

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2024-O-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE  
MUNICIPAL CODE CONCERNING MINOR AND TECHNICAL  
AMENDMENTS TO THE LAND DEVELOPMENT CODE AS WELL AS  
TECHNICAL AMENDMENTS TO CHAPTERS 7 AND 11 OF THE  
MUNICIPAL CODE CONCERNING PORTABLE TOILETS AND THE  
DEFINITION OF RESIDENTIAL USE**

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, through the implementation of the LDC, the City staff has identified the need for additional changes or modifications to the LDC in the nature of housekeeping or clean-up revisions; and

WHEREAS, at a duly noticed public hearing, the City of Centennial Planning and Zoning Commission recommended the proposed changes to the City Council for approval; 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**Section 2.** Section 7-3-30, entitled *Portable Toilets Prohibited on Public Property*, shall be repealed in its entirety and replaced to read in full as follows:

**Sec. 7-3-30. Portable toilets prohibited on public property.**

- (a) It is unlawful for any person to place, store, use, or maintain a portable toilet on City-owned property without lawful permission or authorization from the City, unless one (1) of the following circumstances is found to exist:
  - (1) The person holds a valid permit issued by the City in accordance with the City of Centennial Public Works right-of-way regulations or pursuant to the Code; or
  - (2) The person is an employee, official, or contractor of the City acting with the scope of authority provided by the City.
- (b) It is unlawful for any person to place, store, use, or maintain a portable toilet on City-owned property in violation of the terms of any permit issued by the City under the City of Centennial Public Works right-of-way regulations or pursuant to the Code.

**Section 3.** Section 11-9-20, entitled *Definitions*, shall be amended as follows:

The definition of **Residential use** shall be repealed and replaced to read in full as follows:

*Residential use* shall mean only those uses identified as "Residential Uses" in Section 12-2-302 of this Code.

**Section 4.** The “AC” row within the “Single-Family Attached” category of Table 12-2-401, entitled *Residential Limited and Conditional Use Standards*, shall be repealed in its entirety and replaced to read in full as follows:

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
<b>Single-Family Attached</b>				
AC	Single Family Attached Dwelling Units	-	The Single Family Attached Dwelling Unit footprint of residential buildings, including attached garages (but not detached garages or accessory buildings), shall not consist of more than 100 percent of the existing Non-Residential building Gross Floor Area footprint, including any modifications, within a Neighborhood Activity Center (NAC).	Vehicular access for individual Dwelling Units shall not be accessed by an Arterial Street.  Local and Collector Streets, Alleys and Private Drives, and Parking areas are acceptable access types, and must be in accordance with the Roadway Design and Construction Standards Manual.

**Section 5.** Table 12-2-401A, entitled *Neighborhood Activity Center Calculation Standards*, shall be repealed in its entirety and replaced to read in full as follows:

Neighborhood Activity Center Calculations	<u>Existing</u> Non-Residential Gross Floor Area footprint	Proposed Non-Residential Gross Floor Area footprint to <u>be demolished</u> or <u>converted to residential</u>	Proposed Non-Residential Gross Floor Area footprint to <u>be constructed</u>	Permitted Single-Family Attached Dwelling Unit Gross Floor Area footprint (100% max.)	Permitted Multi-Family Dwelling Unit Gross Floor Area footprint (40% max.)	Total Gross Floor Area Footprint
Scenario 1	100,000 s.f.	20,000 s.f.	0 s.f.	80,000 s.f.	32,000 s.f.	192,000 s.f.
Scenario 2	100,000 s.f.	0 s.f.	0 s.f.	100,000 s.f.	40,000 s.f.	240,000 s.f.
Scenario 3	100,000 s.f.	0 s.f.	10,000 s.f.	110,000 s.f.	44,000 s.f.	264,000 s.f.
Scenario 4	100,000 s.f.	10,000 s.f.	30,000 s.f.	120,000 s.f.	48,000 s.f.	288,000 s.f.

**Section 6.** Section 12-2-403(C)(1) concerning *Live-Work Units Generally* shall be repealed in its entirety and replaced to read in full as follows:

1. *Generally.* This Section provides standards for the development of Live-Work Units and for the reuse of existing structures to accommodate these units. A Live-Work Unit is intended to function predominantly as a living space with incidental and subordinate accommodations for nonresidential activities that are permitted within the zone district. Live-Work Units shall be subject to all other general requirements of the City including, but not limited to, nuisances and other applicable provisions of the Centennial Municipal Code.
  - a. *Areas Precluded from the Development of Live-Work Units.* Live-Work Units are prohibited from AC, BP, CG and UC zoned parcels within the area depicted in the Live-Work Unit Exclusion Map (Appendix J). This area preclusion shall be inapplicable to Site Plan entitlements for Live-Work Units approved by the City prior to **MONTH DAY YEAR**, and Site Plan entitlements for Live-Work Units approved by the City prior to **MONTH DAY YEAR**, shall be considered conforming uses.
  - b. *Maximum Number of Permitted Live-Work Units Within a Development.* No more than sixty (60) Live-Work Units shall be permitted as a part of a Parcel Proposed for Development.

