

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2023-O-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE MUNICIPAL
CODE (LAND DEVELOPMENT CODE) CONCERNING RECREATION AND
AMUSEMENT, PICKLEBALL, AND PICKLEBALL COURTS, AND
DECLARING AN EMERGENCY**

WHEREAS, the City of Centennial is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Charter of the City of Centennial; and

WHEREAS, by virtue of Article 20 of the Colorado Constitution, and as further authorized by state law, including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the City of Centennial has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Section 31-23-301 of the Colorado Revised Statutes, such police powers include the power to regulate the location of land uses and activities conducted on land within the community; and

WHEREAS, the City Council adopted comprehensive zoning and development regulations codified in Chapter 12 of the Centennial Municipal Code, which regulations are known as the Centennial Land Development Code (“LDC”); and

WHEREAS, the City is aware of the growing popularity and demand in Centennial and across the nation for outdoor pickleball court facilities, that some sources cite pickleball as the nation’s fastest growing sport, and that pickleball provides opportunities for people to exercise, recreate, and socialize; and

WHEREAS, it is the City’s express vision that “neighborhoods matter” and the City seeks to ensure that our neighborhoods and our residents enjoy a reasonable quality of life, health, and safety; and

WHEREAS, noise pollution is a recognized and scientifically established public health and safety concern which presents a growing danger to the health and welfare of the population of the United States; and

WHEREAS, according to available information and research, outdoor pickleball is known to create a notable change in the acoustic environment of the area surrounding pickleball courts that is different in comparison to other forms of outdoor recreational activities such as tennis; and

WHEREAS, according to acoustical engineers, the sound produced by a pickleball paddle impacting a pickleball is classified as an “impulsive sound” that is near the most sensitive frequency range of human hearing; and

WHEREAS, impulsive sounds are known to create greater annoyance than other forms of sound because they are similar to sounds that contain important information about our environment that alert people to events occurring nearby that may necessitate a response to such as footsteps, a door opening, or speech; and

WHEREAS, research shows that continuous impulsive sound such as the noise produced by a pickleball paddle making impact with a pickleball make it difficult to relax, concentrate, or sleep soundly without disturbance as each impact heard draws attention and creates distraction; and

WHEREAS, it is established that high amplitude acoustical pressures may cause hearing impairment as well as other types of injury to the body and that low level noise may have adverse long term psychological effects; and

WHEREAS, low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders; and

WHEREAS, the City’s current regulations neither comprehensively address the character and impacts of outdoor pickleball courts nor require appropriate mitigation or attenuation measures to manage noise impacts when outdoor courts are located near residential uses; and

WHEREAS, the legislative history of the matters addressed by this Ordinance include:

A. A study commissioned by and prepared specifically for the City of Centennial by a recognized pickleball noise consultant and professional engineer; and

B. Readily available media reports concerning pickleball noise and noise from other forms of recreational activities, professional articles, consultant and engineering studies prepared for other local governments, World Health Organization (WHO) reports, and standards and specifications available from the American National Standards Institute (ANSI), the International Organization for Standardization (ISO), and ASTM International (formerly known as the American Society for Testing and Material); and

C. Letters, electronic mail messages, and other forms of correspondence received by City administrative staff, Planning and Zoning Commissioners, and City Council members pertaining to pickleball generally and pickleball noise; and

D. Information known to the City’s administrative staff and the members of the City Council obtained from: (i) personal observation of pickleball and other recreational activities, (ii) participation in pickleball and other forms of recreational activities; (iii) discussion with

constituents, stakeholders, and interest groups; and (iv) feedback from businesses engaged in or interested in the conduct of commercial pickleball operations; and

WHEREAS, local governments throughout the United States, including the City & County of Denver and other Front Range communities, have experienced conflicts and received complaints by residents concerning pickleball court noise within certain proximities to residential properties; and

WHEREAS, due to the experience and complaints regarding pickleball noise, many local governments have researched and have established location and noise abatement requirements for outdoor pickleball courts to best address pickleball court compatibility with residential areas, most often where pickleball courts are within 500 to 600 feet of residential uses; and

