

CITY OF CENTENNIAL,  
COLORADO

ORDINANCE NO. 2022-O-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE  
MUNICIPAL CODE (LAND DEVELOPMENT CODE) CONCERNING  
LIVE-WORK UNITS AND DECLARING AN EMERGENCY

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, the City Council recognized a need to review, evaluate, and consider amendments to the LDC related to Live-Work Units and accordingly enacted a moratorium on the use pursuant to Ordinance No. 2022-O-04 which will expire on September 21, 2022; and

WHEREAS, following the City’s review, the City Council desires to add standards and regulations to the LDC concerning Live-Work Units; and

WHEREAS, following a public hearing, the City of Centennial Planning and Zoning Commission recommended City Council approval of proposed changes to the LDC to better address and regulate Live-Work units; and

WHEREAS, the intent of the proposed changes is to ensure that Live-Work Units are sited and designed to maximize the potential for success and best protect the public health, safety and welfare; 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, *Residential, Home and Institutional Uses*, shall be amended to change the Live-Work Unit use from a Permitted Use (P) to Limited Use (L) within

the General Commercial (CG) zone district, and to add a reference to Section 12-2-403 under the *Additional Standards* column for Live-Work Units.

**Section 3.** Table 12-2-401, *Residential Limited and Conditional Use Standards*, shall be amended by the deletion of Live-Work Use Limited and Conditional Use Standards.

**Section 4.** The LDC shall be amended by the addition of an entirely new Section 12-2-403(C), entitled *Live-Work Units*, which shall read in full as follows:

12-2-403(C) *Live-Work Units*. Live Work Units shall meet the following standards:

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 non-residential 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.
2. Live-Work Units within the BP Zone District. Minimum land area or floor area shall be sufficient to develop not less than ten (10) Live-Work Units.
3. Live-Work Units within other Zone Districts. No minimum land area or floor area is required.
4. Allowable Land Uses in Non-Residential Component. The land uses permitted within the non-residential component of a Live-Work Unit are limited to the following:
  - a. Alcoholic Beverage Sales;
  - b. Commercial Retail;
  - c. Office, which also includes Medical Office;
  - d. Restaurant; No Drive-In or Drive-Through;
  - e. Services, Commercial, Personal and Professional;
  - f. Family Child Care Homes as defined by Section 12-2-405; and
  - g. Any other proposed activity or use permitted in the zone district, as determined by the Director to be compatible with residential activities and that does not have the possibility of negatively affecting the health or safety of live-work residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, and would be hazardous because of materials processes, products, or wastes.
5. Prohibited Land Uses in Non-Residential Component. The land uses prohibited within the non-residential component of a Live-Work Unit include the following:
  - a. Sexually Oriented Businesses;

- b. Vehicle Rental, Vehicle Sales, Vehicle Service/Repair, Vehicle Wash, Auto Repair Minor and Major, Auto Body, and Light Automobile Service/Gas Station;
  - c. Storage of Explosive and Highly Flammable or Hazardous Materials beyond that normally associated with a residential use;
  - d. Welding, machining, or any open flame work; and
  - e. Any other proposed activity or use, even if such use falls within Section 12-2-403(C) above, as determined by the Director to be incompatible with residential activities and to have the possibility of negatively affecting the health or safety of live-work residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts and would be hazardous because of materials processes, products, or wastes.
6. Site Selection and Design.
- a. If Live-Work Unit(s) are proposed in a location where an Adjacent Property is zoned Industrial (I), or other property zoned to allow for Heavy Industrial uses is not separated from the Parcel Proposed for Development by an easement, right-of-way, or permanent open space that is at least 50 feet in width, such as a public street, creek and trail, utility easement, or resource protection area, a forty (40) percent opacity bufferyard as defined in Division 8-4 – *Bufferyards* shall be required.
  - b. Site Mechanical equipment shall be screened and located to the side or rear of structures where not prohibited by the utility or service provider.
  - 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. 1 to 9 Live-Work Units: No amenity area shall be required.
    - ii. 10 to 50 Live-Work Units: 100 sf. per Live-Work Unit.
    - iii. 51 to 100 Live-Work Units: 5,000 sf., plus 50 sf. per each Live-Work Unit in excess of 50 Live-Work Units.
    - iv. More than 100 Live-Work Units: 7,500 sf., plus 25 sf. per each Live-Work Unit in excess of 100 Live-Work Units, or not less than three (3) percent of the Live-Work Unit floor area, whichever is greater.
7. Building/Unit Design. Live-Work Units may be within, but not limited to, single-family detached, single family attached (Single-Family Attached) or Multi-Family building types.
- a. Within Single-Family and Single-Family Attached building types, the residential component of the Live-Work Unit shall be located above, beside, or behind the

non-residential component of the Unit. Entrances to the residential component shall be provided through a separate entrance or through a foyer shared with the non-residential component.