**Section 7.** Section 12-2-403(C)(6)(c) concerning *Live-Work Units Site Selection and Design* shall be repealed in its entirety and replaced to read in full as follows:

- c. On-site shared indoor or outdoor recreational amenities shall be provided for the use of live-work residents, employees, and guests. These spaces shall be centrally located and designed to provide convenient, inviting, and intentional gathering spaces. The amenities may be provided by a public agency or property owners' association. Examples of such spaces include a central plaza or landscaped area with art, shaded outdoor seating or dining areas, rooftop patios, spas/pools, recreation or activity centers, shared cooking or dining areas, water fountains or water features, or other outdoor amenities typical for residential and commercial retail developments. Minimum sizes for the amenity area are as follows.
  - i. One (1) to nine (9) Live-Work Units: No amenity area shall be required.
  - ii. More than ten (10) Live-Work Units: one hundred (100) square feet per Live-Work Unit.

**Section 8.** Section 12-2-403(C)(7)(g) concerning *Live-Work Units Building/Unit Design* shall be repealed in its entirety and replaced to read in full as follows:

- g. The minimum clear ceiling height for the nonresidential component of the Live-Work Unit shall be nine (9) feet. This requirement shall be inapplicable for a lawfully permitted building that existed prior to the conversion of the building for a Live-Work use.

**Section 9.** Table 12-2-403(C), entitled *Single-Family Detached and Attached Lot and Building Standards*, shall be repealed in its entirety and replaced to read in full as follows:

Table 12-2-403(C) Single-Family Detached and Attached Lot and Building Standards		
Building Type	Single Family Attached	Single Family Detached
Minimum Lot Area (sf.)	N/A	1,500
Minimum Regulatory Lot Width (ft.)	N/A	30
Minimum Front and Street Side Setback (ft.)	10	10
Minimum Side Setback (ft.)/ Minimum Building Spacing (ft.)	0/10	0 /10
Rear Setback (House/Garage) (ft.)	10/0 <sup>2</sup>	10/0 <sup>2</sup>
Minimum Patio Area Per Unit <sup>1</sup> (sf.)	300	300
Minimum Patio Width <sup>1</sup> (ft.)	10	10
Maximum Building Height (ft.)	Underlining Zoning	Underlining Zoning
Maximum Building Coverage Ratio (%)	N/A	N/A

TABLE NOTES:

<sup>1</sup> The patio area means a contiguous, unobstructed outdoor greenspace or paved space having

a minimum area and width. This ensures a useable principal outdoor space. Rooftop patios or balconies could be used to meet this requirement. The patio area shall be contiguous or adjacent to each live-work unit. If the live-work unit is on an individually platted lot, the patio area shall be located within said lot.

<sup>2</sup> A greater setback may be required to ensure safe passage along the alley.

**Section 10.** Section 12-2-404(B)(1)(k) shall be repealed in its entirety and replaced to read in full as follows:

- k. A Short-term rental, as defined in section 6-9-20 of this Code, operating without a valid license issued pursuant to Article 9 of Chapter 6 of this Code.

**Section 11.** Section 12-2-405(C) concerning *Family Child Care Homes Maximum Capacity* shall be repealed in its entirety and replaced to read in full as follows:

- C. *Maximum Capacity.* The maximum capacity of a family child care home shall be the capacity established by the State Department of Early Childhood.

**Section 12.** Section 12-2-409(G)(4) shall be repealed in its entirety and the remaining subsections of Section 12-2-409(G) shall be renumbered accordingly.

**Section 13.** Section 12-2-409(G)(9)(2)(a) shall be repealed in its entirety and replaced to read in full as follows:

- a. At approximately five feet (5') from the grade level of the nearest lot lines of any adjacent lots zoned for residential use or used for residential purposes and, in addition;

**Section 14.** Section 12-2-406(H)(3)(a) shall be repealed in its entirety and replaced to read in full as follows:

- a. *Qualifications for Exemption.* The Director is authorized to administratively grant a limited exception to the requirement to obtain a permit pursuant to subsection (2) where the owner of a Permanent Outdoor Pickleball Court demonstrates by evidence deemed conclusive to the Director that the court was physically established as a Permanent Outdoor Pickleball Court and was opened and operated when weather permitted prior to March 21, 2023 (Ordinance No. 2023-O-03). Removal of lines or markings used for Permanent Pickleball Courts for purposes other than maintenance may jeopardize the qualification of a Permanent Pickleball Court for a limited exception at the discretion of the City.

**Section 15.** Section 12-2-406(H)(5) shall be repealed in its entirety and replaced to read in full as follows:

5. *Noise Barriers.* If a noise barrier is recommended to be installed pursuant to a Noise Impact Assessment to address anticipated or projected noise impact, the barrier shall meet the following minimum standards:
  - a. Noise barriers for Permanent Outdoor Pickleball Courts shall be a sound wall, fence cover, or berm.
  - b. Noise barriers shall have a minimum Sound Transmission Class (STC) of 20 as defined by the ASTM.
  - c. Noise barriers shall not have any perforations that exceed 1 percent (1%) of the surface area of the noise barrier.
  - d. Sections of a noise barrier shall not provide for a space or gap between the bottom of the barrier and the court surface or ground level or between adjacent barrier sections.
  - e. Noise barriers shall be a minimum 8 feet in vertical height as measured from the court surface or ground level.