WHEREAS, pickleball is played on both permanent outdoor courts (bearing permanent striping and/or nets) as well as temporary outdoor courts (bearing striping with tape or chalk and/or portable nets) and, although the noise emanating from both permanent and temporary outdoor courts may be the same or similar, temporary outdoor courts are generally observed as having less frequent or less consistent use and are less commonly used for organized or programed play than that experienced by permanent outdoor courts; and

WHEREAS, the City Council desires to reasonably accommodate the need for pickleball courts with an understanding that neighboring residential properties may be consistently impacted on a daily basis by pickleball noise; which noise is in conflict with the quiet enjoyment of residential property that residents deserve and expect; and

WHEREAS, regulations designed to address the impact of pickleball noise on residential properties must reasonably balance the facts that: (i) a single pickleball player may play pickleball at a court for a short duration of time during a single day; (ii) a pickleball court may be used continuously by numerous pickleball players during a day; and (iii) a pickleball court may be scheduled for a tournament or other organized event that can result in continual or uninterrupted pickleball activities and noise; and

WHEREAS, the City Council finds that some types of pickleball courts present a greatly reduced potential for consistent or continual objectionable noise (such as a temporary court erected on a driveway or a single court created in a residential backyard which will not customarily be in continuous use) and that some pickleball courts present a greater and real potential for noise impacts (such as several courts operated in the same location or courts available and used for organized tournaments and events); and

WHEREAS, there is a present need to review, evaluate, and consider updates and amendments of the regulations to ensure that the City's regulations best address compatibility between pickleball activity conducted on pickleball courts and residential uses to protect the public health, safety, and welfare; and

WHEREAS, the City Council finds that striking a reasonable and appropriate balance between the noise associated with pickleball courts and the impacts of such noise on neighboring residential properties can be best accomplished by a process for the issuance of a permit for the creation of certain types of pickleball courts and the consideration of reasonable location requirements and potential noise mitigation or attenuation measure for outdoor pickleball courts.

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

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

Section 2. The City Council legislatively finds and declares that Pickleball conducted on an Outdoor Pickleball Court is an activity conducted on property and not an independent and recognized land use.

Section 3. Division 16-2, entitled *General Definitions*, shall be amended by adding the following new definition in the appropriate alphabetical order:

Ball Diamond means a location permanently designed or intended for use for baseball, softball, kickball, or other similar activity that customarily includes bases spaced to form a diamond. A ball diamond may, but not always, include a backstop, area for player assembly (dugout), and bleachers.

Pickleball means an activity where participants utilize a racket or paddle to strike and volley a hollow plastic ball over a net. Pickleball may be played indoors or outdoors.

Pickleball Court means any location designed for Pickleball, regardless of whether the court is permanent or temporary, indoors or outdoors, privately or publicly owned or operated or operated with or without compensation. A court is designed for Pickleball where the location includes court lines or markings suitable or customary for formal or organized Pickleball play. A Pickleball Court does not include:

- a. Pickleball played or conducted in an informal or impromptu manner on a surface that is not otherwise a Temporary Outdoor Pickleball Court or a Permanent Outdoor Pickleball Court and which does not bear lines or markings and a net that are suitable or customary for formal or organized Pickleball play.
- b. *Reserved.*

Pickleball Court, Permanent (also *Permanent Pickleball Court*) means a Pickleball Court that bears lines or markings suitable or customary for formal or

organized Pickleball play and which are either: (i) permanent in nature (most often painted); or (ii) easily removable (oftentimes by use of tape or chalk) and which all removable lines or markings are not removed from the Pickleball Court on a daily basis.

Pickleball Court, Temporary (also *Temporary Pickleball Court*) means a Pickleball Court that bears lines or markings suitable or customary for formal or organized Pickleball and which are easily removable (oftentimes made by tape or chalk) and completely removed on a daily basis.

Pickleball Court, Indoor (also *Indoor Pickleball Court*) means a Pickleball Court that is completely enclosed within a lawfully erected building with a permanent roof.

Pickleball Court, Outdoor (also *Outdoor Pickleball Court*) means a Pickleball Court, whether a Permanent Pickleball Court or a Temporary Pickleball Court, that is not completely enclosed within a lawfully erected building with a roof.