- b. Within Multi-Family Building types or other similar building types, access to the residential and non-residential components shall be provided from common access areas, corridors, halls, sidewalk, or a street, and access shall be unique from other residential and non-residential components or other uses within the building.
- c. If the non-residential component of the Live-Work Unit is physically detached from residential component of the Live-Work Unit (such as an accessory structure), the residential and non-residential components of the Live-Work Unit may be separated by interior courtyards or other similar spaces, and the components shall be on the same lot or parcel, and shall not be separately conveyable.
- d. The design of the Live-Work Unit shall include massing and articulation techniques that accentuate the non-residential portion of the Live-Work Unit and shall feature pedestrian-scaled building details and features. Such strategies shall include variation in materials, textures, styles, and colors, all of which must be unified under a single, thoughtful, and cohesive design theme as reasonably determined by the Director.
- e. The front façade of the non-residential component of the Live-Work Unit:
  - i. Shall feature a primary entrance that directly faces the street, drive, parking area, or pedestrian area that offers convenient and direct access for customers.
  - ii. Shall not be used exclusively for storage or warehousing.
  - iii. Shall be oriented so the Live-Work Unit is not facing a directly adjacent parking or loading area from which it does not take access.
  - iv. Shall not face the portion of a building façade of a directly adjacent structure where the primary purpose is for loading or parking (e.g. the front façade facing a façade that primarily features loading areas and or garage doors)
- f. Not less than 50 percent of the non-residential component ground level front façade of the Live-Work Unit shall be between three (3) and eight (8) feet above the finished grade and shall be transparent (including window or door openings) to allow pedestrian exposure and direct access to the non-residential portion of the Live-Work Unit. Transparency must be maintained without interior or exterior obstructions that limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (excluding window shades or blinds) during hours of business operation.
- g. The minimum clear ceiling height for the non-residential component of the Live-Work Unit shall be nine (9) feet.
- h. The area where the non-residential component is conducted shall be between 10 and 50 percent of the gross floor area of the Live-Work Unit.
- i. Building mounted mechanical equipment and vents shall be screened and located to the side or rear of structures where not prohibited by the utility or service provider.

- j. Live-Work Unit Developments containing ten (10) or more Live-Work Units shall utilize Centralized Solid Waste Facilities in accordance with Section 12-3-608.
8. Parking Design. If parking for the Live-Work Unit is within a reserved parking area or accessory structure (such as a detached or attached garage), those parking spaces shall not be used for storage or other purposes to the extent that it causes the parking spaces to be unusable.
  9. Setbacks and Lot Dimensions. The required setbacks and lot dimensions for the applicable zone district shall control for setbacks along the perimeter of the Parcel Proposed for Development. For Live-Work Unit Developments containing Single-Family and Single-Family Attached building types, setbacks internal (but not along the perimeter of the Parcel Proposed for Development) shall meet the minimum standards set forth in Table 12-2-403(C), *Single-Family Detached and Attached Lot and Building Standards*.

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 <sup>1</sup> (sf.)	400	400
Minimum Patio Width <sup>1</sup> (ft.)	20	20
Maximum Building Height (ft.)	Underlining Zoning	Underlining Zoning
Maximum Building Coverage Ratio (%)	N/A	N/A
TABLE NOTES: <sup>1</sup> The patio area is a rectangle having minimum area and width that is a basic unobstructed outdoor space either with greenspace or paved space. This ensures a useable principal outdoor space. Rooftop patios could be used to meet this requirement. <sup>2</sup> A greater setback may be required to ensure safe passage along the alley.		

