

# AMENDMENT TO THE DENVER REVISED MUNICIPAL CODE

Provisions Relating to Lands Retaining  
Former Chap 59 Zoning and “Protected Districts”

*LUTI 9/17/13*

# DRMC Amendment – “Protected Districts”



- Summary of the process
- Purpose of amendment
- Explanation of current standards
- Summary of the proposed changes
- Review Criteria/Analysis
- CPD recommendation

# DRMC Amendment Process

- Planning Board Public Hearing
  - ▣ Notification to RNOs & City Council: August 6<sup>th</sup>
  - ▣ Posting of “redline” of the DRMC amendment and CPD staff report: August 14<sup>th</sup>
  - ▣ Planning Board Recommendation to *Approve*: August 21<sup>st</sup> (public hearing)
- City Council Land Use, Transportation and Infrastructure Committee meeting: **September 17, 2013**
- City Council First Reading
- City Council Public Hearing
  - ▣ Notification to Registered Neighborhood Organizations 21days prior to public hearing
  - ▣ Public Hearing and decision by City Council

# Purpose of Amendment



- Ensure *Continuation of Building Height and Bulk Controls* on development under Former Chapter 59 zoning when mapped next to Denver Zoning Code “protected (residential zone) districts.”

# Current DRMC Provisions



- DRMC, Section 59-2:
  - ▣ Establishes the new Denver Zoning Code as the city's official zoning code
  - ▣ Establishes the old zoning code as “Former Chapter 59” and states that lands with Former Chapter 59 zoning have to follow all the standards and procedures in Former Chapter 59

# Current DRMC Provisions

Denver, Colorado, Code of Ordinances >> TITLE II - REVISED MUNICIPAL CODE >> Chapter 59 ZONING >>

**Chapter 59 ZONING** [1]

[Sec. 59-1. Zoning code.](#)  
[Sec. 59-2. Former chapter 59.](#)  
[Sec. 59-3. Rezoning.](#)  
[Sec. 59-4. Official map.](#)

**Sec. 59-1. Zoning code.**

The zoning code as filed with the Denver City Clerk on 20<sup>th</sup> day of May 2010, at City Clerk Filing No. 10-512-A, is hereby adopted as the official zoning code for the City and County of Denver ("Denver Zoning Code"). The Denver Zoning Code and all amendments thereto shall be maintained in and kept current by the department of community planning and development and shall be available to the public.

*(Ord. No. 333-10, eff. 6-25-10)*

**Sec. 59-2. Former chapter 59.**

(a) Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk on 20<sup>th</sup> 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.