Section 4. Division 16-2, entitled *General Definitions*, shall be amended by the repeal and replacement of the following three definitions to be inserted in appropriate alphabetical order:

Commercial Amusement, Outdoor means uses or activities that provide commercial amusement outdoors (except sexually oriented businesses), including, but not limited to:

1. Outdoor arenas, amphitheaters, or stadiums (including, but not limited to, any type of location or facility designed or used for purposes such as concerts, theatrics, rodeo, racing, or any type or form of sport or entertainment);
2. Amusement parks or theme parks;
3. Fairgrounds;
4. Miniature golf establishments;
5. Golf driving ranges;
6. Water slides;
7. Batting cages; and
8. Shooting ranges.

Recreation, Indoor means uses or activities that provide recreation opportunities indoors for the public or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. The phrase “recreation, indoor” includes:

1. Community recreation center;

Other Rural Services														
Alcoholic Beverage Sales	-	-	T	T	-	-	L	L	L	L	L	-	-	Sec. 12-2-408
Bed and Breakfast	P	-	T	T	-	-	P	P	-	-	-	-	-	NA
Commercial Lodging	-	-	-	-	-	-	L	L	L	L	-	-	-	Sec. 12-2-408
Commercial Retail	-	-	T	T	-	-	p ¹	p ¹	p ¹	L ¹	L ¹	-	-	Sec. 12-2-408
24-Hour Commercial Retail	-	-	-	-	-	-	C	C	C	C	C	-	-	
Heavy Retail	-	-	-	-	-	-	L	-	-	-	L	-	-	
Kennel	P	-	-	-	-	-	L	-	-	-	P	-	-	
Gasoline Station / Convenience	-	-	-	-	-	-	L	-	-	L	L	-	-	Sec. 12-2-408, Sec. 12-4-203
Mixed-Use	-	-	T	T	-	-	L	P	P	-	-	-	-	Sec. 12-2-408
Office	-	-	T	T	-	-	P	P	p ²	P	L	-	-	Sec. 12-2-408, Sec. 12-14-902
Restaurant; No Drive-In or Drive-Through	-	-	T	T	-	-	P	P	P	P	L	-	-	Sec. 12-2-408
Restaurant; Drive-In	-	-	-	-	-	-	L	-	-	L	L	-	-	
Restaurant; Drive-Through	-	-	-	-	-	-	L	L	-	L	L	-	-	
24-Hour Restaurant, No Drive-In or Drive-Through	-	-	-	-	-	-	C	C	C	C	C	-	-	
24-Hour Restaurant, Drive-In	-	-	-	-	-	-	C	-	-	C	C	-	-	
24-Hour Restaurant, Drive-Through	-	-	-	-	-	-	C	-	-	C	C	-	-	
Services, Commercial and Personal	-	-	T	T	-	-	P	P	P	P	-	-	-	
Vehicle Rental	-	-	-	-	-	-	L	L	L	L	L	-	-	Sec. 12-2-408
Vehicle Sales	-	-	-	-	-	-	L	-	-	L	L	-	-	

Vehicle Service/Repair	-	-	-	-	-	-	L	-	-	L	L	-	-	
Vehicle Wash	-	-	-	-	-	-	L	-	-	L	L	-	-	Sec. 12-4-204; Sec. 12-2-408
Veterinarian (Dogs, Cats, Exotic Pets)	P	-	T	T	-	-	P	P	-	P	-	-	-	NA
Recreation and Amusement Uses														
Commercial Amusement, Indoor	-	-	T	T	-	-	P	P	P	P	L	-	-	Sec. 12-2-409
Commercial Amusement, Outdoor ³	-	-	-	-	-	-	L	-	-	C	-	-	L	
Recreation, Indoor	-	L	T/L	T/L	L	L	P	P	P	P	L	L	P	
Recreation, Outdoor ³	P	P	P	P	C	C	L	L	L	P	-	L	P	
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	L	-	-	Sec. 12-2-410
<p>TABLE NOTE:</p> <p>¹ Convenience stores are a limited use ("L"). See Section 12-2-408, Commercial Uses, for standards.</p> <p>² Office is a limited use ("L") in UC zoned areas not governed by an approved Regulating Plan. See Section 12-2-408 and Section 12-14-902.</p> <p>³ Pickleball Courts as defined by this LDC shall also follow the standards and requirements of Section 12-2-409(G).</p>														

