

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2024-O-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE
MUNICIPAL CODE (LAND DEVELOPMENT CODE) CONCERNING
ACCESSORY DWELLING UNITS**

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

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

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

WHEREAS, following a public hearing, the City of Centennial Planning and Zoning Commission recommended City Council approval of amendments to the LDC to adopt regulations concerning Accessory Dwelling Units (“ADUs”); and

WHEREAS, the proposed changes to the LDC are intended to allow for the construction of ADUs within Centennial subject to the City’s regulations in order to provide additional housing opportunities; and

WHEREAS, allowing construction of ADUs will expand the available types of housing in the City, potentially advance housing affordability by adding to the supply of housing, and enable owners of residential property to meet the ever-increasing cost of home ownership through the potential for long-term rental of an ADU; and

WHEREAS, in conformance with the LDC, the public hearing before the City Council was properly noticed by publication in *The Centennial Citizen*; and

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

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

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

Section 2. Table 12-2-302, entitled *Residential, Home, and Institutional Uses*, shall be amended as described in the bullet below and shown in the row below:

- Under Residential Uses, add a new row entitled “Accessory Dwelling Unit.”

Table 12-2-302: Residential, Home, and Institutional Uses														
P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only; L = Limited Use; C = Conditional Use; - = Prohibited Use														
Land Use	Zoning District													Additional Standards
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR	
Residential Uses														
Accessory Dwelling Unit	P	P	P	P	P	P	L	L	L	-	-	-	-	Sec 12-3-603

Section 3. Table 12-2-401, entitled *Residential Limited and Conditional Use Standards*, shall be amended as described in the bullet below and shown in the rows below:

- Under Location/Building Type/Design, add a new row entitled “Accessory Dwelling Unit” to be inserted following the “Single-Family Detached” section.

Table 12-2-401: Residential Limited and Conditional Use Standards				
District	Location/Building Type/Design	Minimum Land Area	Maximum Land Area or Floor Area	Access Type
Accessory Dwelling Unit				
CG	Use permitted on existing single-family lot that is developed with an existing single-family home	Existing Lot	Existing Lot	Alley or Local Street
AC				
UC				

Section 4. Section 12-2-404, entitled *Home-Based Business Standards*, shall be amended by repealing and replacing Section 12-2-404(A)(1) to read in full as follows:

1. A home-based business is any business, occupation or activity conducted by a business that is required to obtain and maintain a business license pursuant to Chapter 6, Business Licenses and Regulations of the Centennial Municipal Code from within a residential structure where such use is incidental and accessory to the use of the structure as a residence by the person engaged in the home-based business. It is the policy of the City to encourage the use of the home for business purposes that do not negatively affect the character and

quality of life in the City's neighborhoods. This Section sets out the standards for the physical features, building character, and operations of home-based businesses to ensure that the uses are compatible with the surrounding neighborhood.

Section 5. Section 12-3-603(A), *Accessory Buildings and Structures, Generally*, shall be repealed and adopted to read in full as follows:

- A. *Generally.* The standards of this Section apply to accessory buildings and structures. All accessory buildings are counted in the calculation of building coverage. Additional standards specific to the NC2A zone district are contained in subsection F below.

Section 6. Section 12-3-603, *Accessory Buildings and Structures*, shall be amended to add a new subsection H, entitled *Accessory Dwelling Units*, to read in full as follows:

H. *Accessory Dwelling Units.*

1. Purpose. The purpose of this subsection is to: implement the goals and strategies of Centennial NEXT, the City's Comprehensive Plan; promote the efficient use of land; ensure the adequacy of infrastructure required to support ADUs; and preserve the general character of established neighborhoods in Centennial.
2. Applicability.
 - a. ADUs are allowed as shown in Table 12-2-302, *Residential, Home, and Institutional Uses*.
 - b. ADUs are permitted only on a lot containing one single-family detached dwelling. The principal dwelling shall be constructed or, when both are constructed at the same time, the principal dwelling has been issued a building permit for which construction has commenced within 180 days of permit issuance and/or is making progress toward completion every 180 days.
 - c. Only one ADU shall be permitted per single-family detached dwelling.
 - d. ADUs shall be allowed in planned unit developments, except where ADUs are specifically listed as a prohibited use in the approved PUD.
 - e. Short-term rentals (STR) are regulated pursuant to Article 9 of the Centennial Municipal Code.
 - f. Home-Based Business are regulated pursuant to Section 12-2-404.
3. Application and Review. A pre-submittal meeting pursuant to Section 12-14-303 shall be required prior to submittal of a building permit application for an ADU. ADUs shall be reviewed and obtain approval through a building permit application and are subject to the building permit referral process.
4. Structure Requirements and Prohibitions.

