study prepared in accordance with the City of Centennial Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Division.

Section 11.1.4907 Plan Exhibit (PDP Only)

The Preliminary Development Plan shall be an original drawing in black ink on 24" x 36" single/double matte mylar or a photographic blackline positive mylar of the same, or equivalent, and shall contain the following information:

- A. Project name, type of proposal (Preliminary Development Plan, P.U.D. Amendment etc.), legal description of the total land area, date of the drawing, scale and north arrow.

- B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.
- C. Both existing and proposed zoning of the site. Existing zoning and densities (or, in the case of non-residential zoned properties, approved floor area ratios) of adjacent properties.
- D. Existing land uses and densities which are requested to continue until development. Specify requested duration of existing uses.
- E. Proposed densities of the development at full build-out in residential units per gross acre and/or non- residential gross floor area ratios (F.A.R.).
- F. Proposed land uses for the entire plan, the total square footage and acreage of each use, and the percentage of the entire plan of each use.
- G. Proposed site development criteria, including setbacks, distances between structures, maximum building heights, unobstructed open space, maximum lot coverage of structures, parking ratios and any other criteria, as appropriate.
- H. If the application is a P.U.D. Amendment, a chart comparing the criteria on the latest approved Preliminary Development Plan with the criteria proposed by the P.U.D. Amendment, including uses permitted, maximum building heights, unobstructed open space, maximum lot coverage of structures, setbacks, distances between structures, parking ratios and any other criteria, as appropriate. (A blank Development Comparison Chart can be obtained from the Land Use Services Department.)
- I. Proposed general locations of structures and parking, if known.
- J. Proposed criteria for signage types, locations and maximum dimensions, if known. (If not stated, the Sign Code contained herein shall govern).
- K. Estimated size and general location of public sites.
- L. Existing and proposed right(s)-of-way widths for all existing/proposed internal and external roadways.
- M. Existing and proposed public and/or private roadways and their conceptual points of access to adjacent and/or external roadways.
- N. Existing topography with contour intervals of two feet (2') or less, tied to U.S.G.S. or other acceptable datum.

- O. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.
- P. Owner(s) of Record signature block, and notary. (See Section 11.2A.100).
- Q. Applicable notes approved by the City Council which regulate the development (Airport Influence Area note, off-site improvements note, etc.).
- R. Planning and Zoning Commission review statement, City Council signature block and Recorder Certificate.
- S. Additional information may be requested by the Land Use Services Department, as appropriate to the request, and information required above may be waived by the Land Use Services Department Manager if it is deemed to be inappropriate to the request.
- T. Lettering for all plans need to be upper case sans serif.
- U. The City will not accept any plans or plats that have copyright restrictions.
- V. All Standard Notes, Certificates and dedications required by the City of Centennial staff shall be included on the plat as described in Section 11.1.4900 herein. Any modifications to these notes must be approved by the City Attorney. All Standard Notes not meeting these specifications shall be removed.

Section 11.1.4908 Plan Exhibit (FDP Only)

The Final Development Plan shall be an original drawing in black ink on 24" x 36" single/double matte mylar or a photographic blackline positive mylar of the same, or equivalent, and shall contain the following information:

- A. Project name, type of proposal (Final Development Plan), legal description of the Plan's land area, date of the drawing, scale, north arrow and existing zoning of the site.
- B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.
- C. Commercial Development: The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points/service areas.
- D. Residential Development: Graphic representations showing the building types proposed, i.e. single family detached, single family attached, or multifamily. Graphic

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- representations should also identify the general height of dwelling units, i.e. 1, 1 1/2, 2, 2 1/2, or 3 stories in height and graphically include the general layout, elevation, and perspective of detached garages to determine if they are one or two stories in height. Perspectives should be provided to clearly identify the design and character of standard streetscapes and open space areas.
- E. Chart comparing all of the regulations and requirements of the proposed Final Development Plan with those of the approved Preliminary Development Plan regarding the proposed use(s), building heights, gross floor area, residential density, gross floor area ratios, setbacks, open space, parking ratios, etc.
 - F. Existing and proposed finished grade topography at two-foot (2') contours or less tied to a U.S.G.S. or other acceptable datum.
 - G. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, compact, handicap, etc.), and types of surfacing, such as asphalt paving, concrete, gravel, etc.
 - H. Location(s) and dimension(s) of all existing access points on immediately adjacent properties.
 - I. Public and private utility service lines and/or main lines with appurtenances, and location(s) and dimension(s) of all existing/proposed easements.
 - J. All walks, open areas and recreation areas, with a description of these improvements.
 - K. Location of outdoor trash receptacle systems.
 - L. Provision for access by emergency vehicles.
 - M. Location and dimension and surface treatment of drainage easements, volume capacity of all drainage ponds, and the size of the outlet restrictor.
 - N. An illustrative landscape plan showing locations and general types of all proposed landscaping materials, including fences, walls, planters and any other landscaping features. (Refer to Section 11.1.4800).
 - O. A signage plan describing and illustrating the size, location, type and material of all signs.
 - P. Location, type and height of lighting devices. (Refer to Section 11.1.4700).
 - Q. Commercial: Representative architectural elevations of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the proposed buildings.

- R. Residential (See Residential Development as set forth herein).
- S. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.
- T. Approved Owner(s) of Record signature block and notary (Section 11.2A.100).
- U. Applicable notes approved by the City Council which regulate the development (Airport Influence Area note, off-site improvements note, etc.).
- V. Planning and Zoning Commission review statement, City Council signature block, and Recorder's Certificate.
- W. Additional information may be requested by the Land Use Services Department as appropriate to the request, and information required above may be waived by the Land Use Services Department Manager if it is deemed to be inappropriate to the request.
- X. Lettering for all plans need to be upper case sans serif.
- Y. The City will not accept any plans or plats that have copyright restrictions.
- Z. All Standard Notes and Certificates required by City Staff shall be included on the Plan as described in Section 11.2A.100. Any modifications to these notes must be approved by the City Attorney. All notes not meeting these specifications shall be removed.

Section 11.1.4909 Master Development Plan Submittal Requirements

- A. The Master Development Plan establishes development parameters and restrictions that provide a greater level of detail than that required for a PDP but a lesser degree of detail than that required for an FDP or ASP. These parameters and restrictions establish reasonably certain and predictable land use entitlements upon which both the City and the developer may rely, while allowing the developer flexibility in establishing specific building architecture and site layout details through a subsequent ASP approval process. The MDP will also set forth specific development restrictions and limitations that are known, such as view corridor and perimeter screening requirements.
- B. Included within the MDP will be at least one depiction of a potential finished development scenario. Unless so stated in the MDP or in an accompanying development agreement (if any), the depictions will not be construed as the only permitted site layout but will be construed only as illustrations of one of the possible

development scenarios. Even though an MDP may depict a single building in a particular location, a later ASP which depicts multiple buildings in the same general location will still be eligible for approval (and vice versa), and shall be approved if the submittal otherwise complies with the MDP. Unless otherwise provided on the MDP, multiple principal structures may be approved for construction on a single Lot. Unless otherwise provided on the MDP, previously approved FDPs for property within the MDP shall be treated as deemed approved ASPs.

- C. The MDP shall be an original drawing in black ink on 24"x36" single/double matte mylar(s) or a photographic blackline positive mylar(s) of the same. The MDP submittal shall contain all information required for a PDP submittal, as specified in Section 11.1.4907 of this section, except that the information set forth in seventh and ninth bullet points shall not be required. The MDP submittal shall additionally include the following information, provided that staff may waive any requirement that it deems unnecessary or unduly burdensome under the circumstances of a particular submittal:
1. A completed application form, which shall include the project name, a narrative description of the proposed MDP, and contact information for applicant and consultant team members involved with the MDP submittal.
 2. Proof of ownership.
 3. A description of the permitted uses (subject only to ASP review), conditional uses (subject only to ASP review), uses allowed by special review, maximum building heights, maximum gross floor area, maximum gross floor area ratio, minimum setbacks, minimum open space, minimum parking ratios and other development standards proposed in the MDP, together with a comparison of the MDP standards and uses with the existing zoning standards. A comparison chart shall be included on the MDP document.
 4. A description of the approximate quantity, size, general location, type and material of signs, and any applicable or proposed conditions, restrictions or limitations. At the applicant's discretion, this requirement may be satisfied by a master sign plan for the project approved in conjunction with the MDP or at any time thereafter.
 5. The geographic location, quantity, dimensions, heights and gross floor area of all existing structures, along with a statement describing how the existing structures will be incorporated into the MDP; the approximate geographic location, architectural character, quantity, dimensions, heights and gross floor area of all proposed structure(s); the conceptual location of building entrances and loading points/service areas; the proposed use(s) to be contained within such structures; and any applicable or proposed conditions, restrictions or limitations. The applicant shall also describe any FDPs approved for property included within the

MDP and state the extent to which such FDPs are intended to be incorporated within or otherwise survive approval of the MDP.

6. Locations of existing access points on immediately adjacent properties (which shall be updated as necessary in conjunction with each subsequent ASP). A general description and geographic location of the proposed approximate curb cut and driveway locations and dimensions, and proposed approximate off-street parking locations and ratios, and any applicable or proposed conditions, restrictions or limitations.
7. Proposed finished grade topography at two (2) foot contours or less, tied to U.S.G.S. datum.
8. A description of the type and height of lighting devices, and any applicable or proposed conditions, restrictions or limitations.
9. A graphic depiction of landscape standards, street cross-sections showing all landscape materials, street perspectives depicting the streetscape theme, and criteria for proposed irrigation systems, caliper of deciduous trees, height of evergreen trees, and gallon size of shrubs, and any applicable or proposed conditions, restrictions or limitations. All landscaping will comply with the City of Centennial Landscape Standards in accordance with Section 11.1.4800 herein.
10. A general description of width and turning parameters for emergency vehicles access.
11. If applicable, a general description of proposed sidewalks, walkways, open areas and recreation areas, and outdoor trash receptacle systems, and any applicable or proposed conditions, restrictions or limitations.
12. Location and description of existing public and private utility service lines and main lines, together with the locations and dimensions of any existing easements, and any applicable or proposed conditions, restrictions or limitations.
13. Traffic Study which may be in the form of a previously-approved master traffic study for the development if certified as current and reliable and in conformance with all existing City requirements). In addition, following approval of an MDP, the City may require annual master traffic study updates, utilizing data collected within 2 months of the date of the update. Each update must provide a certified analysis prepared by a Colorado licensed professional traffic engineer which states that traffic conditions, columns and movements and intersection levels of service existing as of the date of the update conform in all respects to the traffic projections and analysis set forth in the Master Traffic Study. The update shall include data and analysis conforming to the City's "Guidelines for Traffic Impact Studies" then in effect, including but not limited to: (i) Intersection Capacity

Analysis; (ii) Current 24-hour bi-directional traffic counts for all roadways in and adjacent to the MDP; (iii) Critical Movement Analyses; (iv) Progression Analyses; (v) graphical and tabular comparative analyses of the traffic generation within the Project MDP that was analyzed (and predicted) by the Master Traffic Study and the current traffic generation within the Project MDP; (vi) graphical and tabular comparative analyses of the projected increases in background traffic analyzed by the Master Traffic Study and the actual increase in background traffic; and (vii) warrant study projections for all traffic control devices, including but not limited to signalization and acceleration and deceleration lanes. If the Code requirements relating to traffic are amended after the approval of the Master Traffic Study, the updates must analyze the infrastructure requirements and restrictions required by the Code and propose a means acceptable to the Council for complying with the new requirements. The updates must be certified by a Colorado licensed professional traffic engineer based upon the studies and analyses conducted by or under the supervision of such engineer.