Section 7. Table 12-14-203 of the LDC, entitled *Administrative Development Orders*, shall be amended to add a new additional row detailing a new administrative development order and standards as follows:

Table 12-14-203 Administrative Development Orders					
Development Order	Required For	Timing	Exceptions	Issued By	Standards ¹
Outdoor Pickleball Court Permit	All existing and new courts meeting the definition of <i>Pickleball, Permanent</i>	Prior to construction.	N/A	Director	Compliance with all applicable standards of Section 12-2-409 and 12-14-509; conditions of approval;

	<p><i>Outdoor</i> as defined by this LDC unless otherwise exempted in accordance with Section 12-2-409 or Section 12-14-509.</p>				<p>and, of applicable LDC Standards</p>
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Section 8. Section 12-2-409, entitled *Recreation and Amusement Uses*, shall be amended to add a new subsection (F) titled *Pickleball, Indoor*, to read in full as follows:

- F. *Pickleball, Indoor.* An Indoor Pickleball Court is exempt from the requirements of Section 12-2-409(G), (H), and (I) and 12-14-509, however, such court may be subject to other requirements or regulations of the LDC such as regulations applicable to *Commercial Amusement, Indoor* or *Recreation, Indoor*.

Section 9. Section 12-2-409, entitled *Recreation and Amusement Uses*, shall be amended to add a new subsection (G), titled *Pickleball, Outdoor Generally*, to read in full as follows:

- G. *Pickleball, Outdoor Generally*
 - 1. *Applicability.*
 - a. This subsection (G) applies to both Permanent Outdoor Pickleball Courts and Temporary Outdoor Pickleball Courts.
 - b. This subsection (G) does not apply to a Temporary Outdoor Pickleball Court or a Permanent Outdoor Pickleball Court that is located greater than 600 feet from a lot or parcel that is residentially zoned or residentially used provided, however, that all other applicable provisions of the LDC and the Centennial Municipal Code shall apply to such court.
 - 2. *Violations.* It shall be unlawful and a violation of this Section 12-2-409 for any person:
 - a. To establish, construct, develop, redevelop, expand, or to convert any existing facility to an Outdoor Pickleball

Court, without an Outdoor Pickleball Court permit when required and issued in accordance with Section 12-2-409 and Section 12-14-509.

- b. To undertake, construct, create, or operate an Outdoor Pickleball Court in a manner that fails to conform to any applicable requirement or standard of this Section 12-2-409, Section 12-14-509, or any condition of approval imposed by the Director on the Outdoor Pickleball Court.
- c. It shall be unlawful for any person to make a Pickleball Court available for use for Pickleball which court is subject to an order of the Director to temporarily cease use, or for a person to engage or participate in Pickleball upon an Outdoor Pickleball Court that is subject to an order of the Director to temporarily cease use.

All violations shall be subject to the general penalty provision of Section 1-4-10 of the Centennial Municipal Code in addition to any other remedies that may be available by law.

- 3. *Administrative Temporary Order Authorized.* The Director may order the temporary cessation of the use of an Outdoor Pickleball Court for Pickleball when the Director determines, based on an investigation and information deemed reasonable by the Director, that the Outdoor Pickleball Court fails to meet applicable requirements of this Section 12-2-409(G), (H), or (I), Section 12-14-509, or the criteria for approval of a permit, including any condition of permit approval. Such order for temporary cessation of use shall extend until such time that the Outdoor Pickleball Court is brought into compliance with the Pickleball Court Permit and the Director rescinds the order for temporary cessation.
- 4. *Prohibited Location.* No Outdoor Pickleball Court may be located within 250 feet of a lot or parcel that is residentially zoned or residentially used, except as may be authorized in accordance with Section 12-2-409(H).
- 5. *Pickleball Noise Standard.* An Outdoor Pickleball Court, or any collection of adjacent Outdoor Pickleball Courts, shall not produce noise in excess of 47 decibels measured at the nearest adjacent property lines for properties zoned for residential use or used for residential purposes. Such measurement shall conform to the methodology required by Section 12-2-409(G)(9).

