

1
2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2023

COUNCIL BILL NO. 22-1615
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

6
7 **A BILL**

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9 For an ordinance submitting to a vote of the qualified and registered electors of the
10 City and County of Denver at the general municipal election on April 4, 2023, a
11 proposed amendment to the Charter of the City and County of Denver concerning the
12 City Council's zoning authority under Charter Section 3.2.9.

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14 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

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16 **Section 1.** There is hereby submitted to the properly qualified and registered electors of
17 the City and County of Denver for their approval or rejection at a special municipal election to be
18 conducted at the same time and in conjunction with the general municipal election to be held in
19 the City and County of Denver on April 4, 2023 a proposed amendment to the Charter of the City
20 and County of Denver, as follows:

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22 **Effective upon publication and filing with the Secretary of State in accordance with**
23 **the Constitution and laws of the State of Colorado, the following sections of the**
24 **Charter of the City and County of Denver are amended to read as follows:**

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26 **§ 3.2.9 - Zoning.**

27 (B) *Zone ~~D~~districts.* For any or all of said purposes, the Council may divide the City and
28 County of Denver into ~~Districts~~ zone districts of such manner, shape and area as may be deemed
29 best suited to carry out the purposes of this Charter; and within such zone districts it may regulate
30 and restrict the erection, construction, reconstruction, alteration, repair or use of buildings,
31 structures or land. All such regulations shall be uniform for each class or kind of buildings
32 throughout each zone district, but the regulations in one ~~District~~ zone district may differ from those
33 in other ~~Districts~~ zone districts.

34 (D) *Method of procedure.* The Council shall provide for the manner in which such zoning
35 regulations and restrictions and the boundaries of such zone districts shall be determined,

1 established and enforced, and from time to time amended, supplemented or changed. However,
2 no such zoning regulation, restriction or boundary shall become effective until after a public
3 hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be
4 heard. At least fifteen days' notice of the time and place of such hearing shall be published in an
5 official publication in the City and County of Denver.

6 (E) *Changes.* Such zoning regulations, restrictions and boundaries may from time to
7 time be amended, supplemented, changed, modified or repealed. In case, however, of a protest
8 against such change, signed by the owners of property constituting at least twenty per-cent or
9 ~~more, either of:~~

- 10 (1) ~~‡The area of the lots included in such proposed change;~~ or
- 11 (2) ~~‡The area to a distance of~~ located within the City and County of Denver two
12 hundred feet from the perimeter of the area proposed for change,
13 such amendment shall not become effective except by the favorable vote of ten of the members
14 of the Council of the City and County of Denver. The provisions of the previous Section relative
15 to public hearings and official notice shall apply equally to all changes or amendments.

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18 **Section 2.** The ballot shall contain the following title and submission clause:

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20 **REFERRED QUESTION _____**

21 Shall the Charter of the City and County of Denver be amended to clarify City Council's authority
22 regarding zone districts and to require that zoning protests can only be initiated by property owners
23 in Denver?

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26 **Section 3.** The proper officials of the City and County of Denver as are charged with duties
27 relating to the election shall, before the election, issue such calls, make such certifications and
28 publications, give such notices, make such appointments, and do all such other acts and things
29 in connection with the submission of this Charter amendment to the registered electors of the City
30 and County of Denver at the election as are required by the Constitution and laws of the State of
31 Colorado and the Charter and ordinances of the City and County of Denver.

32 **Section 4.** The ballots cast at such election shall be canvassed and the results
33 ascertained, determined, and certified in accordance with the requirements of the Constitution

1 and laws of the State of Colorado and the Charter and ordinances of the City and County of
2 Denver.

3 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is held to
4 be invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance
5 shall not be affected.

6 COMMITTEE APPROVAL DATE: December 6, 2022

7 MAYOR-COUNCIL DATE: N/A

8 PASSED BY THE COUNCIL _____

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

15 PREPARED BY: Jonathan Griffin, Assistant City Attorney DATE: November 30, 2022

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17 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
18 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.
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23 Kerry Tipper, City Attorney

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26 BY: Anshul Bagga, Assistant City Attorney DATE: Dec 8, 2022