**Section 16.** Section 12-2-411(C) shall be repealed in its entirety and replaced to read in full as follows:

- C. *Health Department Review.* Applications for approval of a disposal facility shall be reviewed by the Arapahoe County Public Health Department. The Arapahoe County Public Health Department's comments shall be considered in the evaluation of the certificate of designation.

**Section 17.** Section 12-2-425(C) shall be repealed in its entirety and replaced to read in full as follows:

- C. *Stealth Freestanding Wireless Communications Facilities.*
  1. *AG, NC, NI, RA, RS, and RU Districts.* Stealth Freestanding Wireless Communications Facilities are permitted in the AG, NC, NI, RA, RS, and RU districts, if the property contains a principal use and such principal use of the property is either a commercial, institutional or multifamily use, or upon a common element or common area owned and maintained by an association established and organized under the Colorado Common Interest Community Act, C.R.S. § 38-33.3-101 *et seq.* or by some other single-management entity established by the owner(s) of the common element or area.
  2. *ED and OSR Districts.* Stealth Freestanding Wireless Communications Facilities are permitted in the ED and OSR districts if the facility and any ground-based equipment is restricted to a parking lot, trailhead, or area within a utility easement illustrated on an approved plat or other Development Order.

3. *AC, BP, CG, I, PUD and UC Districts.* Stealth Freestanding Wireless Communications Facilities are permitted in the AC, BP, CG, I, PUD and UC districts.

**Section 18.** Section 12-3-602, entitled *Fences, Garden Walls, and Hedges*, shall be repealed in its entirety and replaced to read in full as follows:

**Sec. 12-3-602. Fences, Garden Walls, and Hedges.**

- A. *Generally.* The requirements of this Section apply to Fences, Garden Walls, and hedges on residential property.
- B. *Height and Setbacks for Fences and Garden Walls.* The maximum height and minimum setbacks for Fences and Garden Walls are set out in Table 12-3-602, Maximum Height and Minimum Setbacks for Fences and Garden Walls.

Location	Front Yard	Interior Side Yard	Street Side Yard	Rear Yard
Maximum Height	4 ft.	8 ft.	8 ft.	8 ft.
Minimum Setback from Property Line	0 ft., but at least 6 in. from sidewalk, if present; 5 ft. from streets, if no sidewalk; Not allowed in required sight triangles at street intersections or in the public right-of-way	0 ft.;	0 ft., but at least 6 in. from sidewalk, if present; 5 ft. from streets, if no sidewalk; Not allowed in required sight triangles at street intersections or in the public right-of-way	0 ft., but at least 6 in. from sidewalk, if present; 5 ft. from streets, if no sidewalk; Not allowed in required sight triangles at street intersections or in the public right-of-way

C. *Fence and Garden Wall Design.*

1. Materials used for Fences and Garden Walls shall be durable, and of a character commonly used in residential applications, including:
  - a. Wood, provided that it will be durable because it is: a weather resistant species, split rail design, wood that is treated with U.S. Environmental Protection Agency approved preservatives, or finished (painted or stained and sealed);
  - b. Ornamental wrought iron or powder-coated aluminum;
  - c. Vinyl;
  - d. Composite materials; or



- e. Masonry (brick, finished concrete, split face concrete masonry units, or stone).
  2. Chain link Fences are permitted only in interior side yards and rear yards that are not also street yards.
  3. Barbed wire cradles facing inward toward the property may be placed on top of Fences enclosing neighborhood or regional utility buildings or wherever the Director finds that such are necessary to address a demonstrated security interest.
  4. Welded wire, agricultural Fences, and chicken wire Fences are allowed only in the AG district and in NC districts on lots where such fences exist on the effective date; or on the inside of split rail Fences in interior side, street side, and/or rear yards, provided that it does not exceed the height of the Fence.
  5. The following materials are not allowed as Fence or Garden Wall components: scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic or fiberglass sheets, barbed wire (except as provided in subsection C.3, above), spikes, nails, or other comparable sharp points, or fabric and/or mesh as a primary fence component.
  6. The Fence, Finished Side shall face out toward any trail, open space, park or adjacent rights-of-way.
- D. *Fence Opacity.* Fences that are installed in front yards shall be not more than 50 percent opaque.
- E. *Hedges.* Hedges shall be planted and maintained so that they do not extend over public rights-of-way or interfere with required sight triangles. Hedges in front yards shall not exceed four feet in height.
- F. *Exceptions.*
1. Fences, Garden Walls, or hedges, which are specifically required pursuant to Article 8, Development Landscaping and Tree Protection, shall conform to the requirements of that Article.
  2. Fences for outdoor recreation facilities, such as basketball or tennis courts, may be up to twelve feet (12') in height provided they are of chain link construction with non-metallic coating (i.e., vinyl), are located in the side or rear yard in residential zone districts, and are set back 25 feet from residential property lines.
  3. Fences for outdoor recreation facilities, such as baseball field back stops and golf course driving range netting may be over 12' as determined by the Director.
- G. *Maintenance.* Fences shall be maintained in good structural condition and upright within 20 degrees of perpendicular to level. The Director shall have the authority to order the Fence owner to repair or remove a Fence, at such owner's expense, that constitutes a public

hazard or nuisance by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

**Section 19.** Division 3-6, entitled *Supplemental Residential Development Standards*, shall be amended to add a new section 12-3-609 to read in full as follows:

**Sec. 12-3-609. Retaining Walls.**

- A. *Generally.* Retaining Walls equal to or above 8 feet in height shall be designed to offer visual breaks by use of tiering or horizontal articulation and vertical articulation.
- B. *Materials.* Materials shall be durable, high-quality materials used for commercial application, including weather-resistant wood species, brick, stone, poured-in-place concrete, concrete block, or other similar materials.

**Section 20.** Section 12-3-802, entitled *Fences, Garden Walls, and Hedges*, shall be repealed in its entirety and replaced to read in full as follows:

**Sec. 12-3-802. Fences, Garden Walls, and Hedges.**

- A. *Generally.* parcels proposed for development. In some instances, these standards may be superseded by the requirements of Division 8-4, Bufferyards, or other applicable bufferyard requirement (e.g., a limited or conditional use standard), which may require a Fence or Garden Wall that is taller than the maximum height allowed by this Section.
- B. *Height.* No Fence or Garden Wall on a parcel used for nonresidential or mixed-use purposes shall exceed the height set out in Table 12-3-802A, Maximum Height of Fences and Garden Walls.

Table 12-3-802A									
Maximum Height of Fences and Garden Walls									
Zoning District						Maximum Height In:			
						Front Yard	Street Side Yard	Interior Side Yard	Rear Yard
AG	RS	RA	RU	NC	NI	4 ft.	8 ft.	8 ft.	8 ft.
CG	AC	UC	ED	OSR		4 ft.	4 ft.	4 ft./8 ft. <sup>1</sup>	8 ft.
BP						4 ft./6 ft. <sup>1</sup>	4 ft./6 ft. <sup>1</sup>	4 ft./8 ft. <sup>1</sup>	8 ft.
I						6 ft.	6 ft.	8 ft.	8 ft.

<sup>1</sup> Maximum height shall be limited to four (4) feet except where the fence meets the design standards of Section 12-3-802(D), Fence Design.

- C. *Setbacks.* Fences and Garden Walls on parcels used for nonresidential or mixed-use purposes shall be set back as set out in Table 12-3-802B, Minimum Setbacks for Fences and Garden Walls. Fences and Garden Walls shall not obstruct required sight triangles.

Table 12-3-802B Minimum Setback for Fences and Garden Walls								
Zoning District						Minimum Setback In:		
						All Street Yards	Side and Rear Yards	Lot Lines Abutting Residential Districts
AG	RS	RA	RU	NC	NI	As required for residential uses. See Sec. 12-3-602, Fences, Garden Walls, and Hedges.		
CG	AC	UC	BP	I		0 ft. from property line, but at least 3 ft. from inside edge of sidewalk, if present	0 ft.	Greater of four feet or 50% of width of required bufferyard
ED	OSR					0 ft. from property line, but at least 2 ft. from inside edge of sidewalk, if present	0 ft.	0 ft.

D. *Fence Design.* Where used, Fences shall be designed as follows:

1. Open picket Fences that are located in front yards or street side yards shall be designed such that 40 percent of the face of the Fence is transparent.
2. Fences in street yards of AC and UC districts shall be composed of ornamental metal (wrought iron, powder coated aluminum, or comparable quality material), or a combination of masonry (e.g., posts or foundation support) and metal. Such Fences shall be more than 75 percent transparent.
3. Fences in the OSR and ED district shall be post and rail construction, except where another design is necessary for demonstrated security purposes.
4. Street and side yard Fences in the BP, CG, AC and UC zone districts shall be limited to four (4) feet in height except where the Fence is: 1) composed of ornamental metal (wrought iron, powder coated aluminum, or comparable quality material), or a combination of masonry (e.g., posts or foundation support) and metal; and 2) at least 75 percent transparent.