6. *Hours of Operation.* An Outdoor Pickleball Court shall only be made available for use and may only be used for Pickleball between the hours of 8:00 a.m. and 8:00 p.m. It is unlawful to allow the use of or to use an Outdoor Pickleball Court for Pickleball after 8:00 p.m.
7. *Lighting.* If the Outdoor Pickleball Court is illuminated pursuant to a City-approved application, all illumination of the court shall be limited to the hours between 8:00 a.m. and 8:00 p.m. It is unlawful to illuminate an Outdoor Pickleball Court after 8:00 p.m.
8. *Variances.* Requirements for the creation and operation of Outdoor Pickleball Courts are not eligible for variances pursuant to Section 12-14-801.
9. *Measurements.*
 1. For purposes of this Section 12-2-409 and Section 12-14-509, when measuring the distance between an Outdoor Pickleball Court and a residentially zoned or residentially used lot, measurements shall be made as follows:
 - a. By the use of a straight line using a two-dimensional scaled drawing without consideration of topography or intervening structures or vegetation; and
 - b. Extending the straight line from a point on the exterior pickleball court line that is closest to the residentially used or residentially zoned property to the lot line of the residentially used or residentially zoned property.
 2. For purposes of this Section 12-2-409 and Section 12-14-509, when evaluating or measuring the decibel level of noise in both a Noise Impact Assessment and for purposes of enforcement, the noise evaluation or measurement at a lot line shall be made:
 - a. At the grade level of the nearest lot lines of any adjacent lots zoned for residential use or used for residential purposes and, in addition;
 - b. Where the Director finds that there presently exist, or may likely exist in the future, residential structures

of two stories or greater height on any adjacent lots zoned for residential use or used for residential purposes, the Director may establish points for measurement at appropriate heights perpendicular to the grade level of the lot lines to best assess noise impacts.

H. *Pickleball, Permanent Outdoor*

1. *Applicability.*

- a. This subsection (H) applies to a Permanent Outdoor Pickleball Court as defined by Article 16 of this LDC located within 600 feet from a lot or parcel that is residentially zoned or residentially used.
- b. This subsection (H) does not apply to a Permanent Outdoor Pickleball Court that is located greater than 600 feet from a lot or parcel that is residentially zoned or residentially used provided, however, that all other applicable provisions of the LDC and the Centennial Municipal Code shall apply to such court.

2. *Application and Permit Required.* To be recognized as a lawful Permanent Outdoor Pickleball Court, the court shall require City approval of an application proposing the creation and operation of a pickleball court in accordance with Section 12-14-509, unless such Permanent Outdoor Pickleball Court is granted a limited exception in accordance with Section 12-2-409(H)(3).

3. *Limited Exception for Pre-Existing Permanent Outdoor Pickleball Court.*

- 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).

- b. Effect of Limited Exception.
 - i. A Permanent Outdoor Pickleball Court granted a limited exception may continue the activity of Pickleball on the court provided, however, that the activity and operation of such court shall remain in compliance with the requirements for an Outdoor Pickleball Court set forth in Section 12-2-409(G), excluding the locational limitation of (G)(4) and (H)(4).
 - ii. No expansion, addition, change, modification or enlargement (other than routine maintenance) of a Permanent Outdoor Pickleball Court granted a limited exception shall be permitted unless an Outdoor Pickleball Court permit is approved by the City in accordance with Sections 12-2-409(G) and Section 12-14-509.

4. *Minimum Standards for Permanent Outdoor Pickleball Courts.*

Table 12-2-409 (H) Pickleball, Permanent Outdoor		
Required Setbacks from Residential Zoning and Uses	Permanent Outdoor Pickleball Courts	Noise Mitigation
Within 250 feet	Prohibited	Not Applicable
250 feet up to 600 feet	Permitted, Subject to Issuance of City Permit pursuant to Section 12-14-509	Noise Mitigation Required Pursuant to Noise Impact Assessment
Greater than 600 feet	Permitted	No Noise Mitigation Required

- a. *Permanent Outdoor Pickleball Courts within 250 feet of Residential Zoning or Uses.* Permanent Outdoor Pickleball Courts are not permitted within 250 feet of a lot or parcel that is residentially zoned or residentially used.
- b. *Permanent Outdoor Pickleball Courts located between 250 and 600 feet of Residential Zoning or Uses.* Permanent Outdoor Pickleball Courts located between 250 feet and 600 feet of a lot or parcel that is residentially zoned or residentially used shall be required to follow the minimum standards of this subsection (H) and utilize all mitigation techniques recommended by a Noise Impact Assessment.