14. Drainage Report (which may be in the form of a previously-approved master drainage report) for the development.
15. A copy of all current recorded covenants, conditions and restrictions applicable to the property, and all other private architectural and use guidelines and restrictions in effect at the time of submittal, together with a description of any changes proposed to take effect prior to or after the adoption of the MDP, to the extent then known.
16. A depiction of one or more possible buildout scenarios for the development, which complies with the assumptions and limitations of the underlying traffic and drainage studies, and complies with all applicable conditions, restrictions and limitations shown on the MDP.
17. Architectural design guidelines for the development with graphic illustrations depicting the architectural character, of structures and exterior wall materials, and any applicable or proposed conditions, restrictions or limitations.
18. If appropriate, suggested language regarding appropriate conditions and restrictions on the uses set forth in the MDP submittal (including, but not limited to, siting restrictions and other physical constraints, or conditional approval subject to Use by Special Review procedures prior to, or in conjunction with, review of ASP submittals).
19. A statement describing the owner, tenant, mortgagee, or owner association signatures required on any administrative or formal application for amendment of the MDP. Unless otherwise specified by the MDP applicant, the MDP will contain a statement that an application for amendment will be accepted for processing so long as it is signed by the owner(s) of all sites upon which the

amendment will apply, without regard to whether the amendment is authorized or approved by the owners association, tenants, mortgagees, or adjacent owners within the MDP.

20. Proposed language addressing the need, if any, for platting, easement or fee interest (such as right-of-way and parks) dedications, infrastructure funding or construction prior to, concurrent with or subsequent to submission of ASP applications.
21. Proposed language, if any, regarding concurrent submittal and review of subsequent ASP applications and building permit applications pursuant to the MDP.
22. City Council, Planning and Zoning Commission and Owner signature/approval blocks.
23. The Land Use Services Department shall have the authority to require more information be submitted or depicted prior to or after referrals are sent, for the purpose of ensuring that the ramifications of the MDP are clear and easily understood, and for the purpose of addressing and resolving issues which arise as a result of analysis by staff, referral agencies or citizen comments.
24. The submittal requirements are provided to guide the preparation of the MDP. Final plan content shall be determined through the referral process, staff and Planning and Zoning Commission analysis, and ultimately, the conditions of the City Council approval.

Section 11.1.4910 Administrative Site Plan Process and Submittal Requirements

The Administrative Site Plan (“ASP”) is the final step in the Master Development Plan (MDP) process, and includes the following three related but independent components:

- a. Site Development and Grading Plan;
- b. Foundation and Preliminary Architecture approvals; and
- c. Full Shell Building and Core approvals.

A. MDP Designation

The MDP may designate uses by special review within all or designated areas of the MDP. Development of a site for a use designated as a use by special review shall follow the Use by Special Review procedures set forth in Section 11.1.5600 of the Regulations, as modified by this paragraph. Upon approval of an application for a

use by special review within the MDP, the applicant shall prepare a reproducible mylar(s) for signature by the Mayor of the City of Centennial, which shall be titled an “ASP for Use by Special Review” for the described site (rather than the “Use by Special Review Plan” required for a non-ASP use by special review). The approved ASP for Use by Special Review shall establish the same entitlements and shall have the same effect as a complete ASP (i.e., an ASP that has obtained approvals for each of the three components described below) approved pursuant to the procedure set forth below.

B. Permitted Uses and Conditional Uses (Subject Only to ASP Review).

1. Development of a site for uses designated on the MDP as permitted uses (subject only to ASP review) and conditional uses (subject only to ASP review) shall follow the procedures set forth below. Unless the MDP specifically states otherwise, ASP applications for improvements which do not require Use by Special Review approval under the MDP may be submitted after (i) the execution, submission and approval of the MDP mylar and the master subdivision improvement agreement applicable to the development, (ii) the obligations of the master subdivision improvement agreement for public or private improvements related to such ASP application have either been constructed and approved by the City or appropriate collateral for such improvements has been accepted by the City, and (iii) completion of any other additional review and analysis which the MDP requires to be submitted prior to such submittal. An ASP may cover proposed development of a single or multiple lot(s), and may include a single or multiple primary structure(s) together with any accessory structures. An ASP application must comply with all requirements of the MDP and these Regulations, and must comply with the assumptions and limitations of the drainage and traffic studies/reports then in effect for the MDP.
2. A determination of whether a requested non-Professional Office use (such as light industrial, office/warehouse, office/showroom, research and development, hotel and conference facilities, child care facilities, health clubs, restaurants or their uses) is appropriate to include within a particular development shall be made in connection with review of the application for an MDP or PDP, with appropriate conditions and limitations included at the time of approval of an MDP or FDP.
3. A determination of whether a requested non-Light Industrial use (such as office/showroom, hotel and conference facilities, child care facilities, health clubs, restaurants or other uses) is appropriate to include within a particular development shall be made in connection with review of the application for an MDP or PDP, with appropriate conditions and limitations included at the time of approval of an MDP or FDP.

C. City Processing of ASP Applications.

1. The applicant may submit an application for approval of each component independently, so long as the preceding component has already been submitted and not rejected or denied, or may simultaneously apply for two or more components in a single combined submittal. City staff shall mail a written confirmation of receipt of each application and shall state the case/permit/review number assigned to such application. City staff may require the applicant to appear at one or more staff or referral agency meetings to present the application, to respond to specific questions, or to provide further information or analysis concerning the application. City review of each ASP application for buildings that are planned to house Professional Office uses and uses that are accessory or appurtenant to the Professional Office uses shall be accomplished administratively and shall be completed within thirty (30) calendar days after receipt of a complete application for the particular component(s). The processing for buildings containing other uses shall proceed as established in the MDP or, if not addressed in the MDP, as established by the City Council from time to time but in no event shall such time period be less than thirty (30) days. Such time periods may be extended by mutual agreement of the City and the applicant.
2. A site may have only one approved site plan in effect at any given time. Approval of an ASP application shall constitute rescission of any previously approved but unbuilt ASP or Final Development Plan. If a previously approved ASP or FDP includes property covered by the later approved application, the prior plan approval is rescinded.
3. If a component application is rejected or denied, all dependent/following component applications then in process shall be held in abeyance pending final disposition of the rejected or denied application, but shall be revived by the Land Use Services Department Manager upon written request of the applicant after resubmission of the rejected/denied application if such dependent/following applications are consistent with the resubmitted application. The review of such revived applications shall occur within the review period for the resubmitted application. Unless staff provides the applicant with written notice of specific deficiencies in the application within five (5) business days after the submittal date, the application shall be deemed complete as and when submitted for purposes of triggering the review period deadlines. The review period shall be tolled for the period during which the staff is waiting for the applicant to respond to its written request for supplemental or corrected information, provided that the period shall not be tolled more than twice with respect to any particular application. If any such supplemental or corrected information is not submitted within thirty (30) calendar days after the applicant's receipt of staff's request for such information, the then current thirty (30) day review period shall no longer apply to the application, and a new thirty (30) day review period shall begin on the date that such supplemental or corrected information is submitted. An

uncured submittal deficiency may justify the denial of the application regardless of when the deficiency was detected during the review period.

4. Planning staff shall approve ASP applications which comply with the MDP and these Regulations and with the assumptions and limitations of the traffic and drainage studies/reports then in effect for the MDP. An application which is neither affirmatively approved nor denied within the applicable review period shall be deemed approved, and the City shall forthwith execute any documents necessary to effect such approval. Submittals approved in an earlier component of the ASP process may be modified administratively in an application for review and approval of a subsequent ASP component. Such request shall be approved or denied within the review period for such subsequent component.

D. Administrative Appeal of Denied Application.

The Council shall have the power to deny an ASP application, which, if approved, would result in the violation of an approved FDP or MDP. The City Council may, by resolution, adopt administrative review or appeal procedures for review of denied ASP applications or for review of conditions attached to conditionally approved ASP applications. City processing of ASP applications shall not be final until any available administrative review or appeal procedures are concluded. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.

E. Site Development and Grading Review Submittal Requirements.

1. If development or use of the site as contemplated by the ASP submittal requires the use of property, facilities, or infrastructure owned or controlled by others (such as encroaching into easements, access across other sites or off-site, or use of drainage outfalls or infrastructure under the control of districts or private parties), the submittal is not eligible for processing unless it includes evidence demonstrating that each owner or controlling district of such property, facilities, or infrastructure has granted permission, either in the form of the Council standard easement or other document acceptable to the City Attorney, to use such property, facilities or infrastructure in the manner contemplated by the ASP or otherwise required by the Code.
2. The Site Development and Grading Plan submittal shall include: (1) a completed application form; (2) contact information for the applicant's consulting team; (3) proof of ownership; and (4) an original drawing in black ink on 24" x 36" paper of the drawing containing the following information at a level of detail consistent with final construction drawings:

- a. Project name, type of proposal (ASP/Site Development and Grading Plan), legal description of the land area within the ASP, acreage contained within the ASP, date of the drawing, scale, and north arrow and vicinity map.
- b. Proposed densities of the development at full build-out in gross floor area ratios (F.A.R.).
- c. Setbacks, including parking and building, distances between structures, parking ratios and other parking criteria and unobstructed open space.
- d. The approximate graphic location, dimensions, lot coverage, maximum heights and gross floor area of all existing and proposed structure(s).
- e. The graphic location of public sites, if any, to be provided within the ASP.
- f. Specific signage plan, if no master sign plan has been approved for the development.
- g. Existing and proposed right-of-way widths for all existing/proposed internal and external roadways within and immediately adjacent to the ASP.
- h. Existing and proposed public and/or private roadways and their conceptual points of access to adjacent and/or external roadways.
- i. Existing and proposed finished grade topography with contour intervals of two feet (2') or less, tied to U.S.G.S. datum.
- j. Traffic Study.
 - (i) Documentation of conformance with the master traffic study, in the form of a letter update certified by the applicant's engineer as accurate, complete and current as of the date of the letter, which shall be valid for all ASP applications submitted within twelve (12) months of such letter update.
 - (ii) A traffic analysis certified by a Colorado licensed professional traffic engineer that demonstrates to the reasonable satisfaction of the City's Engineering Division, that the site design complies with the assumptions and limitations of the then-current version of the Master Traffic Study. The submittal must analyze the traffic demands based upon the maximum occupancy of the development depicted in the ASP application, and shall include (i) new local ground counts, (ii) formal warrant studies as set forth in the Code or the latest edition of the Manual of Uniform Traffic Control Devices for all traffic control devices (including signals and

acceleration/deceleration lanes) identified in the Master Traffic study, and (iii) intersection and access point level of service analysis.”