- a. All ADUs must be permanent, habitable structures. Temporary structures, such as mobile homes, recreational vehicles, or travel-trailers, shall not be used as an ADU.
 - b. All ADUs shall comply with applicable provisions of the Centennial Municipal Code Chapter 18, *Building Regulations*.
 - c. All ADUs shall be connected to utilities as required by the individual utility provider. Electrical utilities shall be either above ground or underground in the same manner as provided for the principal dwelling unit.
 - d. Attached ADUs shall be exempt from Section 12-11-305 Fiber Optic Conduits.
 - e. Lots containing both a principal dwelling unit and an ADU may not be subdivided so that the ADU occupies a different platted lot than the principal dwelling unit.
 - f. An ADU shall not be sold independently of the principal dwelling on the lot.
5. Size, Density, and Dimensional Requirements.
- a. Size. An ADU shall not exceed 50 percent of the footprint of the principal dwelling unit or the total size of an attic or basement area (including any internal stairwell providing access) where additional construction that would expand those footprints is not occurring. This measurement shall only include the area designed for habitable use as the ADU.
 - b. Density. An ADU is accessory to or an extension of the principal dwelling unit, whether the ADU is attached or detached. An ADU shall not be counted as a separate principal dwelling unit for density calculations.
 - c. Dimensional Standards.
 - i. An ADU shall comply with the setback and maximum building coverage requirements listed for principal dwellings in the applicable zoning district.
 - ii. The maximum height of an attached ADU shall comply with the applicable zone district.
 - iii. The maximum height of a detached ADU is 17 feet.
 - d. Design. An ADU shall be designed in a manner that is consistent with the principal dwelling in at least three of the following elements:
 - i. Roof pitch and form;
 - ii. Soffit and fascia style;
 - iii. Exterior wall cladding color, style or material;
 - iv. Window style, trim, and orientation;
 - v. Exterior door style;
 - vi. Architectural features such as but not exclusive of, building recessions or projections, dormers, balconies, porches, columns, and prominent entry features; or
 - vii. Color palette.

- e. Entrance. ADUs shall have a separate entrance to the unit, which may be accessed at a separate external location or from inside the entrance to the primary unit (e.g., through a shared foyer or mud room).
 - f. Parking. See Table 12-5-202A, *Residential Parking and Loading Requirements*.
6. Trash and Recycling. The ADU must provide trash and recycling services. The ADU may share trash and recycling providers with the principal dwelling unit or contract for its own trash and recycling providers separately. Individual garbage containers must be screened from public view in accordance with Section 12-3-608; trash and recycling screening is not required between the principal dwelling unit and the ADU.
7. Homeowner Associations, Covenants, Conditions, and Restrictions. It is the responsibility of the property owner of record to ensure compliance with any private homeowner association requirements, covenants, conditions, and restrictions for the ADU. The City will not independently verify such compliance.
8. Registration and Notice.
 - a. This subsection 8 applies to any property which includes an ADU and for which the owner of record will not occupy either the principal dwelling unit or the ADU as the owner's primary residence.
 - b. Prior to the occupancy of an ADU, the property owner shall register the ADU with the Community Development Department. Registration shall include:
 - i. Completion of registration in a form established by the Community Development Department. At a minimum, such form shall require the property owner's name, address, and contact information (both telephone number and electronic mail address). For owners other than an individual (e.g., corporation or trust), the registered owner shall be a person holding a majority interest in the corporation or trust and who will be responsible for ensuring compliance of the ADU with the requirements of this subsection (H).
 - ii. Payment of a registration fee set by the Community Development Department sufficient to cover the cost of maintaining a record of the registration and providing notice as required by this subsection.
 - iii. A certification by the registered owner that notice was mailed by first-class mail or hand delivered to each owner of record of property immediately adjacent to the lot on which the ADU is located. The notice shall be in a form approved by the Community Development Department and shall inform the notice recipient of the registered owner's name and contact information together with a statement encouraging communication directly with the registered owner concerning issues associated with the ADU.
 - c. Annual Registration Renewal. The registered owner shall be required to renew the ADU registration annually with the City and update the registered owner's contact information. Registration renewal shall be in a form approved by the Community Development Department. Renewal shall not be effective until the

registered owner submits to the City a certification that the renewal form was mailed via certified mail to each owner of record of property immediately adjacent to the lot on which the ADU is located.