E. *Orientation.* The Fence, Finished Side shall face out toward neighboring property or adjacent rights-of-way.

F. *Materials.*

1. Materials shall be durable, high-quality materials used for commercial application, including: weather resistant wood species, split rail, wood treated with U.S. Environmental Protection Agency approved preservatives, painted wood, composite materials, ornamental wrought iron or powder-coated aluminum, brick, and stone.
2. Chain link Fences are permitted, if:

- a. In the AG, CG, or BP districts, the chain link is only used in side and rear yards that are not also street yards, is coated with vinyl or other durable non-metallic coating, and either:
    - i. The lot line closest to the Fence is not also a residential district boundary; or
    - ii. The Fence is part of a landscaped bufferyard that includes a hedge and/or berm between the fence and the lot line that obscures the Fence, and the Fence is colored to blend in with the vegetation.
  - b. In the I district, the chain link Fence is not visible from another zoning district. If chain link is used in the I district, slats shall not be installed on chain link Fences that are located in front yards.
3. The following are prohibited fencing materials:
- a. Scrap lumber, plywood, sheet metal, plastic, or fiberglass sheets;
  - b. Barbed wire, spikes, nails, or other sharp point or instrument on the top or sides of fences;
  - c. Welded wire, agricultural fencing, and chicken wire fences are not permitted.
4. Barbed wire cradles facing inward toward the property may be placed on top of Fences enclosing public utility buildings, industrial properties, or wherever the Director finds that such are necessary to address a demonstrated security interest.

G. *Exceptions.*

1. Fences, Garden Walls, or hedges, which are specifically required pursuant to Article 8, Development Landscaping and Tree Protection, shall conform to the requirements of that Article.
2. Fences for outdoor recreation facilities, such as basketball or tennis courts, may be up to twelve feet (12') in height provided they are of chain link construction with non-metallic coating (i.e., vinyl), and meet the applicable standards set forth in Section 12-2-409(E), Outdoor Recreation.
3. Fences for outdoor recreation facilities, such as baseball field back stops and golf course driving range netting may be over 12' as determined by the Director.
4. Unless the Director determines that a deviation from the standards for Fences, Garden Walls, or hedges is necessary to address a demonstrated security interest, all Fences, Garden Walls, or hedges for Protective Care Uses shall comply with the standards set forth in Section 12-3-802.

**Section 21.** Division 3-8, entitled *Supplemental Nonresidential and Mixed-Use Development Standards*, shall be amended to add a new section 12-3-811 to read in full as follows:

**Sec. 12-3-811. Retaining Walls.**

- A. *Generally.* Retaining Walls equal to or above 8 feet in height shall be designed to offer visual breaks by use of tiering or horizontal articulation and vertical articulation.
- B. *Materials.* Materials shall be durable, high-quality materials used for commercial application, including weather-resistant wood species, brick, stone, poured-in-place concrete, concrete block, or other similar materials.

**Section 22.** Section 12-4-207(C)(5) shall be repealed in its entirety and replaced to read in full as follows:

- 5. *Exterior Building Wall Materials.*
  - a. Untextured tilt-up concrete panels are prohibited for use on exterior building walls.
  - b. Not more than 25 percent of the total lateral surface area of a Building's exterior façade (or the sum of areas of all the exterior walls) may be comprised of Corrugated Metal.
  - c. Not more than 25 percent of the total lateral surface area of a Building's exterior façade (or the sum of areas of all the exterior walls) may be comprised of mirrored or reflective glass.

**Section 23.** Section 12-4-208(C)(2)(f) shall be repealed in its entirety and replaced to read in full as follows:

- f. Apply base, body and top compositional strategy (see 12-4-207(C)(3), Architectural Scaling Elements).

**Section 24.** Section 12-4-208(C)(2)(g)(iii) shall be repealed in its entirety and replaced to read in full as follows:

- iii. A maximum of 10 percent (average) of all building facades may contain Class III materials (not permitted on facades facing Arapahoe Road) to serve as an architectural accent, including:
  - 1. Exterior Insulation Finishing System (EIFS);
  - 2. Fiber cement board;
  - 3. Reflective glass;
  - 4. Textured architectural concrete;

5. Corrugated Metal; and/or
6. Other similar materials, as approved by the Director.

**Section 25.** Section 12-4-210(C)(6)(c) shall be repealed in its entirety and replaced to read in full as follows:

- c. A maximum of 10 percent (average) of all building facades may contain Class III materials (not permitted on facades facing Arapahoe Road) to serve as an architectural accent, including:
  - i. Exterior Insulation Finishing System (EIFS);
  - ii. Fiber cement board
  - iii. Reflective glass;
  - iv. Corrugated Metal; and/or
  - v. Other similar materials, as approved by the Director.

**Section 26.** Section 12-5-203(A), together with Table 12-5-203A, shall be repealed in their entirety and replaced to read in full as follows:

**Sec. 12-5-203. Required Disabled Parking Spaces.**

- A. *Generally.* Disabled parking shall be provided as set out in Table 12-5-203, Disabled Parking Requirements, or as required by the Americans with Disabilities Act, whichever requires more disabled parking. Disabled parking, including Disabled Electric Vehicle Parking, is included in the total number of parking spaces.

Table 12-5-203A Disabled Parking Requirements		
Total # of Parking Spaces	Number of Disabled Spaces	Number of Disabled Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2

501 to 1,000	2 percent of total	1 out of 8 disabled parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

**Section 27.** Table 12-5-203B, shall be repealed in its entirety and replaced to read in full as follows:

Table 12-5-203B Disabled Electric Vehicle Parking Requirements	
Total # of Parking Spaces	Number of ADA Compliant Electric Vehicle Parking Stalls
1 to 25	1
26 to 50	2
51 to 75	3
76 or greater	4

**Section 28.** Section 12-7-202(B)(2)(e) shall be repealed in its entirety.

**Section 29.** Section 12-7-202(C)(2), entitled *Prohibited Uses*, shall be amended to add a new subparagraph (n) to read in full as follows:

n. Camping.