- k. Documentation of conformance with the master drainage report, in the form of a Phase III drainage report for the site(s) covered by the submittal. A drainage report, complying with the Council’s content and certification requirements for Phase III drainage reports, that demonstrates (i) that the site plan drainage and infrastructure will comply with the Master Drainage Plan, (ii) that sufficient capacity exists, or will be constructed in advance of the projected drainage impacts for all on-site and off-site drainage conveyance facilities required to serve the development described in the application, (iii) that sufficient volume exists to detain the drainage from the Site in conformance with the Master Drainage Plan, (iv) an accounting of the utilization and capacity of the regional detention facilities serving the application which shows available volume to detain the utilization and capacity of the regional detention facilities serving the application which shows available volume of the facilities to detain the drainage from the developed Site, through graphical and tubular analyses which include the total volume of the facilities, the flows from all sources, the volume available presently and after development as depicted in the application, and the volume remaining after the proposed development.
- l. Specific locations of fire lanes and for access by emergency vehicles.
- m. Specific locations for all sidewalks.
- n. Specific location of outdoor trash receptacle systems.
- o. Specific locations for utilities, easements (including dimensions thereof), and connections of utilities to building(s). (Note: At applicant’s option, this information may be deferred to the second or third stage of ASP review.)
- p. Description of uses proposed for site.
- q. Fee Schedules and provisions.
- r. Applicable standard and special notes as required by the City Council which regulate the development (e.g., Airport Influence Area note, off-site improvements note, etc.).
- s. Proposed changes or updates to the approved master subdivision improvement agreement language or cost estimates, if any, needed to ensure that sufficient collateral remains available to secure construction of the improvements associated with the site as developed within the schedule recommended by the City’s Engineering Division.

- t. Owner(s) of Record signature block.
- u. Land Use Services Department Director's signature block.

F. Foundation and Preliminary Architecture Review

The Foundation and Preliminary Architecture submittal shall not be submitted unless a Site Development and Grading Plan application has been submitted and has not been rejected or denied. This submittal shall include: (1) a completed application form; (2) contact information for the applicant's consulting team; and (3) an original drawing in black ink on 24" x 36" paper of the drawing containing the following information at a level of detail consistent with final construction drawings:

1. Project name, type of proposal (ASP/Foundation and Preliminary Architecture), the platted legal description of the site, acreage of the site, date of the drawing, scale, and north arrow and vicinity map.
2. If the site has not received final plat approval at the time of submittal, the applicant shall submit a drawing depicting the site and foundation after final plat approval.
3. Solar shading areas (to the extent then known, based on the information submitted pursuant to Section 1-4910.F.04 below).
4. Preliminary architectural elevations of all sides of proposed structures and mechanical equipment screening which show building and screening heights, general colors and textures of materials to be used on the exterior of the proposed buildings and screening improvements (or a statement of intent of the materials proposed).
5. A drawing of the foundation and building footprint, together with a statement of the building coverage and the square footage/density shown. If the applicant intends to seek a building permit for the structural frame of the building in connection with or following the approval of this ASP, the application shall also include all architectural and other information needed to enable the Building Division to secure zoning approval of the structural frame permit.
6. Proposed changes or updates to the approved master subdivision improvement agreement language or cost estimates, if any, needed to ensure that sufficient collateral remains available to secure construction of the improvements associated with the site as developed within the schedule recommended by the City's Engineering Division.

7. Applicable standard and special notes as approved by the City Council which regulate the development (e.g., Airport Influence Area note, off-site improvements note, etc.).
8. Owner(s) of Record signature block.
9. Land Use Services Department Director's signature block.
10. If the site has not received final plat approval at the time of submittal, the ASP approval, if any, received at this stage of the review shall not be effective until the site receives final plat approval. If the plat approval is inconsistent with the information relied upon by the Planning staff in the ASP approval, the ASP approval shall be void.

G. Full Shell Building and Core Review

The Full Shell Building and Core submittal shall not be submitted unless a Foundation and Preliminary Architecture application has been submitted and has not been rejected or denied. This submittal may not be approved until after the site has received final plat approval. This submittal shall include: (1) a completed application form; (2) contact information for the applicant's consulting team; and (3) an original drawing in black ink on 24" x 36" single/double matte mylar or a photographic blackline positive mylar of the drawings approved for prior ASP components, together with a drawing containing the following information at a level of detail consistent with final construction drawings:

1. Project name, type of proposal (ASP/Full Shell Building and Core), legal description of the Plan's land area, acreage of Plan's land area, date of the drawing, scale, north arrow and vicinity map.
1. Specific building heights.
2. Specific building coverages (footprints) and size and a calculation of the amount of open space.
3. Specific Designation of public sites, if any.
4. Specific site lighting photometric plan.
5. Specific landscape plan showing locations and types of all proposed landscaping materials, including fences, walls, planters and any other landscaping features.
6. Specific architectural elevations of all sides of proposed structures which show building heights, colors and textures of materials to be used on the exterior of the proposed buildings.

7. Specific locations for utilities, easements (including dimensions thereof), and connections of utilities to building(s).
8. Applicable standard and special notes as approved by the City Council which regulate the development (e.g., Airport Influence Area note, off-site improvements note, etc.).
9. Proposed changes or updates to the approved master subdivision improvement agreement language or cost estimates, if any, needed to ensure that sufficient collateral remains available to secure construction of the improvements associated with the site as developed within the schedule recommended by the City's Engineering Division.
10. Owner(s) of Record signature block.
11. Land Use Services Department Director's signature block.

H. Restrictions on Approvals and Permits

City staff does not have the authority to approve ASP applications that exceed the parameters of the MDP or these Regulations. Permits issued for development within a site subject to an MDP may contain such conditions as are necessary to ensure compliance with the MDP and with the assumptions and limitations of the traffic and drainage studies associated with the MDP, as those restrictions, assumptions and limitations may be modified as a result of updates to the traffic and drainage studies. Following the termination of the vesting period, if any, associated with the MDP, additional requirements may be imposed on ASP applications received thereafter.

Section 11.1.4911 Recordation Procedure

- A. Prior to recordation of the development plan, the applicant must submit all required documentation, recordation fees, a certificate of taxes paid along with the amended development plan in accordance with the City Council approval.
- B. Prior to the City's recognition of the development plan, the approved development plan must be recorded in the office of the Arapahoe County Clerk and Recorder.
- C. Within 60 days of approval of the development plan, the applicant shall submit a photographic mylar of the approved development plan ready for recordation except for the signatures of the Mayor and Planning and Zoning Commission Chair. An original drawing in black ink is also acceptable. In addition, all required documentation and recordation fees are required with the mylar submittal. An extension may be granted in writing by the Land Use Services Department Director.

Section 11.1.4912 Expiration of Approval

- A. Failure by the applicant to submit all required documentation within 60 days of approval render approval of the development plan voidable resulting in the necessity for a new submittal of the development plan. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Land Use Services Department.
- B. The Land Use Services Department Director or designee may grant extensions of time up to twelve (12) months, upon a written request by the applicant or staff for good cause being shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the City Council.
 - 1. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines and list any changes in the character of the neighborhood, any changes in the City Master Plan, Zoning Resolution or Subdivision Regulations that have occurred since approval of the development plan.
 - 2. These changes may affect the plan and the anticipated time schedule for completing the platting process. A Fee Schedule is available from the Land Use Services Department. Additional review of the development plan may occur, resulting in additional conditions as applicable.
- C. The denial of an extension by the Land Use Services Department Director may be appealed to the Council in writing within ten (10) working days of the decision by the Land Use Services Department Director.

Section 11.1.4913 Vested Property Rights Provisions

A. General

In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended (the “Vested Property Rights Act”), an applicant may seek approval of a “vested property right” either by approval of a “site specific development plan” or by approval of a “development agreement” relating to the proposed development. The following approvals shall be eligible for vesting as “site specific development plans”: Final Development Plans on property that has received final plat approval by the City Council, qualifying Master Development Plans (described below), and Administrative Site Plans, or such other plans as the Council may designate in an agreement entered into by the City and the landowner. An approved ASP shall automatically be entitled to the same vested rights as have been granted pursuant to the Vested Property Rights Act for the MDP to which the ASP relates, for the same period of vesting which remains for the MDP at the time the ASP is approved.

B. Vested Property Rights

Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular development plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of City Codes and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements. The process for seeking a “vested property right” is separate from the process for seeking approval of a development plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the City no later than fourteen days following approval.

C. Site Specific Development Plan Procedure

The process for establishing a “vested property right” for FDPs, qualifying MDPs and ASPs shall be as follows: The applicant shall be required to post the subject property with a notice of a Public Hearing before the City Council relating to a vested property right, publish notice of the Public Hearing 14 days in advance of the Public Hearing in a newspaper of general circulation in the City of Centennial, and provide mail notification of the Public Hearing to adjacent property owners. If approved, the vesting shall last for a period of three years from the date of publication of a notice to the general public, by the applicant, of the approved vested rights. Publication of the notice of approval shall occur no later than 14 days following approval. The vesting period may be extended by the City Council to the extent permitted by the Vested Property Rights Act.

In considering whether to approve a site specific development plan, the Council may consider whether the applicant has established that the City is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without being required to pay compensation to the affected landowner, without injury to others and without requiring variances, exemptions or waivers of City policies, regulations or rights then in effect. The applicant will present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period. The applicant shall also comply with all other requirements of the City for establishment of vested property rights, which may be imposed by resolution of the City Council from time to time.

An MDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the City Council that the MDP contains sufficient restrictions, and that any forecasts of future off-site developed land

uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan, to justify the administrative approval of final site plans as allowed by the MDP and these Regulations. This determination may be requested at the time of the MDP application, or may be requested after approval of the MDP in connection with an application for vested property rights. (*Ord. 2003-13*)

D. Development Agreement Procedures

The process for establishing a “vested property right” regarding a development agreement shall involve negotiation of an agreement between the City and the developer. After a proposed development agreement has been negotiated by staff and the applicant, the Council shall conduct a Public Hearing at which it shall consider and take action on the proposed development agreement. This process shall include posting the subject property with a notice of the Public Hearing, publishing a notice of the Public Hearing in a newspaper of general circulation in the City of Centennial 14 days prior to the Public Hearing, and providing mail notification to adjacent property owners. The City Council shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the City Council, the City may consider the following in determining to grant vested property rights: (i) whether the plan or project is sufficiently well-defined to justify vesting for the period proposed, (ii) whether there are sufficient corresponding benefits to the City and its citizens to justify granting any or all of the vested property rights requested for the development, (iii) whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time; (iv) other factors as outlined in resolutions or policies of the Council, and (v) recommendations, if any, of citizens, City staff and referral agencies. If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act. A development agreement may vest property rights created in previously or contemporaneously approved Final Subdivision Plats, PDPs, FDPs, MDPs, ASPs, master sign plans, master drainage plans, master traffic studies, customized review and approval processes, and any other development approval or process determined by the Council to be advisable under the circumstances, together with all amendments to any such development approvals and processes. The vested rights period shall begin to run following publication of a notice to the general public, by the applicant, of the approved vested rights. Publication of the notice of approval shall occur no later than 14 days following approval. (*Ord. 2003-13*)

- E. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication no later than fourteen days following approval. (*Ord. 2003-13*)

Chapter 1—Zoning Regulations

Part 5000

Rezoning to a Conventional Zone District

Section 11.1.5001	Intent
Section 11.1.5002	General Provisions
Section 11.1.5003	General Process, Submittal Requirements, Recordation and Expiration of Approval Procedures

Section 11.1.5001 Intent

To provide a process to amend the Zoning Map of any zoning district. A rezoning plan is required whenever a rezoning is proposed from one zone district to another zone district. Therefore, a rezoning process has been established, in accordance with the Administrative Provisions of this document, to provide for the review of land use and/or development criteria revision requests. The criteria listed below shall be considered by the Planning and Zoning Commission and Council in the review of all rezoning applications. All rezoning applications must meet the following standards:

- A. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
- B. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.
- C. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
- D. Enhance convenience for the present and future residents of the City of Centennial by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
- E. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
- F. Provide for accessibility within the proposed development and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.
- G. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

- H. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.
- I. Enhance the useable open spaces in the City of Centennial, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.
- J. Ensure the application complies with the requirements of this Code and the City of Centennial Comprehensive Plan.

Section 11.1.5002 General Provisions

- A. All zone categories, whether straight zoned or PUD zoned, remain subject to further regulation by the City of Centennial except to the extent of legally enforceable vested rights.
- B. Amendments to the requirements, uses and standards of straight zone districts will not automatically affect the requirements, uses and standards of already zoned property, unless so stated in the amendment or in subsequent amendments.
- C. Following approval of a conventional rezoning, a subdivision development plan may be necessary in accordance with Section 11.1.5200, described herein.

Section 11.1.5003 General Process, Submittal Requirements, Recordation and Expiration of Approval Procedures

All Rezoning applications shall follow the PDP requirements (per Section 11.1.4900 herein). In addition, the exhibit shall include the following:

- A. The title block shall contain the following: A-B-C REZONING PLAN City of Centennial, State of Colorado, A part of 1/4 Section X, Township Y South, Range Z West of the 6th P.M.
- B. Legal description of the subject property. A metes-and-bounds or description to the centerline of any abutting and adjacent streets shall be used. The area of the rezoning in acres or square feet shall be included.
- C. A rezoning request statement, indicating the current zoning classification of the subject property, and the zoning classification requested.
- D. A rezoning map, a graphic representation of the subject property and the adjacent streets and properties showing:

1. Subject property – based on the legal description, and using a scale of one inch/ 100 feet or larger, show the subject property with the existing and proposed zoning, any existing buildings and structures, any one-hundred year floodplains, topographic contours, and related physical conditions that may influence the rezoning request.
2. Adjacent properties and parcels – show the adjoining properties and include information on existing zoning, existing land use(s), and existing project/ property names, if known.
3. Adjacent streets – show all adjacent streets and list street names, street classification, right-of-way widths, and existing level of improvement.
4. Vicinity map – at a scale of 1”/ 2000’, with a north arrow and an emphasis on the major roadway network within one mile of the subject property.
5. Standard certifications to include:
 - a. Owner’s signature block, with dateline and title line.
 - b. Planning and Zoning Commission Recommendation block
 - c. City Council approval block
 - d. Surveyor Certification
6. A Case Number line in the lower left-hand corner of the rezoning map sheet
7. Other items as required by the City shall be shown on the rezoning map.

Chapter 1—Zoning Regulations
Part 5100 Small Lot Residential Development

Section 11.1.5101 Intent
Section 11.1.5102 General Provisions

Section 11.1.5101 Intent

- A. These regulations are intended to address small lot residential developments as defined as those developments with lot sizes under 6,000 square feet in size. These requirements are designed to minimize or eliminate the objectionable impacts of small lot development such as: the canyon-like effects from large homes on smaller lots, a congested feeling within development due to inadequate open space, monotonous use of setbacks, and associated street shading in the winter time.
- B. A determination of the acceptability of a proposed small lot subdivision will depend on issues such as maximum building coverage and/or maximum volume of a building on a lot and the proposed open space requirements within a development.

Section 11.1.5102 General Provisions

- A. The following standards are supplemental to the existing standards for a Preliminary or Final Development Plan or a Conventional Rezoning as applicable.
- B. For developments containing lots under 6,000 square feet, the development must be aesthetically pleasing, provide reasonable levels of private open space and limit height, mass and configuration of structures to avoid canyon-like or wall-like streetscapes, thereby preventing an over crowded feeling. Solid fences should not be placed on lot lines or be visible from the street unless they can be incorporated without contributing to this same wall-like or over crowded feeling.
- C. When private open space on the lots is minimal, the development must include additional common open space, configured in ways to be useable. The private open space must contribute to a feeling of height and air in the subdivision and lessen the crowded effect of large homes on small lots. Front setbacks shall be staggered to provide verifiable and perceptible change to the front elevation along the street.
 - 1. All open space requirements shall be satisfied in accordance with Section 11.1.4902.K of the Zoning Regulations.
 - 2. All requirements of the Landscaping regulations shall apply in accordance with Section 11.1.4800 as stated herein.
 - 3. The following items are required for lots ranging from 5,000 – 5,999 square feet in size:

- a. An illustration of side setback relationships and front setback variation;
 - b. An illustration of lot coverage showing building footprints, percentage of structural coverage and percentage of open space;
 - c. A typical plan for developer/builder installed front yard landscaping;
 - d. Documentation of the number of lots of this size in the overall development; if application is an in-fill site, documentation of the lot size mix within the surrounding neighborhood.
4. The following items are required for developments containing lots 4,999 square feet in size and smaller:
- a. A narrative description of the proposed project including overall design concept and target market;
 - b. An enlarged and fully dimensioned illustration of a typical cluster, car court, or area of lots that clearly delineates:
 - (i) Lot configuration,
 - (ii) Building footprints,
 - (iii) House-to-house relationships,
 - (iv) Outdoor living and landscape areas,
 - (v) Pedestrian and vehicular access including walks, driveways, streets, and proposed open or greenbelt area;
 - c. Architectural elevations illustrating:
 - (i) character,
 - (ii) colors
 - (iii) materials,
 - (iv) street scene;
 - d. A conceptual landscape plan for developer/builder installed landscaping.

- e. An overall land plan showing location and relationship of proposed project to adjacent land uses and/or existing surrounding neighborhoods.
5. Other items as determined necessary by the Land Use Services Department.

Chapter 1—Zoning Regulations
Part 5200 Subdivision Development Plan

Section 11.1.5201	Intent
Section 11.1.5202	Approval Criteria
Section 11.1.5203	Submittal Process
Section 11.1.5204	General Submittal Requirements
Section 11.1.5205	Plan Exhibit
Section 11.1.5206	Recording Procedure
Section 11.1.5207	Vested Property Rights Provisions

Section 11.1.5201 Intent

A Subdivision Development Plan (SDP) is required for all development on vacant land governed by straight zoning, as well as with all final plats not included within the boundaries of a planned unit development (PUD). An SDP shall also be required for additions to buildings that are equal to or exceed 50% of the original structure. Single-family detached development is excluded from these requirements.

Section 11.1.5202 Approval Criteria

The Land Use Services Department shall consider the following criteria for approval of a Subdivision Development Plan.

- A. Whether the SDP is consistent with the efficient development and preservation of the entire area within an approved Final Plat.
- B. Whether the SDP will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.
- C. Whether the SDP will adversely affect the public health, safety and welfare.

Section 11.1.5203 Submittal Process

- A. Upon receipt of all required information, the Land Use Services Department and City’s Engineering Divisions shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these regulations.
- B. The case planner will refer the application for a thirty (30) day internal review with the Land Use Services Department, Public Works Department and City Attorney. Some SDP may require outside agency review by Urban Drainage, Tri-County Health, etc.

- C. The applicant will be notified of any outstanding issues upon completion of this internal review.
- D. The applicant shall submit a final mylar for signature by the Land Use Services Department Director, or designee, following completion of all outstanding issues raised by the referral process and staff's determination that the SDP complies with all specified plan content requirements (per Section 11.1.5205 herein).
- E. The final mylar shall be an original drawing in black ink on 24" x 36" single/double matte mylar or photographic blackline positive mylar of the same, or equivalent.
- F. Prior to recordation of the SDP, the applicant must submit all required documentation, recordation fees, and a certificate of taxes paid, along with the approved plan in accordance with the Land Use Services Department Director's approval. No plan shall be recorded on the zoning of real property unless all delinquent taxes and special assessments thereon have been paid.
- G. The applicant shall provide evidence through a current title insurance policy or commitment (no more than thirty (30) days old) that the signature of the owner on the mylar is the owner of the property.
- H. Upon acceptance of the final mylar by the Land Use Services Department, the SDP will be signed by the Land Use Services Department Director or designee and attested by the Clerk and Recorder.
- I. Within thirty (30) days of approval by the Land Use Services Department Director or designee, the staff planner shall record the Subdivision Development Plan with the Office of the Clerk and Recorder.

Section 11.1.5204 General Submittal Requirements

A Submittal Requirements Matrix is available from the Land Use Services Department outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on the Land Use Services Department review.

- A. Completed land use application (Available from the Land Use Services Department)
- B. Application fee (Fee Schedule Available from the Land Use Services Department).
- C. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible. (A detailed description is available from the Land Use Services Department).

- D. Proof of ownership which includes an updated or current title insurance policy or title commitment.
- E. A notarized letter of authorization from the landowner permitting a representative to process the application
- F. Subdivision Development Plan Exhibit. (per 11.1.5205 herein) The format for all plans shall be in upper sans serif. Font size shall be readable when reduced to an 11x17 inch size. No plans shall include copyright restrictions.
- G. Title certificate or an abstract of titles covering all lands to be conveyed to the City.
- H. Treasurer's Certificate of Taxes due.
- I. Technical Reports
 - 1. Preliminary Construction Plans for the proposed subdivision's public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements, prepared in accordance with the Roadway Design and Construction Standards.
 - 2. Preliminary Pavement Design Report prepared in accordance with the Roadway Design and Construction Standards.
 - 3. Phase III Drainage Report as defined in the Storm Drainage Design and Technical Criteria.
 - 4. A Traffic Study prepared in accordance with the City of Centennial Guidelines for Traffic Impact Studies unless waived by the Engineering Division.
 - 5. A Submittal Requirements Matrix is available from the Land Use Services Department outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on the Land Use Services Department review.