c. Permanent Outdoor Pickleball Courts located more than 600 feet from Property zoned for Residential use or used for a Residential Purpose. Permanent Outdoor Pickleball Courts that are located more than 600 feet from residential zoned property or residentially used property are not required to obtain an Outdoor Pickleball Court Permit or utilize noise mitigation techniques, though mitigation techniques are encouraged as the court will be subject to other provisions of the Centennial Municipal Code including general noise provisions.

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 or fence cover.
- 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 penetrations 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 10 feet in vertical height as measured from the court surface or ground level.

(I) *Pickleball, Temporary Outdoor*

1. *Applicability.* This subsection (I) applies to a Temporary Outdoor Pickleball Court as defined by Article 16 of this LDC.
2. Reserved.
3. Reserved.

4. *Minimum Standards for Temporary Outdoor Pickleball Courts.*

Table 12-2-409 (I) Pickleball, Temporary Outdoor		
Required Setbacks from Residential Zoning and Uses	Temporary Outdoor Pickleball Courts	Noise Mitigation
Within 350 feet	Prohibited	Not Applicable
350 feet up to 600 feet	<i>Reserved</i>	<i>Reserved</i>
Greater than 600 feet	Allowed	No Noise Mitigation Required

- a. *Temporary Outdoor Pickleball Courts within 350 feet of Residential Zoning or Uses. Temporary Outdoor Pickleball Courts are not permitted within 350 feet of a lot or parcel that is residentially zoned or residentially used.*
- b. *Temporary Outdoor Pickleball Courts located between 350 and 600 feet of Residential Zoning or Uses. Reserved.*
- c. *Temporary Outdoor Pickleball Courts located more than 600 feet from Property zoned for Residential use or used for a Residential Purpose. Reserved.*

Section 10. Section 12-14-509, entitled *Outdoor Pickleball Court Permit*, is added to read in full as follows:

Sec. 12-14-509. Permanent Outdoor Pickleball Court Permit.

- A. *Intent and Purpose.* This Section creates a process for the issuance of a Pickleball Court Permit for a Permanent Outdoor Pickleball Court. Through the Permanent Outdoor Pickleball Court Permit process, the City will conduct a review of certain limited elements of a proposed new outdoor court, or the redevelopment, expansion, or conversion of an existing outdoor court or a facility previously used for other activities (e.g., tennis court). The principal purpose of this Section is to ensure that the Permanent Outdoor Pickleball Court will not unreasonably and adversely impact the health, safety, and welfare of adjacent residential properties or the City.
- B. *Applicability and Enforcement.*
1. This Section 12-14-509 applies to a Permanent Outdoor Pickleball Court as defined by Article 16 of the LDC and as regulated by Section 12-2-409.
 - a. Any creation or development of a new Permanent Outdoor Pickleball Court;
 - b. Any redevelopment or expansion of an existing Permanent Outdoor Pickleball Court; and
 - c. Any conversion of an existing court or other facility to provide for a Permanent Outdoor Pickleball Court (e.g., converting a tennis court to a Permanent Outdoor Pickleball Court or converting a Temporary Outdoor Pickleball Court to a Permanent Outdoor Pickleball Court).
 2. Nothing in this Section 12-14-509 shall exempt or waive any requirement for zoning, site plan, subdivision approval, or other approvals or permits which may be required by state law or this LDC.
 3. Nothing in this Section 12-14-509 shall exempt or waive any requirement of a Permanent Outdoor Pickleball Court to meet requirements imposed by, or obtain approvals from, special districts, authorities, or other providers of public services

including, but not limited to, water, sanitary sewer, and stormwater services.

