

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2014

COUNCIL BILL NO. CB14-0610
COMMITTEE OF REFERENCE:
Neighborhoods and Planning

A BILL

For an ordinance amending Chapter 59 (Zoning) of the Denver Revised Municipal Code relating to Former Chapter 59 uses and limitations.

WHEREAS, the City Council has determined on the basis of evidence and testimony presented at the public hearing that the amendment set forth herein is in conformance with the Denver Comprehensive Plan 2000, is justified by changed or changing conditions, and is reasonably necessary to the promotion of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 59-2 (Former chapter 59) of the Denver Revised Municipal Code shall be amended by adding the language underlined to read as follows:

"Sec. 59-2. Former chapter 59.

(a) Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk on 20th day of May 2010, at City Clerk Filing No. 10-512, ("Former Chapter 59"), shall remain in full force and effect for any land not rezoned to zone districts in the Denver Zoning Code. No changes shall be enacted to the provisions of the former chapter 59 after June 25, 2010.

(b) For lands retaining their zoning designation under the former chapter 59, including land zoned planned unit development (PUD), land zoned with waivers and conditions and land subject to a planned building group site plan, all provisions of the former chapter 59, including procedures, shall apply.

(c) For purposes of applying the limitations on bulk planes and building heights in section 59-96 of the former chapter 59, the "protected districts" identified therein shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.

(d) For purposes of applying the "L1" limitation on "eating place" primary uses applicable in the R-4-X, B-2, B-3, B-A-2, B-A-4, CCN, I-0, I-1, and I-2 zone districts in former chapter 59, the residential districts identified in the L1 limitation shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.

(e) For purposes of applying the "exception to use enclosure requirement" for mixed use zone districts (C-MU, R-MU, and T-MU zones) in section 59-302(4)b.1, and 2 of the former chapter

1 59, the residential districts identified therein shall also include the zone districts defined as
2 "protected districts" in section 13-3 of the Denver Zoning Code.

3 (f) For purposes of applying the restrictions on the siting of outdoor animal runs within
4 twenty (20) feet of a habitable residential structure stated in section 59-2(16) of the former chapter
5 59, the residential zone districts identified therein shall also include the zone districts defined as
6 "protected districts" in section 13-3 of the Denver Zoning Code.

7 (g) For purposes of applying the five-foot side setback for structures that are not single-
8 unit or two-unit dwellings, and which have ground floor commercial or which are four (4) or more
9 stories in height, as required in the mixed use zoning districts in section 59-312(3) of the former
10 chapter 59, the residential zone districts identified therein shall also include all SU and TU zone
11 districts as established on the official zoning map under the Denver Zoning Code.

12 (h) For purposes of applying various zoning protections to residentially zoned properties,
13 the terms "residential district(s)," "residential zone district(s)," "residential zone(s)," "residentially
14 zoned lot," and "residentially zoned zone lot" used throughout former chapter 59 shall also include
15 the zone districts defined as a "residential zone district or residential district" in section 13-3 of the
16 Denver Zoning Code.

17 (i) Gardens shall be allowed as an accessory use common, customary and incidental to
18 a primary residential use, and shall comply with all limitations generally applicable to accessory
19 uses stated in former chapter 59, Sections 59-87 and 59-88. In addition, marijuana grown as part
20 of a garden accessory to a primary residential use shall comply with all applicable limitations found
21 in the Denver Zoning Code, including but not limited to Section 11.8 (Uses Accessory to Primary
22 Residential Uses--Limitations)."

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24 **BALANCE OF PAGE IS INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE: August 6, 2014.
2 MAYOR-COUNCIL DATE: August 12, 2014.
3 PASSED BY THE COUNCIL _____ 2014
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____ 2014
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9
10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2014 _____ 2014
11 PREPARED BY: Adam C. Hernandez, Assistant City Attorney August 14, 2014
12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.
16
17 D. Scott Martinez, City Attorney
18 BY: _____, _____ City Attorney Date: _____