Section 11.1.5205 Plan Exhibit

The Subdivision Development Plan shall be an original drawing in black ink on 24" x 36" single/double matte mylar or a photographic blackline positive mylar of the same, or equivalent, and shall contain the following information:

- A. Project name, type of proposal (Subdivision Development Plan), legal description of the Plan's land area, date of the drawing, scale, north arrow, and existing zoning of the site. Each sheet shall have the case number at the bottom left hand corner that reads, "Case No. XX-XXX."

- B. Vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.
- C. The geographic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points/service areas.
- D. Chart comparing all of the regulations and requirements of the proposed Subdivision Development Plan with these Regulations that pertain to proposed use(s), building heights, gross floor area, residential density, gross floor area ratios, setbacks, open space, parking ratios, etc.
- E. Existing and proposed finished grade topography at two foot (2') contours or less tied to datum acceptable to the City.
- F. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, compact, handicap, etc.), and types of surfacing, such as asphalt paving, concrete, gravel, etc.
- G. Location(s) and dimension(s) of all existing access points on adjacent properties and across the street.
- H. Public and private utility service lines and/or main lines with appurtenances, and location(s) and dimension(s) of all existing/proposed easements.
- I. All walks, open and recreation areas, with a description of these improvements.
- J. Location of outdoor trash receptacle systems.
- K. Provision for access by emergency vehicles.
- L. Location and dimension and surface treatment of drainage easements; volume capacity of all drainage ponds, and the size of the outlet restrictor.
- M. Proposed landscaping materials, including fences, walls, planters and any other landscaping features
- N. A Signage Plan describing and illustrating the size, location, type and material of all signs.
- O. Lighting Plan in accordance with Section 11.1.4700 herein.

- P. Representative architectural elevations of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the proposed buildings
- Q. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.
- R. All Standard Notes and Certifications required by the City of Centennial staff shall be included on the plan as described in Section 11.2A.100 herein. Any modifications to these notes or proposed non-standard notes must be approved by the City Attorney. All notes not meeting these specifications shall be removed.
- S. Additional information may be requested by the Land Use Services Department as appropriate to the request, and the Land Use Services Department Director or designee may waive information required above if it is deemed to be inappropriate to the request.

Section 11.1.5206 Recording Procedure

The SDP shall be recorded in accordance with 11.1.4911, herein.

Section 11.1.5207 Vested Property Rights Provisions

In accordance with the provisions of Article 68 of Title 24, C.R.S. as amended, an applicant may seek approval of a “vested property right” by approval of a “site specific development plan” relating to the proposed development. The vested property right shall relate to an approved Subdivision Development Plan, and may be sought subsequent to approval of such development plan. The process for seeking a “vested property right” is separate from the process for seeking approval of a subdivision development plan and shall follow the procedures set forth in Section 11.1.4913. (*Ord.2003-13*)

Chapter 1—Zoning Regulations
Part 5300 Administrative Amendment

Section 11.1.5301	Intent
Section 11.1.5302	Prerequisite
Section 11.1.5303	Density
Section 11.1.5304	Setbacks
Section 11.1.5305	Building Envelopes and Footprints
Section 11.1.5306	Heights
Section 11.1.5307	Open Space
Section 11.1.5308	Parking
Section 11.1.5309	Access
Section 11.1.5310	Drainage
Section 11.1.5311	Public Improvements
Section 11.1.5312	Subdivision Related Changes Affecting Development Plans
Section 11.1.5313	Signage, Lighting, Landscaping, Trash Disposal Areas, and Architectural Treatment
Section 11.1.5314	Administrative Process Determination
Section 11.1.5315	Approval Criteria for an Administrative Amendment
Section 11.1.5316	Formal Submittal Process
Section 11.1.5317	Formal Submittal Requirements
Section 11.1.5318	Plan Exhibit
Section 11.1.5319	Recordation Procedures

Section 11.1.5301 Intent

To provide an abbreviated amendment process for minor modifications to Preliminary, Master Development Plan, Final and/or Subdivision Development Plans that do not substantially alter approved development standards. The Administrative Amendment must preserve the intent of the original Preliminary, Final, Subdivision or Master Development Plan it modifies. This administrative amendment process is intended to be accomplished within a thirty (30) business day period, however, this time frame may vary depending upon the circumstances of each individual case.

Section 11.1.5302 Prerequisite

The criteria for the Land Use Services Department Director in making the administrative designation shall include but not be limited to the following:

- A. No right-of-way dedications, public improvements, traffic studies, drainage studies (unless specified within) or subdivision improvement agreements are required.
- B. A current final drainage report and current street construction plans have been approved for the Preliminary, Final and/or Subdivision Development Plan governing the proposal.

- C. The perimeter boundaries of the Administrative Amendment coincide with existing boundaries of the governing Preliminary, Master, Final and/or Subdivision Development Plan.
- D. Design standards on approved development plans are considered maximums and minimums as follows:
 - 1. Maximums: density, building coverage, building height, square footage
 - 2. Minimums: setbacks, open space, parking
 - 3. No amendment is required for reductions to these maximum standards, or increases to these minimum standards, except as they may require changes to: (1) building footprints, (2) landscaping for increases in open space, and (3) drainage reports for increased parking. In these cases, an Administrative Amendment may be required.
- E. When Amendments to approved plans request dimension or spatial modifications of up to the appropriate percentage, the base used for measurement shall be the originally approved Preliminary, Final, Master or Subdivision Development Plan.
- F. Permitted use - Only the clarification or definition of permitted uses may be processed through the Administrative Amendment process.

Section 11.1.5303 Density

- A. Commercial/Industrial. A one percent (1%) increase shall be the maximum allowed increase in any commercial or industrial development, and then it shall be limited to hallways, stairways, restrooms and storage, or a proven necessity for the operational safety of the project. An amended floor plan shall accompany the final application and be included as a part of the approved documents. The Land Use Services Department Director may recommend this type of change for a City Council consent agenda approval.
- B. The number of residential units cannot be increased.
- C. In the case where density by area or phase is specified on a Preliminary and Master Development Plan, transfers of density do not qualify for the Administrative Amendment process.

Section 11.1.5304 Setbacks

A. Internal Lot Line Setbacks

Setback decreases proposed from internal lot lines and/or between structures shall not be more than thirty percent (30%) of the original setback dimension. The Land Use Services Department Director or designee may recommend this type of change for a City Council consent agenda approval.

B. External Lot Line Setbacks

Proposed setback decreases from external lot lines shall not be more than ten percent (10%) of the original setback dimension. At no time shall a requested decrease change the final setback to less than thirty feet (30') from public rights-of-way and twenty feet (20') from all other external lot lines. The Land Use Services Department Director or designee may recommend this type of change in external lot line setbacks for a City Council consent agenda approval.

C. Distance Between Buildings

The minimum allowable distance between buildings is ten feet (10'). The Administrative Amendment process may not be used for requests to decrease the distance between buildings below the ten feet (10') minimum, but may be used to decrease minimum distances between buildings for other cases. The Land Use Services Department Director or designee may recommend a ten percent (10%) reduction to the minimum distance between buildings requirement for a City Council consent agenda approval.

Section 11.1.5305 Building Envelopes and Footprints

A. Increase

A ten percent (10%) increase in building envelopes and/or footprints shall be allowed administratively, but shall not reduce approved minimum open space, parking and setbacks and/or increase maximum height and density from those approved in the existing Preliminary Development Plan. When the Administrative Amendment is a Final, Master or Subdivision Development Plan, the Land Use Services Department Director or designee may recommend this type of change for a City Council consent agenda approval.

B. Reduction

Building footprints may be administratively reduced, but shall not increase approved heights and/or densities.

C. Location

Building envelopes and/or footprints may be relocated on site administratively, but shall not change and/or alter any of the approved development restrictions as set forth in the Preliminary, Final, Master and/or Subdivision Development Plan(s). Additionally, an analysis of impacts to the originally approved drainage study shall be provided with a request to alter approved building locations. To accommodate a request to “flip-flop” building footprints of dissimilar configurations, the buildings shall be similar in height.

Section 11.1.5306 Heights

Increases to the approved building heights on Preliminary, Final, Master and/or Subdivision Development Plans shall not be allowed under this Administrative Amendment process, and must be applied for through the formal P.U.D. amendment process. However, increases in building heights required only to accommodate mechanical appurtenances may be processed administratively.

Section 11.1.5307 Open Space

- A. Reductions in the approved open space shall be (unless it is a three story structure as stated in Section 11.1.4902.K limited to ten percent (10%) of the original requirement. However, at no time shall the open space for a development be less than twenty percent (20%) for industrial, commercial, multifamily and SINGLE FAMILY attached and not less than 10% for SINGLE FAMILY detached. When the Administrative Amendment is for a Final, Master or Subdivision Development Plan. The Land Use Services Department Director or designee may recommend this type of for a City Council consent agenda approval.
- B. Increases in open space do not require an amendment to the approved development plan. However, increases in open space shall not increase maximum building heights or decrease the minimum parking requirements approved on the Preliminary Development Plan.

Section 11.1.5308 Parking

Parking requirements are closely related to the uses within each development, and are unique to each plan. Alterations shall be allowed within ten percent (10%) of the original requirement. Proof that the increase or decrease is appropriate for the proper function of the development, or that the approved uses have been substantially changed, shall be provided as part of the submittal package. The change shall not decrease minimum open space and setbacks or increase maximum heights and/or density from those approved in the existing Preliminary Development Plan. When the Administrative Amendment is for a Final, Master or Subdivision Development Plan, the Land Use Services Department

Director or designee may recommend this type of an Amendment for City Council consent agenda approval.

Section 11.1.5309 Access

Changes to the number or type of access locations, access design, and/or internal circulation design may be processed administratively.

Section 11.1.5310 Drainage

Proposed changes to drainage routing and/or facility designs may require an Administrative Amendment to an approved development plan if it affects an approved design standard on that Plan (e.g. open space, setbacks, etc.). Specific criteria may include the following:

- A. Revisions to site drainage patterns that can be demonstrated not to increase storm flow at design discharge point(s) by more than five percent (5%) of that approved with the Phase III drainage report may be processed administratively.
- B. Increases in the capacity of onsite detention ponds up to five percent (5%) may be processed administratively.

Section 11.1.5311 Public Improvements

Revisions to the scope of public improvements may require an Administrative Amendment to an approved development plan if the improvement modification affects approved development standards (e.g. sidewalks, detention pond locations, etc.).

Section 11.1.5312 Subdivision Related Changes Affecting Development Plans

Changes to subdivision related elements such as lot lines, easements, rights-of-way, internal roadways, vacations and/or drainage systems should be made to the subdivision plat according to requirements in the City of Centennial Subdivision Regulations, and may require amendments to an approved development plan, if such changes affect approved development standards.