C. *Meetings.*

1. *Pre-submittal Meeting Encouraged.* Applicants seeking a Permanent Outdoor Pickleball Court Permit are encouraged to contact the Director as early in the court planning process as possible for the purpose of conducting a pre-submittal meeting. Such meeting enables the applicant to explore the purpose, scope and timing of the process.
2. *Community Meeting.* The Director shall require a community meeting for a Permanent Outdoor Pickleball Court Permit application when the Director determines that potential impacts of the proposed Outdoor Pickleball Court will significantly affect residential properties directly adjacent to the proposed Outdoor Pickleball Court site. When the Director requires a community meeting, the community meeting shall be held prior to a decision on a Permanent Outdoor Pickleball Court Permit application and shall be subject to the notice and conduct requirements of Section 12-14-305, *Community Meeting* of this LDC.

D. *Application.*

1. *Application.* An application for a Permanent Outdoor Pickleball Court Permit shall be submitted to the Director and shall contain the following information and may be submitted as a part of an applicable land use planning or permitting process (e.g., site plan, site plan amendment, building permit, or other form of application for land use):
 - a. A completed application for a Permanent Outdoor Pickleball Court Permit.
 - b. Payment of all fees and charges for the application.
 - 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 LMax) are not permitted for the Noise Impact Assessment. Measurement procedures based on the adjusted sound exposure 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 assessment of Pickleball.

- d. A site plan exhibit that establishes the layout and location of the following features on the parcel proposed for development, redevelopment, expansion, or conversion of a Permanent Outdoor Pickleball Court:
 - i. Lot lines/proposed parcel size.
 - ii. Setbacks including distance from edge of court to nearest property zoned residential or used for residential purposes.
 - iii. Enclosure specifications (height and type) and types of materials including any proposed fencing, noise barrier, and access points including gates.
 - iv. Surface materials.
 - v. Streets external and internal to the site, points of access to the site from public streets.
 - vi. Location, type, and fixture of all sources of lighting details including proposed hours of illumination.
 - vii. A list of proposed rules for the Outdoor Pickleball Court including hours of operation.
 - viii. A plan for techniques, infrastructure, improvements, and/or noise barriers to mitigate or prevent noise from the Outdoor Pickleball Court from exceeding the noise standard set forth in Section 12-2-409(G). Such plan shall incorporate recommendations or requirements provided by the accepted Noise Impact

Assessment prepared in accordance with Section 12-14-509(D)(1)(c).

- ix. Operational methods and practices to ensure compliance with Section 12-2-409(G) including methods and practices to ensure compliance with hours of operation and limitation on illumination.
- x. Information on how the proposed Outdoor Pickleball Court will be managed, maintained, and programmed together with the designation of the responsible party for management, maintenance and programming.

E. *City Authority.*

1. The City may, at its discretion and cost, refer a Noise Impact Assessment and any other materials associated with the application to a City-selected consultant for review of the contents, conclusions, and recommendations related to the management or mitigation of noise anticipated from the proposed Permanent Outdoor Pickleball Court. Such review may identify errors, deficiencies, or necessary corrections in the assessment and provide or recommend alternative materials, measures, or actions for the proposed Permanent Outdoor Pickleball Court.
2. The City may, at its discretion and cost, commission the preparation of one or more additional Noise Impact Assessment(s) by a City-selected consultant for use in the review of the proposed Permanent Outdoor Pickleball Court.

F. *Review and Criteria for Approval.*

1. Upon receipt of a completed application and materials and information required by this Section 12-14-509, the Director shall undertake an administrative review of the application.
2. The Director may impose reasonable conditions upon the approval of the permit deemed necessary to address and manage anticipated noise associated with the proposed Outdoor Pickleball Court and to ensure compliance with Section 12-2-409 and this Section 12-14-509.

3. An application for a Permanent Outdoor Pickleball Court shall be approved only upon a finding by the Director that the proposed court meets, or will meet, all of the following criteria:
 - a. Meets all requirements of Section 12-2-409(G) and (H); and
 - b. Meets all applicable requirements of the LDC; and
 - c. Meets all applicable requirements of the Centennial Municipal Code; and
 - d. Will conform to the recommendations and requirements of an applicable and City-accepted Noise Impact Assessment or, where more than one Noise Impact Assessment is available and accepted by the City, will meet the most stringent requirements or recommendations of an assessment; and
 - e. Will be operated in accordance with any conditions of approval of the application; and
 - f. Based on review of all available Noise Impact Assessments deemed complete and accurate by the City, and any City reviews of assessments, the Pickleball Court is not anticipated to produce noise in excess of 47 decibels at the nearest adjacent property lines for properties zoned for residential use or used for residential purposes; and
 - g. Following creation, the Outdoor Pickleball Court will not produce noise in excess of 47 decibels at the nearest adjacent property lines for properties zoned for residential use or used for residential purposes; and
 - h. Will be subject to immediate cessation of use for Pickleball when a determination is made by the City that the permitted Outdoor Pickleball Court fails to meet the criteria for approval, including any conditions of approval.

