



TO: Denver Planning Board – Brad Buchanan, Chair
FROM: Tina Axelrad, Principal City Planner; Michelle Pyle, Associate City Planner
DATE: October 26, 2010
RE: Denver Zoning Code - Amendment 5

Staff Report and Recommendation

Pursuant to Section 12.4.11 (Text Amendment) of the Denver Zoning Code, the Planning Board is scheduled to review Amendment 5 to the Denver Zoning Code at its regularly scheduled meeting on November 3, 2010. The Board will recommend as to the appropriateness of the proposed text amendment and forward a recommendation on the matter to the Manager of Community Planning and Development and the City Council.

Based on the criteria for review stated for text amendments in Section 12.4.11.9 of the Denver Zoning Code, CPD staff recommends that the Planning Board forward to the full City Council this Amendment 5 to the Denver Zoning Code, which address various improvements to introductory language, building form and design standards, general design standards, use allowances and limitations, and zoning procedures.

I. Summary and Purpose

The enacting ordinance for the Denver Zoning Code (effective June 25, 2010) provided for a 6-month transition period that allows applicants to choose whether they follow Former Chapter 59 or the Denver Zoning Code to obtain a zoning permit. During this transition period, City staff have been monitoring, discussing and tracking potential improvements to the Code. The intention is to take these amendments through the adoption process so that they are effective in time for the conclusion of the transition period December 31, 2010. The priorities are improving usability and clarity; correcting unintended changes in regulations, allowances and procedures; and correcting any lost protection to the community in terms of allowances, regulations and procedures. This amendment also addresses errata such as formatting, spelling, headings, cross-references and graphics.

Please review and consider the attached list for a summary of the revisions and the redlined pages for the specific edits.

II. Criteria for Review and CPD Analysis

The criteria for review of a proposed text amendment are found in Section 12.4.11.9 of the Denver Zoning Code. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed Amendment 5 satisfies each of the criteria.

A. Amendment 5 is Consistent with the City's Adopted Plans

Amendment 5 improves usability and clarity; corrects unintended changes in regulations, allowances and procedures; and corrects any lost protection to the community in terms of allowances, regulations and procedures. This amendment also addresses errata such as formatting, spelling, headings, cross-references and graphics. The City Council recently adopted the code based – in significant part – on a finding that the new code was consistent with and implements the city's adopted plans. Accordingly, Amendment 5 does not alter significant substantive components of the code, and therefore does not alter the original finding that the Denver Zoning Code is consistent with adopted plans.

B. Amendment 5 Furthers the Public Health, Safety, and General Welfare

Amendment 5 furthers the general welfare of Denver by providing further clarity in the rules applicable to all land use and development in the city. In addition, Amendment 5 serves the public health, safety and general welfare because it will correct unintended changes in regulations, allowance and procedures that inadvertently changed property entitlements or removed a protection to the community.

C. The Proposed Text Amendment Results in Regulations that are Uniform within Each Zone District

Amendment 5 includes improvements to organization; corrections to cross references and consistency in regulations that will result in improved ability to administer the Code uniformly.

IV. CPD Staff Recommendation to Planning Board

Based on the criteria for review as described above, CPD Staff recommends **approval** of Text Amendment 5 of the Denver Zoning Code to improve usability and clarity; correct unintended changes in regulations, allowances and procedures; correct any lost protection to the community in terms of allowances, regulations and procedures; and address errata such as formatting, spelling, headings, cross- references and graphics.