Section 11.1.5313 Signage, Lighting, Landscaping, Trash Disposal Areas, Architectural Treatment

Signage, lighting, landscaping, trash disposal areas, and architectural treatment elements of approved Final and/or Subdivision Development Plans may be processed administratively. The Land Use Services Department Director or designee may recommend signage amendments which conform to the signage regulations in these Regulations for a City Council consent agenda approval. Amendments to the signage

provisions of an FDP which are in excess of either the regulations of the PDP or the Sign Code portion of this document may not be processed administratively.

Section 11.1.5314 Administrative Process Determination

- A. The applicant shall submit all pre-submittal materials, in accordance with department requirements, to the Land Use Services Department, along with a Letter of Intent which details how the proposed amendment meets the applicable amendment criteria contained in Section 11.1.5313 herein.
- B. Upon the Land Use Services Department's acceptance of the pre-submittal materials, the applicant will be scheduled, and must attend a pre-submittal conference with a Planner and Engineer to discuss the merits of the proposed Administrative Amendment. During the pre-submittal meeting the Planner and Engineer will make an initial determination as to the proposal's eligibility to be processed administratively.
- C. At the next regularly scheduled staff meeting following the pre-submittal meeting, the proposal will be presented to the Land Use Services Department Director or designee for final determination as to whether the proposal can be processed administratively. The applicant will be notified by the case planner of the determination to approve or deny the request for administrative processing as soon as practical.
- D. The Land Use Services Department Director or designee reserves the right to refer any request for an Administrative Amendment to the City Council for consideration at a regular meeting of the Council. The Land Use Services Department will notify the applicant if the Land Use Services Department Director determines that Council review is desired.
- E. If the Land Use Services Department Director or designee denies a request for the administrative amendment process, the applicant can appeal the decision to the City Council within ten (10) working days of the Land Use Services Department Director's decision, by filing a letter of appeal with the Land Use Services Department. The Land Use Services Department Director will notify the City Manager's Office upon receipt of the letter of appeal within thirty (30) days and the matter will be scheduled for City Council determination as soon as practical. The applicant will be notified of the date that the Council will consider the appeal and is required to provide justification on his/her behalf.
- F. Upon a determination that the application can be processed administratively, the applicant must submit the formal application within sixty (60) working days of the Land Use Services Department Director's determination that an Administrative Amendment is allowed. Failure to submit within sixty (60) working days of the Land Use Services Department Director's determination, in writing, will render the decision voidable.

- G. The Land Use Services Department Director or designee may waive the pre-submittal conference. If a waiver is granted, the Land Use Services Department Director will issue a letter stating such.

Section 11.1.5315 Approval Criteria for an Administrative Amendment

The following criteria shall be considered by the Land Use Services Department Director or designee for approval of an Administrative Amendment:

- A. If the amendment is consistent with the efficient development and preservation of the entire Planned Unit Development (PUD) or Subdivision Development Plan (SDP);
- B. If the amendment will adversely affect reasonable development expectations the use and enjoyment of adjacent land or the public interest;
- C. If approval is in keeping with the spirit and intent of the Zoning Regulations and will not weaken the purposes of those regulations; and
- D. If approval will not adversely affect the public health, safety, and welfare.

Section 11.1.5316 Formal Submittal Process

- A. Upon receipt of all required information, the Land Use Services Department shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these Regulations.
- B. The case planner will refer the application for a fourteen (14) day internal review to various City departments and divisions within the Land Use Services Department.
- C. The applicant will be notified of any outstanding issues upon completion of this internal review.
- D. Following resolution of all outstanding issues raised by the referral process, and staff's determination that the Administrative Amendment request complies with all specified plan content requirements per Section 11.1.5317 herein, the applicant shall submit a final mylar for signature to the Land Use Services Department Director or designee.
- E. The final mylar shall be an original drawing in black ink on 24" x 36" single/double matte mylar or photographic blackline positive mylar of the same, or equivalent.
- F. Prior to recordation of the amendment, the applicant must submit all required documentation, recordation fees, and a certificate of taxes paid along with the

approved amendment in accordance with the Land Use Services Department Director or designee.

- G. The applicant shall provide a current title insurance policy or commitment (no more than thirty (30) days old from the date the mylars are submitted) confirming that the signature of the owner on the mylar is the owner of the property. No plan shall be recorded on the zoning of real property unless all delinquent taxes and special assessments thereon have been paid.
- H. Upon acceptance of the final mylar by the Land Use Services Department, the Administrative Amendment will be signed by the Land Use Services Department Director or designee.
- I. Within thirty (30) days of approval by Land Use Services Department Director or designee, the staff planner shall record the Administrative Amendment with the Office of the Clerk and Recorder.
- J. After the Land Use Services Department Director signs the mylar, building permits may be applied for and/or obtained.

Section 11.1.5317 Formal Submittal Requirements

- A. Completed Land Use Application (Application is available from the Land Use Services Department)
- B. Application fee (Fee Schedule is available from the Land Use Services Department)
- C. A Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.
- D. Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ninety (90) days old from the date of submittal.
- E. A notarized letter of authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party's consent is required.
- F. An Administrative Amendment exhibit (per Section 11.1.5318 herein). The format for all plans shall be in upper sans serif. Font size shall be readable when reduced to an 11 x 17-inch size. No plans shall include copyright restrictions.
- G. Certificate of taxes paid.
- H. Letters of support with a statement regarding any existing facilities over or across the land from the following agencies:

1. All special districts providing maintenance of infrastructure within or adjacent to the property;
 2. All known easement beneficiaries and/or utility providers; and
 3. All landowners abutting the property.
- I. A Submittal Requirements Matrix is available from the Land Use Services Department listing the complete list of submittal items and the required number of copies. Other submittal requirements may be required based on the Land Use Services Department review.

Section 11.1.5318 Plan Exhibit

The Administrative Amendment exhibit shall comply with the requirements set forth in the underlying zoning, which will be either a PDP, MDP, FDP or SDP. If staff determines a complete set of mylars (required for the underlying zoning) is unnecessary, an abbreviated set of mylars may be submitted including:

- A. A title block centered at top of all pages including subdivision name, amendment number, legal description, township, range, county, state and sheet number (ex. 1 of 1, or 1 of 2).
- B. A legal description including description of boundaries in distances and bearings.
- C. A vicinity map with location of sign identified.
- D. An amendment history including case number(s) of previous Final Development Plan(s) and detailed information about the changes proposed. In these cases, the history should include a detailed description of the original and proposed element.
- E. A Certificate of Ownership signature block.
- F. The Land Use Services Department Director Approval signature block.
- G. The current case number in lower left corner of all pages.
- H. A detailed graphic representation if change can be graphically illustrated. The description should include all changed data, together with enough of the underlying plan as is necessary to understand the effect of the change. Other than the listed elements, the mylar should not contain any information that is not essential to understanding the effect of the amendment.

- I. A note stating, “All other original terms, conditions and notes of the (PDP, MDP, FDP, and SDP) approved on (DATE) will remain in full force and effect as previously executed by Owner and the City of Centennial.”

Section 11.1.5319 Recordation Procedures

The Administrative Amendment shall be recorded in accordance with 11.1.4911, herein.

Chapter 1—Zoning Regulations
Part 5400 Location and Extent

Section 11.1.5401	Intent
Section 11.1.5402	General Requirements and Procedure
Section 11.1.5403	Submittal Requirements
Section 11.1.5404	Amendments

Section 11.1.5401 Intent

The regulation of the location and extent of public facilities is provided by Colorado Revised Statutes, Section 31-23-209, as amended. It is the intent of the paragraphs of this Section to conform to the provisions of the State Statute, to define the factors to be considered in the “Location and Extent” process, and to prescribe procedures for the orderly consideration of Location and Extent applications in order to effectuate the purposes of the State Statute.

Section 11.1.5402 General Requirements and Procedure

A. No road, park, public way, ground, or space, no public building or structure, and no major facility of a public utility shall be constructed or authorized in the City of Centennial unless and until the proposed location and extent thereof has been submitted to and approved by the City of Centennial Planning and Zoning Commission.

Routine extensions of public utility lines and minor modifications to existing facilities shall not be subject to this procedure.

B. If the Planning and Zoning Commission disapproves the proposed public facility, or approves it with conditions the applicant is not willing to accept, the applicant may appeal such decision to the City Council, and the Planning and Zoning Commission shall communicate the reasons for such disapproval to the Council, who may overrule such disapproval by a majority vote.

C. The applicant shall be responsible for public notice, prior to the Planning and Zoning Commission Public Hearing and City Council Public Hearing when applicable, in compliance with the public notice requirements in Section 11.2A.200, herein. (*Ord. 2003-13*)

D. No public use facilities shall be considered by the City Council unless the applicant posts the property and provides mail notification as outlined in 11.1.5402.C above, except that the reference to the Planning and Zoning Commission shall be changed to read “City Council.”

- E. The Planning and Zoning Commission and the City Council, when applicable, may approve the facilities as submitted, approve it with conditions, or deny the facility. The conditions to be imposed are those necessary, at the discretion of the Planning and Zoning Commission and City Council, to mitigate or eliminate any adverse impacts of the proposed facility on the surrounding area, and may include the posting of sufficient performance guarantees with the City to guarantee the construction of any improvements.
- F. Upon approval of the Location and Extent, an original drawing in black ink on 24" x 36" single/double matte mylar of the same shall be submitted to the Land Use Services Department for the Planning and Zoning Commission's signature. The mylar will be kept on file at the Land Use Services Department.
- G. Approval of a Location and Extent request shall be and may be subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible mylar for signature by the Chairman of the Planning and Zoning Commission within sixty (60) days from approval date. If no mylar is submitted, the Land Use Services Department will recommend the Planning and Zoning Commission rescind approval of this request.
- H. After the Planning and Zoning Commission Chairman signs the mylar, building permits may be obtained (upon proof of an approved Final Plat prior to Location and Extent approval) if applicable. Many times, the land underlying a Location and Extent is not yet platted.

Section 11.1.5403 Submittal Requirements

- A. The Location and Extent Plan shall be an original drawing in black ink on 24" x 36" single/double matte mylar or a photographic blackline positive mylar of the same, or equivalent, the document will be in upper sans serif and shall contain the following information:
 - 1. Name of proposed facility.
 - 2. Land area and legal description.
 - 3. Vicinity map (one (1) mile radius with emphasis on major roadways).
 - 4. Proposed land use for each area and its area in square feet.
 - 5. Existing and proposed public and private rights-of-way serving the site, types of surfacing and width of paving.
 - 6. The existing zoning of the property to be used, as well as the zoning and residential density of all adjacent properties.

