

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2022-O-31

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE
MUNICIPAL CODE (LAND DEVELOPMENT CODE) CONCERNING
THE URBAN CENTER ZONE DISTRICT 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, following a public hearing, the City of Centennial Planning and Zoning Commission recommended City Council approval of proposed changes to the LDC which provide clarification on the use of property zoned Urban Center (UC) not governed by an approved Regulating Plan; and

WHEREAS, the proposed changes simplify the definition of the UC zone district and clarify regulations for nonconformities and vacant parcels within UC zoned areas that are not governed by an approved Regulating Plan; 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 12-2-201(A), entitled *Centennial Zoning Districts*, shall be updated to repeal the Urban Center Purpose and replace it to read as follows:

The purpose of the urban center district is to provide for urban redevelopment in the Arapahoe Urban Center and I-25 corridor areas, and to provide standards for other future transit influenced planning areas. The urban center district is regulated by form-based standards.

Section 3. Table 12-2-303, entitled *Commercial, Recreation, and Amusement Uses*, shall be amended as follows:

- Office in the UC Zoning District shall be listed as P²
- Additional Standards for Office shall reference Sec. 12-2-408; Sec. 12-14-902
- Table Note 2 shall be added to the bottom of Table 12-2-303 to read as follows:
 - Office is a limited use (“L”) in UC zoned areas not governed by an approved Regulating Plan. See Sec. 12-2-408 and Sec. 12-14-902.

Section 4. Section 12-2-408(H), *Office*, shall be repealed and replaced to read in full as follows:

H. *Office.*

1. Office is permitted in the I district if it is associated with the conduct or administration of another use that is permitted in the district.
2. Office is a Limited use on vacant parcels in the UC zone district when not governed by an approved Regulating Plan and such development shall comply with all applicable standards of this LDC and the General Commercial (CG) zone district.

Section 5. Section 12-2-423(A), *Parking (Stand Alone Lot) and Multimodal Transit Facilities*, shall be repealed and replaced to read in full as follows:

- A. *Generally.* Parking (Stand Alone Lot) and Transit Facilities are permitted in districts where they are specified in Table 12-2-304, Industrial, Agricultural, and Special Uses, as "L," subject to the standards of this Section and other applicable provisions of this LDC. Parking (Stand Alone Lot) is permitted on vacant parcels within the UC zone district not governed by an approved Regulating Plan, subject to the development standards of the General Commercial (CG) zone district and any applicable standards of Article 5, *Parking and Loading* and Article 8, *Development Landscaping and Tree Protection*.

Section 6. Section 12-12-201(A), *Nonconforming Uses*, shall be amended to add an additional subsection (3) to read as follows:

3. Uses as of December 5, 2022 in areas zoned Urban Center (UC) not governed by an approved Regulating Plan that are not permitted in the UC zone district are deemed nonconforming.

Section 7. Section 12-12-301(C), *Nonconforming Buildings, Structures, and Elements of Buildings or Structures*, shall be repealed and replaced to read in full as follows:

- C. *Nonconforming Buildings, Structures, and Elements of Buildings or Structures.*

1. If a nonconforming building or structure or nonconforming element thereof is damaged or destroyed by any means, or be declared unsafe by the Chief Building Official to an extent that repairs would exceed more than 50 percent of the replacement cost of the building or damaged nonconforming element, the building shall be reconstructed in conformity with the provisions of this LDC.
2. If a nonconforming building or structure or nonconforming element thereof within the Urban Center (UC) zone district not governed by an approved Regulating Plan is damaged or destroyed by any means, or be declared unsafe by the Chief Building Official to an extent that repairs would exceed more than 50% of the replacement cost of the building, it shall be reconstructed in conformity with the provisions of this LDC, to the standards of the General Commercial (CG) zone district, and any applicable Overlay Districts, and the previous use as of December 5, 2022 may be resumed.
3. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to 50 percent of the cost of replacement or area of the building, respectively, then the structure may be strengthened or restored to a safe condition provided that:
 - a. The original nonconformity is not enlarged, increased, or extended;
 - b. Building permits are obtained for repairs within six months of the date the building was damaged or, if no date can be reasonably established for the damage, the date that the Chief Building Official determines that the building is unsafe; and
 - c. The construction is commenced within six months after obtaining the required building permits.

Section 8. Section 12-14-902, *Regulating Plans*, shall be modified by the addition of a new subsection (E) to read as follows:

- E. *Development Prior to Approved Regulating Plan.* Any vacant parcels in the Urban Center (UC) zone district not governed by an approved Regulating Plan are permitted to develop according to Division 2-3, *Land Use*. Any development of Limited Uses must comply with all applicable development standards for the General Commercial (CG) zone district and any applicable provisions of this LDC.

Section 9. Minor Edits, Corrections and Additions. The Community Development Director shall be authorized to make minor typographical, immaterial, or grammatical corrections or additions to the Land Development Code, including but not limited to correcting spelling errors and adding, removing, or supplementing materials that do not materially change the meaning or intent of the Land Development Code, without City Council approval, provided that the Community Development Department shall maintain full and complete records of all such edits, additions, and corrections made to the Land Development Code.

Section 10. 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 11. 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 12. Emergency Declared; Effective Date. The City Council hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Upon passage by a supermajority of City Council members in office as required by Section 7.6 of the Centennial Home Rule Charter ($\frac{3}{4}$ of all members in office or 7 or more votes of the 9 member Council), this Ordinance shall become effective immediately upon adoption.

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 7 DAY OF Nov, 2022.

CITY OF CENTENNIAL

By: [Signature]
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 Nov 7, 2022 and ordered published one time by title only in *The Centennial Citizen* newspaper on Nov 10, 2022, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: [Signature]
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 5th DAY OF December, 2022, BY A VOTE OF 9 IN FAVOR AND 0 AGAINST.

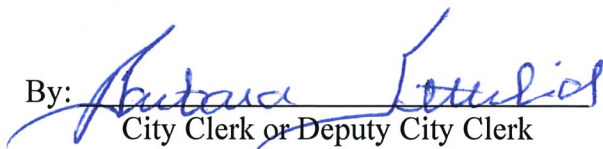
CITY OF CENTENNIAL

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 Dec. 5th, 2022, and ordered published by title only, one time by *The Centennial Citizen* newspaper on Dec. 8th, 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