**Section 30.** Section 12-11-301(C)(3) shall be repealed in its entirety and replaced to read in full as follows:

3. *Compliance.* The alternative system(s) must be designed and operated in strict compliance with all applicable local, state and federal agencies permits, ordinances, regulatory guidance and regulations, including, but not limited to, the EPA, SEMSWA, Cherry Creek Basin Water Quality Authority, Arapahoe County Public Health Department, Colorado Health Department, the Office of the State Engineer and the City.

**Section 31.** Section 12-11-302, entitled *Underground Utilities Required*, shall be repealed in its entirety and replaced to read in full as follows:

**Sec. 12-11-302. Underground Utilities Required.**

All new utility lines, except electrical transmission lines, shall be located underground. If existing above-ground electric utility service lines and/or distribution facilities must be relocated to serve new development or redevelopment (as defined in Table 12-12-402, *Sliding Scale Compliance Requirements*), they shall be relocated underground in a utility easement, where possible. This requirement may be waived by the Director in order to protect significant natural resources or mature vegetation if the application of the requirement would necessarily result in their significant degradation or destruction. This requirement may also be waived by the Director upon a finding

that the undergrounding of the utility line is deemed infeasible by the Director and the utility provider due to infrastructure requirements/constraints and/or disproportional off-site improvements.

**Section 32.** Section 12-13-104(C) shall be repealed in its entirety and replaced to read in full as follows:

- C. *Areas Not Served by Water or Sanitation Districts.* Most of the City is served by water and sanitation districts. Development in areas that are not served by water and sanitation districts is subject to review by the Arapahoe County Public Health Department, the Cherry Creek Basin Water Quality Authority, or other entity with jurisdiction and authority to grant or deny a permit for water wells and/or Individual Sewage Disposal Systems ("ISDS").

**Section 33.** Section 12-14-504(D), entitled *Application Requirements*, shall be repealed in its entirety and replaced to read in full as follows:

D. *Application Requirements.* Applications for approval of a site plan shall be on a form approved by the Director. A Submittal Requirements Matrix is available from the Community Development Department outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on the Community Development Department review. A site plan application must include the following information:

1. A Site Plan Exhibit.
2. Name of proposed use or development.
3. Sworn proof of ownership and a notarized letter of authorization from the landowner permitting a representative to process the application.
4. The land area and legal description.
5. The proposed land use and the area of each use in square feet.
6. A chart comparing all of the regulations and requirements of the proposed development with those of the zoning district for proposed use(s), building heights, minimum lot area, lot width, setbacks, street frontage, building coverage, lot area proposed for development, open space ratio and/or landscape surface ratio (LSR), scale, gross floor area, gross floor area ratios, setbacks, and density.
7. The existing zoning of the property.
8. The zoning and residential density of all adjacent properties.
9. Public and private utility service lines and/or main lines with appurtenances.
10. Title certificate or abstract of titles covering all lands to be conveyed to the City.



11. Treasurer's Certificate of Taxes due.
12. If the application involves public improvements:
  - a. Preliminary construction plans for the proposed public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements, prepared in accordance with the *Roadway Design & Construction Standards Manual*.
  - b. A preliminary pavement design report, prepared in accordance with the *Roadway Design & Construction Standards Manual*.
13. A Traffic Study prepared in accordance with the City of Centennial Guidelines for Traffic Impact Studies, if required by Section 12-10-202, Traffic Studies.
14. Applicable notes and certifications approved by the City Attorney that regulate the development (Airport Influence Area note, off-site improvements note, etc.).
15. Signature block for the Director and Planning and Zoning Commission chair.
16. A material board providing examples of all exterior materials of all proposed Buildings.
17. If the application is for a Site Plan for new development or redevelopment as defined in Table 12-12-402, Sliding Scale Compliance Requirements: a Digital Architectural Scaling Model depicting the proposed Building or Buildings in three dimensions, in a file format approved by the Director.

**Section 34.** Section 12-14-509(D)(1)(c), entitled *Noise Impact Assessment*, shall be repealed in its entirety and replaced to read in full as follows:

- c. Noise Impact Assessment. A Noise Impact Assessment performed by a professional acoustical engineer shall confirm that the decibel levels of the proposed Outdoor Pickleball Court(s) will not exceed 47 decibels at all surrounding property lines for properties zoned for residential use or used for residential purposes and shall also take into account the impacts of environmental factors such as topography and elevation, sight lines to residential buildings, reflective surfaces, and other built environmental conditions. Averaging techniques such as equivalent-continuous and maximum fast exponential time weighted sound pressure levels (LAeq and LAmax) are not permitted for the Noise Impact Assessment. Measurement procedures based on the adjusted equivalent-continuous sound pressure level according to ANSI S12.9 (Quantities And Procedures For Description And Measurement Of Environmental Sound), Part 4 (Noise Assessment and Prediction of Long-Term Community Response) shall be used to assess the noise impact of Pickleball. The adjustment for ball and paddle impacts shall be 12 decibels. The background corrected sound exposure levels of each impact event may be used to calculate the adjusted equivalent-continuous sound pressure level of the paddle impacts.