10. Signage. Live-Work Units:
  - a. Attached Signage shall only be permitted on the façade that contains the main entrance of the non-residential portion of the Live-Work Unit that directly faces a street, drive, parking area, or pedestrian area that customers would directly utilize to access the Live-Work Unit/Development and shall not be permitted to have a Wall Sign – Secondary.
  - b. Detached Signage shall be permitted in accordance with the standards for Detached Signs for Residential Uses as noted in Section 12-6-402, *Detached Signs*.

**Section 5.** Table 12-6-402(B), *Permissible Detached Sign Types, Non-Residential and Mixed-Use Districts*, shall be amended to extend the existing standards for *Monument Sign, Residential* from the BP zone district to the AC, UC, and CG Zone Districts:

Table 12-6-402B Permissible Detached Sign Types, Nonresidential and Mixed-Use Districts							
District	AC	UC	CG	BP	ED	OSR	
Monument Sign, Residential	Allowed	Allowed	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed
Maximum Number of Signs	1 per parcel proposed for residential development				-		
Maximum Sign Area	20 sf.				-		
Maximum Sign Height	6 ft.				-		
Maximum Signable Area Ratio	70%				-		

**Section 6.** Under Article 16, *Definitions*, the existing definition for *Live-Work Unit* shall be repealed and replaced with the following:

*Live-Work Unit* means a residential use that combines a residential component and a subordinate non-residential component within the same dwelling unit, suite, building, or parcel. A Live-Work Unit generally retains a residential character but allows for more intense non-residential uses than would otherwise be permitted as a Home-Based Business.

**Section 7.** Under Article 16, *Definitions*, the existing definition for *Services, Commercial, Personal and Professional* shall be repealed and replaced with the following:

*Services, Commercial, Personal and Professional* means medical and non-medical services that may be used on a recurring or drop-in basis, may be one-to-one or group interaction between the proprietor or employee and the client. Examples of *Services, Commercial, Personal and Professional* are:

1. Health clubs, exercise studios, yoga studios, sports and swimming instruction, martial arts schools, artist studio, music and dance instruction;
2. Nail salons, beauty and barber shops, skin and hair care, tanning salons, massage and day spas;
3. Tutoring, tailoring, counseling, accounting, insurance, real estate, finance, law; and
4. Similar services as determined by the Director.

**Section 8.** Under Article 16, *Definitions*, the existing definition for *Commercial Retail* shall be repealed and replaced with the following:

*Commercial Retail* means commercial and retail uses that do not include regular outside storage or sales. The phrase "*commercial retail*" includes the following uses as well as uses determined reasonably comparable by the Director:

1. Clothing and clothing accessory stores;
2. Commercial art galleries but not a museum;
3. Electronics and appliance stores;
4. Food and beverage stores;
5. Furniture and home furnishings stores;
6. General merchandise stores;
7. Hardware stores;
8. Health and personal care stores;
9. Paint and wallpaper stores; and
10. Sporting goods, art supply, hobby, book, and music stores.

**Section 9. Moratorium Termination.** The existing moratorium as set forth in Ordinance No. 2022-O-04 shall be terminated upon the effective date of this Ordinance.

**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 LDC, 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 LDC, 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 LDC.

**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. Declaration of Emergency; Effective Date.** The City Council legislatively declares that an emergency exists in the approval of this ordinance order to ensure the timely use of property as live- work units and to best protect the value of property subject to the ordinance. As an emergency ordinance, this ordinance shall be effective immediately upon final approval by the City Council by a  $\frac{3}{4}$  vote of the Council.

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 \_\_\_\_\_, 2022.

CITY OF CENTENNIAL

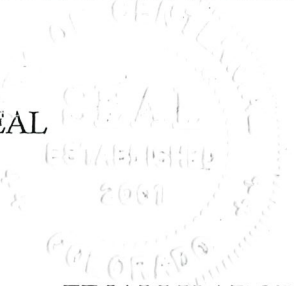
By:   
Stephanie Piko, Mayor

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 Aug 1, 2022 and ordered published one time by title only in *The Centennial Citizen* newspaper on Aug 4, 2022, 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, AMENDED, 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 15th DAY OF AUGUST, 2022, 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 Aug. 15, 2022, and ordered published by title only, one time by *The Centennial Citizen* newspaper on Aug 18, 2022 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