G. *Presumption Concerning Pickleball Noise for a Permitted Court.* A presumption shall exist that a Permanent Outdoor Pickleball Court which is operated in full compliance with a City-issued Outdoor Pickleball Court Permit, does not produce noise in excess of the requirements of Section 12-2-409(G)(5). Such presumption shall be rebuttable upon the presentation of credible evidence to the Director which demonstrates the

operation of the Outdoor Pickleball Court exceeds the noise limitation of Section 12-2-409(G)(5).

- H. *Appeal to City Council.* The applicant for a Permanent Outdoor Pickleball Court Permit may appeal an administrative determination of the Director to the City Council by notifying the Director within fifteen (15) days following the date of issuance of the Director's decision. Such appeal shall be timely made in writing identifying with specificity the Director's decision and the basis and support justifying the appeal. Upon receipt of a notice of appeal, the Director shall schedule the public hearing before the City Council and such hearing shall be conducted at the earliest opportunity on a regular or special agenda of the City Council. The hearing shall be considered as a quasi-judicial matter at which the sole and exclusive issue will be whether the Director's decision, based on the information available to the Director, was arbitrary or capricious and without basis or support in the record reviewed by the Director.

Section 11. Section 12-6-702(E), entitled *Outdoor Recreation*, shall be repealed and replaced to read in full as follows:

- E. *Outdoor Recreation.* Because of the unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis and pickleball courts, and other similar outdoor recreation uses and recreational facilities, are exempted from conformance with the requirements of this Division, except:
1. Lighting for areas where the outdoor recreation is conducted shall not exceed 125 percent of the values cited in the current Illuminating Engineering Society of North America (IESNA) recommended practice for that sport, level of play and class of facility approved by the City;
 2. The maximum permitted mounting height is 80 feet;
 3. The maximum permitted illumination at the property line is 2 footcandles; and
 4. Limits on hours of illumination require that exterior lighting shall be extinguished no later than 11:00 p.m. unless a different requirement is established for a particular use or activity.

Section 12. Emergency Declared. The City Council hereby legislatively declares that the adoption of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent adoption of this Ordinance as an Emergency Ordinance, the City Council

finds that an immediate, real, and unreasonable risk to public health and safety is presented by noise associated with certain types of pickleball courts. Moreover, the enactment of this Ordinance as an emergency measure will: (a) avoid economic waste created by the expenditure of financial and other resources in the creation of pickleball courts that are later determined to be in violation of regulations governing unreasonable noise and which may be required to cease operation; (b) prevent an the unnecessary and avoidable expenditure of taxpayer funds and City resources in responding to noise complaints and prosecuting noise violations; and (c) provide for public convenience through the more prompt creation of pickleball courts operated with fewer complaints and conflicts with adjacent property owners.

Section 13. Effective Date. Upon passage by a supermajority of City Council members in office, as required by Section 7.6 of the Centennial Home Rule Charter (¾ of all members in office or 7 or more votes of the 9-member Council), this Ordinance shall become effective immediately upon adoption.

Section 14. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City’s home rule authority and under the general police power of the City of Centennial, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

Section 15. 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.

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 5th DAY OF September, 2023.

CITY OF CENTENNIAL

By: Stephanie Piko
Stephanie Piko, Mayor

Approved as to Form:

[Signature]
For City Attorney’s Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of Sept. 5th, 2023 and ordered published one time by title only in

The Centennial Citizen newspaper on Sept. 7th, 2023, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: 

City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE 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 19th DAY OF September, 2023, BY A VOTE OF 9 IN FAVOR AND 0 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 September 19, 2023, and ordered published by title only, one time by *The Centennial Citizen* newspaper on Sept 21, 2023 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: 

City Clerk or Deputy City Clerk