*(Ord. No. 333-10, eff. 6-25-10)*

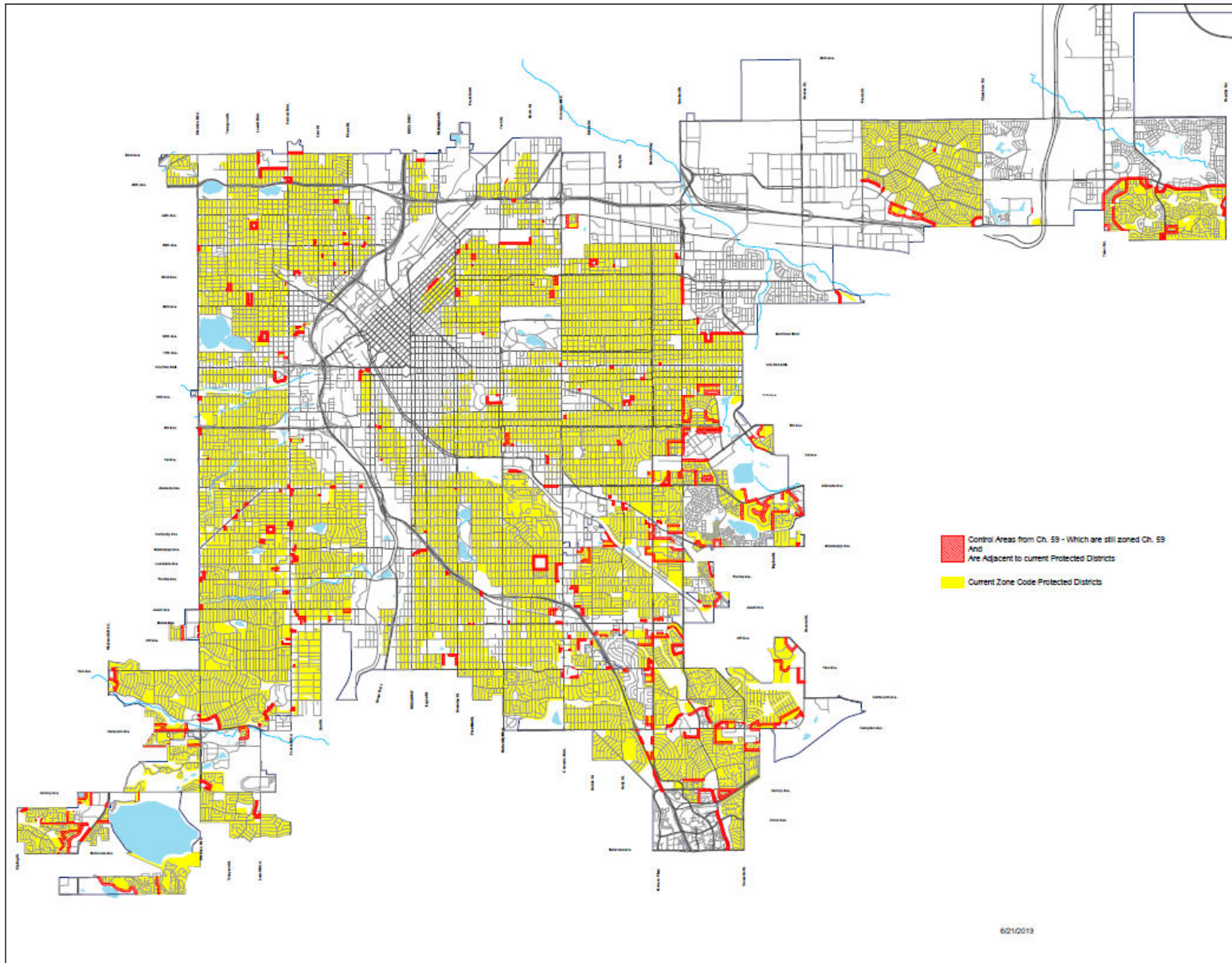
**Sec. 59-3. Rezoning.**

# Proposed DRMC Amendment



- Controlled and protected districts are established in Former Chapter 59
- “Protected districts” in Former Chapter 59 do not include residential zone districts protected under the Denver Zoning Code (because they didn’t exist when Former Chapter 59 was the official zoning code!)
- *Problem:* Height/bulk protections aren’t triggered when land in a “controlled zone district” under Former Chapter 59 is mapped next to Denver Zoning Code “protected districts”

# Where does situation occur?





# Proposed DRMC Amendment

- **Add new subsection (c) shown as underlined text below:**
  - (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 re-zoned 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

# Review Criteria



- City Charter (§3.2.9) criteria for City Council adoption of new zoning-related ordinances (not part of DZC):
  - ▣ Consistent with City's adopted comprehensive plan
  - ▣ Furthers public health, safety & general welfare
  - ▣ Results in uniformity of regulations

# Analysis/CPD Findings



- **Amendment is consistent with comprehensive plan**
  - ▣ Zoning revisions ensure ordinance remains flexible and accommodating of current and future land uses
  - ▣ Encourage quality infill development consistent with the character of surrounding neighborhoods
- Amendment continues status quo of zoning entitlements and limitations under Former Chapter 59, when land subject to Former Chapter 59 is mapped next to “protected districts” under DZC

# Analysis/CPD Findings



- **Amendment furthers public's general welfare**
  - ▣ Assures continuation of zoning protections for lower-intensity residential zones districts
- **Amendment results in uniformity of zone district regulations**
  - ▣ Assures uniform and consistent bulk/height limitations in all zone districts whether zone district is a carry-over from Former Chapter 59 or a more recent DZC district

# CPD Recommendations



- LUTI committee pass the proposed amendment to the full City Council for final action at a public hearing