**Section 35.** Division 15-3, *Enforcement*, shall be amended to add a new section 12-15-304, entitled *Inspection of Property*, to read in full as follows:

**Sec. 12-15-304. Inspection of Property.**

- A. *Authorized inspector.* The Director shall have the power and authority to appoint and authorize a Code Enforcement Officer to inspect and examine any public or private property in the City for the purpose of investigating and ascertaining the nature and existence of any violation of any provision of this LDC.
- B. *Right of entry generally.* Whenever necessary to inspect to enforce any of the provisions of this Chapter, or whenever an authorized inspector has reasonable cause to believe that there exists in any building or structure or upon any property any condition which constitutes a violation of this LDC, such inspector may enter such building, structure or property at all reasonable times to inspect the same or to perform any lawful duty. If such building, structure, or property is unoccupied, the inspector shall first make reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building, structure, or property. Upon locating the owner or occupants, the inspector shall present proper credentials and request entry. If entry is refused, the inspector shall give the owner or occupant, or, if the owner or occupant cannot be located after a reasonable effort, leave at the building, structure, or property a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. The notice given to the owner or occupant or left on the property shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by the Municipal Judge or by a judge of any other court having jurisdiction.
- C. *Search warrants.* After the expiration of the 24-hour period from the giving or leaving of such notice, the authorized inspector may appear before the Municipal Court and, upon showing of probable cause by written affidavit, shall obtain a search warrant entitling the inspector to enter the building or structure or upon the property. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or property, the authorized inspector may enter into the building, structure or enter upon the property using such reasonable force as may be necessary to gain entry.
- D. *Probable cause.* The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular building, structure or property at issue in order to obtain a search warrant, but must show some objective facts, or circumstances, which are reasonably trustworthy, that would cause an ordinary prudent person to act. It is unlawful for any owner or occupant of the building, structure or property to deny entry to any authorized inspector or to resist reasonable force used by an authorized inspector acting pursuant to this Section.
- E. *Emergencies.*

1. Whenever an emergency situation or exigent circumstances exists in relation to the enforcement of any of the provisions of this Article, an authorized inspector, upon a presentation of proper credentials or identification in the case of an occupied building, structure, or property, may enter into any building, structure or upon any property.
  2. In an emergency situation or exigent circumstance, an authorized inspector may use such reasonable force as may be necessary to gain entry into the building or upon the premises.
  3. For purposes of this subsection, the term "emergency situation" or "exigent circumstance" includes any situation that would cause a reasonable person to believe that prompt action is necessary:
    - a. To respond to an imminent danger of loss of, or serious injury or damage to, life, limb or property; or
    - b. To prevent imminent destruction of evidence.
- F. *Search warrants issued upon showing of probable cause.* The Municipal Judge shall have power to issue search warrants upon a showing of probable cause as set forth in this Section.

**Section 36.** Division 16-2, *General Definitions*, shall be amended as follows:

- Add a new definition for **Architectural Metal** to read in full as follows:

*Architectural metal* means metallic materials and components selected and used in construction and design to enhance a Building's aesthetics, structural integrity, and functionality.

- Add a new definition for **Compatibility** to read in full as follows:

*Compatibility (or compatible)* means a condition where land uses, structures, developments, or activities can coexist without conflict because negative impacts, if any, have been reasonably and sufficiently mitigated.

- Add a new definition for **Corrugated Metal** to read in full as follows:

*Corrugated metal* means metal panels and sheets featuring alternating ribs, seams, raised or recessed elements, or repeating patterns of such alternating ribs, seams, or raised elements.

- Add a new definition for **Digital Architectural Scaling Model** to read in full as follows:

*Digital Architectural Scaling Model* means a Computer Aided Design (CAD) file containing a three-dimensional rendering of the exterior of a Building.

- Add a new definition for **Garden Wall** to read in full as follows:

*Garden Wall, see Fence.*

- Add a new definition for **Fence** to read in full as follows:

*Fence* means a Structure for the purpose of demarcating a property boundary, for enclosing a property or portion thereof, or for screening, including gates but not including Retaining Walls or Wing Walls. Structures under 24 inches in height shall not be considered Fences.

- The definition of **Fence, Finished Side** shall be repealed and replaced to read in full as follows:

*Fence, Finished Side* means the polished side of a Fence which is often called the "face" while the unfinished side is called the "back" and contains the horizontal Fence supports (also called stringers) and the in-ground Fence posts.

- Add a new definition for **Outdoor Pickleball Court** to read in full as follows:

*Pickleball Court, Outdoor* means a Pickleball Court, whether a Permanent Pickleball Court or a Temporary Pickleball Court, which is not completely enclosed within a lawfully erected building with a permanent roof.