- d. Violation for Failure to Register or Provide Notice. It shall be a violation of the Centennial Municipal Code for any owner of an ADU:
 - i. To permit occupancy of the ADU prior to submission of a completed registration to the City as required by this subsection 8.
 - ii. To fail to timely renew registration as required by this subsection 8.
 - iii. To fail to provide notice as required by this subsection 8.

Each day that a violation of this subsection 8 exists shall be a separate and continuing offense.

Section 7. Table 12-5-202A, *Residential Parking and Loading Requirements*, shall be amended by repealing and replacing the table in its entirety to read in full as follows:

Table 12-5-202A Residential Parking and Loading Requirements		
Use	Required Off-Street Parking Spaces	Required Loading Spaces
Single-Family, Manufactured Home, and Group Home	2 spaces per dwelling unit	NA
Single-Family Attached and Manufactured Homes in a Manufactured Home Park or Subdivision	2 spaces per dwelling unit + 1 guest space per 4 dwelling units	NA
Multiplex and Multifamily	1.5 spaces per studio or 1 bedroom dwelling unit + 2 spaces per 2 or 3 bedroom dwelling unit + 2.5 spaces per 4 bedroom dwelling unit + 1 guest space per 4 dwelling units	1 space per 30 dwelling units in a vertically mixed-use building; not required in other configurations
Live-Work Units	3 spaces per dwelling unit	NA
Any housing type used to provide independent living arrangements in	1 space per dwelling unit + 1 guest space per 3 dwelling units	NA

a continuing care neighborhood		
Accessory Dwelling Unit	1 space per unit	NA

Section 8. Section 12-14-303(A)(1), *Pre-Submittal Meeting Generally*, shall be repealed and replaced to read in full as follows:

1. A pre-submittal meeting is required for all applications for development approval except applications for building permits for single-family detached dwellings or two-family dwellings, residential accessory buildings or structures (excluding ADUs), and signs. At the pre-submittal meeting, the responsible official and other members of City Staff, as appropriate, will meet with the applicant to review preliminary materials, identify issues, and advise the applicant regarding which applications and approvals will be required from the City, what information will have to be provided, and what fees will be due.

Section 9. Division 16-2, entitled *General Definitions*, shall be amended by adding the following new definitions in appropriate alphabetical order:

Accessory dwelling unit (ADU) means a second, subordinate dwelling unit located on the same lot as a principal dwelling unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the principal dwelling unit.

Attached/Interior ADU means an ADU that is located within (internal) or attached to the principal dwelling. Within the principal dwelling means space such as a finished basement or attic. Attached to the principal dwelling means space such as a converted garage or structural addition.

Detached ADU means an ADU that is separated from the principal dwelling typically at ground level or above a detached garage or other similar structure.

Dwelling Unit means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.



Section 10. Minor Edits, Corrections and Additions. The Community Development Director shall be authorized to make minor typographical, immaterial, or grammatical corrections

or additions to the Land Development Code, including but not limited to correcting spelling errors and adding, removing, or supplementing materials that do not materially change the meaning or intent of the Land Development Code, without City Council approval, provided that the Community Development Department shall maintain full and complete records of all such edits, additions, and corrections made to the Land Development Code.

Section 11. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 12. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 13. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ___ DAY OF _____, 2024.

CITY OF CENTENNIAL

By:

Stephanie Piko, Mayor

Approved as to Form:

For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of _____, 2024 and ordered published one time by title only in *The Centennial Citizen* newspaper on _____, 2024, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By:
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE CENTENNIAL CITIZEN* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ____ DAY OF _____, 2024, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

CITY OF CENTENNIAL

By:
Stephanie Piko, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of _____, 2024, and ordered published by title only, one time by *The Centennial Citizen* newspaper on _____, 2024 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By:
City Clerk or Deputy City Clerk

Published in full on the City's website at: www.centennialco.gov on April 11th, 2024 by Allie Powell, Deputy City Clerk.