7. All easements and drainageways should be identified.
 8. Existing and proposed finished grade topography shown at two foot (2') contours, corresponding with datum acceptable to the City.
 9. The location(s) and dimension(s) of all existing and proposed structures, the use(s) to be located therein, the building elevations, gross floor area and locations of entrances and loading points.
 10. Location of outdoor waste disposal systems.
 11. All existing and proposed curb cuts, driveways, parking (including number of spaces) and storage areas. Also, the location(s) and dimension(s) of existing curb cuts and driveways on adjacent properties and across right-of-way.
 12. All walks, open and recreation areas with a description of these improvements.
 13. An illustrative landscape plan showing locations, general types and sizes of all proposed landscaping materials, fences, walls, planters and any other landscaping features.
 14. Provisions for access by emergency vehicles.
 15. Signage and lighting devices fully detailed (Sections 11.1.3700 and 11.1.4700).
 16. Utility lines and appurtenances.
- B. Phase III Drainage Report conforming to the requirements of the “City of Centennial Storm Drainage Design & Technical Criteria,” if required.
- C. Traffic Report conforming to the requirements of the “Guidelines for Traffic Impact Studies,” if required.
- D. Public Improvement Guarantees, such as dedication of rights-of-way, sidewalk construction, etc., if required.
- E. All Standard Notes, Certificates and dedications required by the City Attorney Staff shall be included on the exhibit as described in Section 11.2A.100 herein. Any modifications to these notes must be approved by the City Attorney. All notes not meeting these specifications shall be removed.
- F. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.

G. Additional information may be requested by the Land Use Services Department appropriate to the request, and information required above may be waived by the Land Use Services Department Director if it is deemed to be inappropriate to the request.

Section 11.1.5404 Amendments

A. Minor Changes

The Guidelines used in the Administrative Amendment section will be used to determine if a change is minor. The Land Use Services Department Director will make the determination. Appeals to the Land Use Services Department Director's determination may be made to the Planning and Zoning Commission. If the changes are deemed minor, the minimum requirements are: one completed application form, one Letter of Intent, and one new revised reproducible mylar of the Location and Extent Plan for the Planning and Zoning Commission Chairman's signature.

B. Significant Changes

If the changes are determined to be significant, the proposed amendment to the Location and Extent Plan will involve a resubmittal of documents and a Public Hearing before the Planning and Zoning Commission for approval of the changes.

C. Location and Extent Amendment Documentation

An Amended Location and Extent Plan shall contain all the original information, plus the items that are being changed. When possible, the development standards should appear in a chart format comparing the approved and proposed standards. Also, an Amendment History must be added to the document. If the amendment is required to be processed by the Planning and Zoning Commission, the submittal requirements for the Location and Extent process will be required for the amendment.

Chapter 1—Zoning Regulations
Part 5500 Special Exception Use

Section 11.1.5501	Intent
Section 11.1.5502	Submittal Requirements
Section 11.1.5503	Procedure

Section 11.1.5501 Intent

To provide for uses within the City of Centennial which require special review by the Board of Adjustment in order to determine their compatibility with surrounding principal permitted uses. Such uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts which could undermine the integrity of the zoning district in which it would be situated and therefore could jeopardize the health, safety and welfare of the existing community.

Section 11.1.5502 Submittal Requirements

- A. All applications for a Special Exception Use shall be submitted to the Secretary of the Board of Adjustment prior to consideration of the request by the Board of Adjustment.
- B. A complete application for a Special Exception Use Public Hearing must contain the following:
 - 1. Letter of Intent requesting the Special Exception Use Public Hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner's deed must be included in the submittal.
 - 2. A fee established by the City Council shall be established and paid to the Board of Adjustment.
 - 3. A site plan (ten copies) drawn on 24" x 36" sheets, in upper case sans serif to include the following information:
 - a. Name of proposed use.
 - b. The land area and legal description.
 - c. Vicinity map (one (1) mile radius with emphasis on major roads).
 - d. The proposed land use for each area and its area in square feet.

- e. Existing and proposed public and private rights-of-way, easements and drainageways.
 - f. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties.
 - g. The roadways, existing and proposed, serving the site, including the types of surfacing, width of paving and rights-of-way.
 - h. Proposed finished grade topography and elevations shown at 2-foot (2') intervals or less, corresponding with datum acceptable to the City.
 - i. The location(s) and dimensions of all existing and proposed structure(s), the use(s) to be located therein, gross floor area, locations of entrances and loading points.
 - j. Location of outdoor waste disposal facilities.
 - k. All curb cuts, driveways, parking (including number of spaces), loading and storage areas.
 - l. All walks, open areas and recreation areas, with a description of these improvements.
 - m. Location and height of fences, walls, screens, planting and any other landscaping features.
 - n. Types of surfacing, such as asphalt paving, concrete, gravel or grass, of the interior of the site.
 - o. Provisions for access by emergency vehicles.
 - p. Signs and lighting devices (fully detailed).
 - q. Utility lines and appurtenances.
4. Drainage report conforming to the requirements of the “the City of Centennial Storm Drainage Design & Technical Criteria,” if required.
 5. Traffic report conforming to the requirements of the “Guidelines for Traffic Impact Studies,” if required.
 6. Cost estimate of public improvements, if required, such as sidewalks, roadway and/or drainage improvements, etc.

7. An appropriate number of 11"x 17" reductions of the required site plan.
8. Letter from the appropriate water and sanitation district(s) and fire district stating the availability to serve the proposal.
9. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.
10. Additional information may be requested by the Board of Adjustment as appropriate to the request, and information required above may be waived by the Board of Adjustment if it is deemed to be inappropriate to the request.

Section 11.1.5503 Procedure

- A. Once the submittal is determined to be complete, the Secretary to the Board of Adjustment will:
 1. "Log in" the submittal as a bona fide "case."
 2. Refer the submittal to appropriate agencies, which will include the City Council, for a thirty-five (35) day period.
 3. Schedule the proposal at a Board of Adjustment Public Hearing.
 4. Send posting requirement instructions to the applicant.
- B. After the thirty-five (35) day review period, the Board of Adjustment staff will prepare a report, including recommendations from responding agencies, to the Board of Adjustment. A copy of this report will be available prior to the Board of Adjustment Public Hearing.
- C. The applicant shall be responsible for public notice, prior to the Board of Adjustment Public Hearing, in compliance with the public notice requirements in Section 11.2A.200, herein.
- D. At the Public Hearing, the Board of Adjustment will take one of the following actions regarding the case. It may:
 1. Approve as submitted; or
 2. Approve with conditions; or
 3. Table (for further information, etc.); or

4. Take the request under advisement; or
 5. Deny.
- E. The proper appeal of a decision of the Board of Adjustment shall be to a court of competent jurisdiction.

Chapter 1—Zoning Regulations
Part 5600 Use by Special Review

Section 11.1.5601	Intent
Section 11.1.5602	Process, Submittal Requirements and Procedures
Section 11.1.5603	Submittal Process
Section 11.1.5604	Exhibit Requirements
Section 11.1.5605	Specific Provisions
Section 11.1.5606	Amendments

Section 11.1.5601 Intent

To establish a “Use by Special Review” process and procedure which provides City Council review and approval of certain uses which, although permitted within specific zoning districts, may contradict the purpose of these Regulations as required in Section 11.1.103, providing for the public peace, health, safety and welfare. The following criteria shall be used to assist in determining that the proposed Use by Special Review is appropriate:

- A. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
- B. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.
- C. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
- D. Enhance convenience for the present and future residents of the City of Centennial by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
- E. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
- F. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.
- G. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

- H. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.
- I. Enhance the useable open spaces in the City of Centennial, and provide sufficient unobstructed open space and recreational areas to accommodate a project's residents and employees.
- J. The criteria, just stated, must be addressed prior to approval of any Use by Special Review requests, and are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and the City of Centennial decision-makers.

Section 11.1.5602 Process, Submittal Requirements and Procedures

The process, submittal requirements and procedures for Use by Special Review applications are available from the Land Use Services Department.

Section 11.1.5603 Submittal Process

A complete application for a Use by Special Review Public Hearing must contain the following:

- A. Letter of Intent requesting the Use by Special Review Public Hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner's deed must be included in the submittal.
- B. A fee established by the City Council shall be established and paid to the Land Use Services Department (Check made payable to City of Centennial).
- C. Phase III Drainage Report conforming to the requirements of the "City of Centennial Storm Drainage Design & Technical Criteria", if required.
- D. Traffic Report conforming to the requirements of the "Guidelines For Traffic Impact Studies", if required.
- E. Cost estimate of public improvements such as sidewalks, roadway and/or drainage improvements, etc., if required.
- F. An appropriate number of 11" x 17" reductions of the site plan as determined by the Land Use Services Department.

- G. Letter from the appropriate water and sanitation districts and fire district stating the availability to serve the proposal.
- H. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.
- I. Owner(s) of Record signature block.
- J. Additional information may be requested by the Land Use Services Department as appropriate to the request, and information required above may be waived by the Land Use Services Department Director if it is deemed to be inappropriate to the request.

Section 11.1.5604 Exhibit Requirements

The Use by Special Review Plan shall be an original drawing in black ink on 24" x 36" single/double matte mylar or a photographic blackline positive mylar of the same, or equivalent, the document shall be in upper case sans serif and contain the following information:

- A. Project name, type of proposal (Use by Special Review Plan), legal description of the Plan's land area, date of the drawing, scale and north arrow.
- B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.
- C. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties.
- D. The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points.
- E. Chart comparing all of the regulations and requirements of the proposed Use by Special Review Plan with those of the zoning district criteria regarding the proposed use(s), building heights, minimum lot area, gross floor area, gross floor area ratios, setbacks, open space, etc.
- F. Existing and proposed finished grade topography at two foot (2') contours or less, tied to a datum acceptable to the City.
- G. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, compact, handicap, etc.), and types of surfacing, such as asphalt paving, gravel, etc.

- H. Public and private utility service lines and/or main lines with appurtenances.
- I. All walks, open and recreation areas, with a description of these improvements.
- J. Location of outdoor trash receptacle systems.
- K. Provision for access by emergency vehicles.
- L. Location and dimensions of all existing access points on immediately adjacent properties.
- M. Location and dimension and surface treatment of drainage easements, volume capacity of all drainage ponds, and the size of the outlet restrictor(s).
- N. An illustrative landscape plan showing locations and general types of all proposed landscaping materials, including fences, walls, planters and any other landscaping features.
- O. A Signage Plan describing and illustrating the size, location, type and material of all signs.
- P. Location, type and height of lighting devices.
- Q. Representative architectural elevation plans of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the proposed buildings.
- R. Applicable notes and certifications approved by the City Attorney which regulate the development (Airport Influence Area note, off- site improvements note, etc.).
- S. City Council signature block.

Section 11.1.5605 Specific Provisions

- A. Applicants are required to meet with the Land Use Services Department prior to formal submittal of Use by Special Review requests (unless waived by the Planning staff) in order to obtain input into the appropriateness of the request.
- B. In order to assist the Planning staff in determining the completeness of a submittal, the following statement shall be included in the “Letter of Intent” which accompanies the submittal:

“I /(We) hereby affirm that this application meets the requirements of the City of Centennial Zoning Regulations or includes proper requests

for variance, waiver or exception from provisions that it does not meet. I understand that if it does not meet these Regulation's requirements or if proper requests for variance, waiver or exception are not included, this application may be rejected and the City Council's Public Hearing dates may be postponed."