- Add a new definition for **Retaining Wall** to read in full as follows:

*Retaining Wall* means any Structure built, erected or installed for the purposes of retaining or restraining the lateral forces of soil, or for supporting weak and unstable soils.

**Section 37.** The Appendix of the LDC shall be amended to add an **Appendix J - Live-Work Unit Exclusion Area**, depicting the boundaries of the Live-Work Unit Exclusion Area.

[FINAL MAP TO BE INCLUDED AS ATTACHMENT TO ORDINANCE PRIOR TO CITY COUNCIL SECOND READING]

**Section 38. 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 39. 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 40. 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.

SEAL

ATTEST:

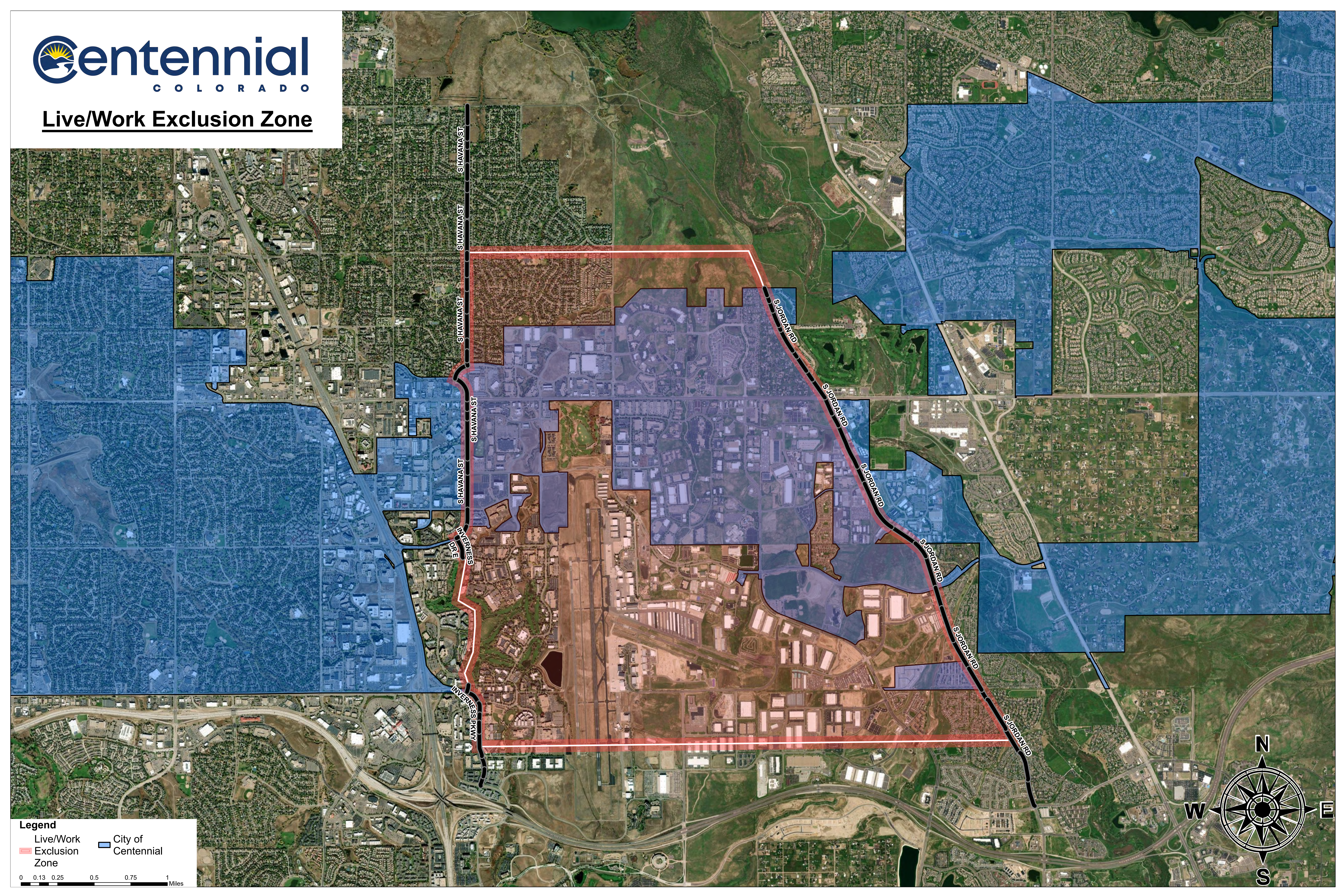
City Clerk or Deputy City Clerk

By: \_\_\_\_\_

*Published in full on the City's website at: [www.centennialco.gov](http://www.centennialco.gov) on April 11<sup>th</sup>, 2024 by Allie Powell, Deputy City Clerk.*



**Live/Work Exclusion Zone**



**Legend**

- Live/Work Exclusion Zone
- City of Centennial

0 0.13 0.25 0.5 0.75 1 Miles