- C. The applicant shall be responsible for public notice, prior to the City Council Public Hearing, in compliance with the public notice requirements in Section 11.2A.200, herein. (*Ord. 2003-13*)
- D. The City Council will cause notice to be published in relation to said Use by Special Review request. A published notice must be placed within a newspaper of general circulation within the City at least fourteen (14) days prior to the Public Hearing date. This mandatory requirement is a condition precedent to the Council holding a Public Hearing. The applicant, or his/her authorized representative, will be required to be present in order to testify at the Public Hearing as to the compliance with procedural requirements.
- E. The City Council will take one of the following actions at their Public Hearing:
 - 1. Approve as submitted; or
 - 2. Approve with conditions; or
 - 3. Table (for further information, etc.); or
 - 4. Take the request under advisement; or
 - 5. Deny.
- F. Once the City Council acts on the Use by Special Review request, the applicant and/or duly appointed representative will be notified of the Council Members' decision as soon as practicable.
- G. Copies of the City Council Resolution may be obtained at the City offices. The Use by Special Review becomes an approved use after the Mayor signs the reproducible mylar of the Use by Special Review Plan.
- H. Approval of a Use by Special Review request shall be, and may be, subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible mylar for signature by the Mayor within sixty (60) days from approval date. If no mylar is submitted, the Land Use Services Department will recommend the City Council rescind approval of the request. An extension may be granted in writing by the Land Use Services Department Director.

- I. If the City Council denies the request, no further applications proposing substantially the same use, uses or mixture of uses can be submitted to the City for a period of at least one (1) year.

Section 11.1.5606 Amendments

A. Minor Changes

The guidelines used in the Administrative Amendment section will be used to determine if a change is minor. The Land Use Services Department Director will make the determination. Appeals to the Land Use Services Department Director's determination may be made to the City Council. If the changes are deemed minor, the minimum requirements are: one completed application form, one Letter of Intent, and one new revised reproducible mylar of the Use by Special Review Plan for the Mayor's signature.

B. Significant Changes

If the changes are determined to be significant, the proposed amendment to the Use by Special Review Plan will involve a resubmittal of documents and a Public Hearing before the City Council for approval of the changes.

C. Use by Special Review Amendment Documentation

An amended Use by Special Review Plan shall contain all the original information, plus the items that are being changed. When possible, the development standards should appear in a chart format comparing the approved and proposed standards. Also, an Amendment History must be added to the document. If the Amendment is required to be processed by the City Council the submittal requirements for the Use by Special Review process will be required for the Amendment.

Chapter 1—Zoning Regulations
Part 5700 ~~Variances and Interpretations to These Regulations~~

Section 1-5701	Establishment and Powers.
Section 1-5702	Composition and Appointments
Section 1-5703	Bylaws
Section 1-5704	Officers
Section 1-5705	Removal
Section 1-5706	Meetings
Section 1-5707	Quorum and Required Vote
Section 1-5708	Public Notice of Variance Application
Section 1-5709	Criteria for Granting Variances
Section 1-5710	Economic Hardship or Reason Not Basis for Variance
Section 1-5711	Expiration of Variances
Section 1-5712	Fee for Variances and Appeals
Section 1-5713	Criteria for Appeals

~~Section 1-5701 Establishment and Powers.~~

~~There is hereby established a board of adjustment (in this chapter referred to as the “Board”) which shall have the following duties and responsibilities:~~

- ~~A. To vary or modify the application of the regulations or provisions of any zoning district or Planned Unit Development (“PUD”) establishing document of the City relating to the construction or alteration of buildings or structures (not to include the application of uniform codes adopted pursuant to Title 10 of the Code) where there are practical difficulties or unnecessary hardships, in conformity with this Section. No variances shall be granted to permit uses not otherwise permitted in the applicable district. The Board is authorized to grant variances or modifications such as, but not limited to:
 - ~~1. Height, setback, and bulk requirements related to structures;~~
 - ~~2. Height, setback, and square footage requirements related to signs;~~
 - ~~3. Number of required parking spaces; and~~
 - ~~4. Width of lots and square footage of lot area.~~~~

- ~~B. To hear and decide appeals from and to review any order, requirement, decision, or determination made by any Land Use Services Department official charged with the enforcement of any zoning ordinance or PUD establishing document adopted by the City (not to include any official charged with interpretation or enforcement of the uniform codes adopted pursuant to Title 10 of the Code), and to reverse, affirm, modify, or amend any such order, requirement, decision, or determination.~~

~~Section 1-5702 Composition and Appointments~~

~~The Board shall consist of five members with two alternate members appointed in accordance with the procedures set forth in Chapter 3 of Title 2 of this Municipal Code, each to serve for a three year term. Members of the Board shall be residents of the City, shall be appointed at large, and shall not be members of the City Council or Planning and Zoning Commission. Vacancies and openings shall be filled in accordance with Chapter 3 of Title 2 of this Municipal Code.~~

~~Section 1-5703 Bylaws~~

~~The Board shall adopt bylaws and rules of procedure governing its election and responsibilities of officers, procedures and rules for meetings and public hearings, requirements for applications for consideration, requirements for re-submittal of applications, if desired, and other internal operations, all in accordance with applicable state statute and this chapter. Such bylaws shall be made available to the public at the City office of the Land Use Services Department.~~

~~Section 1-5704 Officers~~

~~The Board shall elect from among its members a Chair, a Vice Chair and such other officers as the board shall deem necessary, the duties of each which shall be as set forth in the bylaws of the Board. The Director of the Land Use Services Department shall assign a staff person to act as Secretary to the Board.~~

~~Section 1-5705 Removal~~

~~Members of the Board may be removed by City Council for non-performance of duty or misconduct upon presentation of written charges after a hearing. Written charges may be filed with the City Council by the Chair or any other member of the Board and shall set forth the grounds for removal and factual basis for such grounds. Failure to attend regular meetings on a consistent basis may be considered cause for removal.~~

~~Section 1-5706 Meetings~~

~~The Board shall meet regularly on a monthly basis in order to conduct business that may be assigned to the Board unless a meeting is cancelled as provided in its bylaws. The Board may provide in its bylaws for the holding of special meetings and study sessions. Except for executive sessions authorized by state law, all meetings of the Board shall be open to the public and the Secretary of the Board shall keep minutes of its proceedings showing the vote of each member and records of its examinations and other actions, all of which shall be maintained as public records.~~

~~Section 1-5707 Quorum and Required Vote~~

~~A quorum of the Board shall consist of four members. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any Land Use Services Department official charged with the enforcement of any zoning ordinance or PUD establishing document adopted by the City (not to include any official charged with interpretation or enforcement of the uniform codes adopted pursuant to Title 10 of the Code) or to grant a variance or otherwise decide in favor of an applicant on any matter considered by the Board under the provisions of Colorado law or this Code.~~

~~**Section 1-5708 Public Notice of Variance Application**~~

- ~~A. At least fourteen (14) days before and continually thereafter until the date of the Board hearing, the subject property shall be conspicuously posted by the applicant with a sign providing notice of the pending variance application.~~
- ~~B. The sign shall be at least three feet wide and four feet high and placed outside on two posts not less than four feet above natural grade. Signs shall not be posted on or in any window or other part of a building.~~
- ~~C. The sign shall be clearly visible from the nearest adjacent right-of-way in a location approved by City Land Use Services staff.~~
- ~~D. The sign shall read substantially as follows with appropriate information added to complete the notice:~~

~~**NOTICE OF ZONING VARIANCE (INTERPRETATION)***~~

~~*Notice is hereby given that the property upon which this sign is posted shall be considered at a public hearing for a (variance from) (interpretation of) the zoning regulations of the City of Centennial. This property is located in the following zone district: (type of district). The requested (variance) (interpretation) shall determine or allow the applicant to: (description of variance requested). Additional information may be obtained from the City Land Use Services Department at (303) 754-_____. The public hearing is scheduled to be held on (date) at the Centennial Citizens Service Center, City Council Chambers, 12503 East Euclid Drive, Centennial, CO 80111.*~~

~~*Date of Posting: _____
Name of Applicant: _____*~~

~~*(*must be 4 inch letters in red)*~~

- E. ~~All applicants shall complete and file with the Land Use Services Department, to become part of the record for each application, a form of affidavit of posting attesting to the continual posting of the property in conformity with this Section.~~

~~Section 1-5709 Criteria for Granting Variances~~

~~The Board may, following a public hearing, grant a variance and thus vary the application of the zoning ordinance and regulations only upon a finding that all of the following criteria are met:~~

- A. ~~The subject property was properly and timely posted in accordance with this Section; and~~
- B. ~~By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property, the strict application of the zoning ordinances and regulations would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the property owner; and~~
- C. ~~The variance, if granted, will not adversely affect the adjacent property or neighborhood; and~~
- D. ~~The variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property; and~~
- E. ~~The variance, if granted, will not be contrary to the purpose of the City Comprehensive Plan; and~~
- F. ~~The variance, if granted, is the minimal variance that will afford the relief with the least modification possible of the zoning ordinances and regulations; and~~
- G. ~~Any circumstances justifying a variance found to exist pursuant to section 1-5709(B) were not created by the owner of the property and are not due to or the result of general conditions in the zone district in which the property is located; and~~
- H. ~~Development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this zoning ordinance and regulations, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district; and~~
- I. ~~The variance will not alter the essential character of the district in which the property is located for which the variance is sought; and~~

~~J. The variance will not adversely affect the public health, safety or welfare; and~~

~~K. All concerns raised by the Land Use Services Department or other City departments or referral agencies have been adequately addressed.~~

~~Section 1-5710 Economic Hardship or Reason Not Basis for Variance~~

~~An economic hardship and/or the desire by an applicant or owner to increase or maximize the economic value of construction shall not constitute grounds for the granting of a variance.~~

~~Section 1-5711 Expiration of Variances~~

~~Any variance granted by the Board shall automatically expire one (1) year after the date the variance was granted or within such other time as the Board may prescribe, unless a building permit for the variance is obtained within such one year period for the improvement contemplated by the application. Extensions of time may be granted by the Board for good cause shown but only if an application for such extension is made prior to the expiration of the variance.~~

~~Section 1-5712 Fee for Variances and Appeals~~

~~The City may charge an application and processing fee to all applicants seeking a variance or filing an appeal with the Board. Such fee may be adjusted by resolution of the City Council from time to time to adjust for changes incurred by the City in processing such applications~~

~~Section 1-5713 Criteria for Appeals~~

~~The Board may, following a public hearing preceded with not less than five (5) days' notice provided to the appellant and the City Manager, reverse, modify, or amend any order, requirement, decision, or determination made by any Land Use Services Department official charged with the enforcement of any zoning ordinance or PUD establishing document adopted by the City (not to include any official charged with interpretation or enforcement of the uniform codes adopted pursuant to Title 10 of the Code) only upon a finding that the such order, requirement, decision, or determination involved an abuse of discretion by such official. (Ord. 2005-25)~~

