

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2017
AS AMENDED 04-24-17

COUNCIL BILL NO. CB17-0311
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance to amend Chapter 59 (Zoning) of the Denver Revised Municipal Code relating to the Denver Zoning Code and to amend and restate the Denver Zoning Code.

WHEREAS, City Council adopted Ordinance No. 333, Series of 2010, enacting the Denver Zoning Code, which code went into effect on June 25, 2010 and which code in its entirety and as amended is found in City Clerk Filing Nos. 10-512-A, 10-512-B, 10-512-C, 10-512-D, 10-512-E, 10-512-G, 10-512-H, 10-512-J, 10-512-K, 10-512-L, 10-512-M, 10-512-N, 10-512-O, 10-512-P, 10-512-Q, 10-512-R, and 10-512-S (as amended, the “2010 Denver Zoning Code”);

WHEREAS, City Council adopted Ordinance 113, Series 2014, amending and restating the 2010 Denver Zoning Code in its entirety, which amended and restated code went into effect on April 7, 2014 and which code is found in City Clerk Filing No. 14-131 (the “2014 Denver Zoning Code”);

WHEREAS, City Council adopted Ordinance 298, Series 2015, as amended June 8, 2015, amending and restating the 2014 Denver Zoning Code in its entirety, which amended and restated code went into effect on July 6, 2015 and which code is found in City Clerk Filing No. 2015-0211-E (“2015 Denver Zoning Code”);

WHEREAS, the 2015 Denver Zoning Code has been amended by City Council ten (10) times to allow the Scottish Village Conservation Overlay (CO-3), the Potter Highlands conservation Overlay (CO-4), the Side Interior Setback Design Overlay (DO-4), the Campus-National Western Center (CMP-NWC) Zone District, to establish the new S-MX-2A, S-MX-3A, S-MX-5A, S-MX-8A, and S-MX-12A Zone Districts, to amend the provisions of the Denver International Airport (DIA) Zone District and creating the Pena Station Next Design Overlay District (DO-6), to amend the provisions of the Airport Influence (AIO) Overlay Zone District, to allow short-term rentals as accessory to a primary residential use, to amend the Provisions of the D-AS-12+ and D-AS-20+ Zone Districts and create a new Design Advisory Board for the Arapahoe Square neighborhood, and to enact the Krisana Park Conservation Overlay (CO-5), which amendments are found in Clerk Filing Nos’, 2015-0211-F, 2015-0211G, 2015-0211-H, 2015-0211-I, 2015-0439, 2016-0203, 2016-0114, 2016-0194, 2016-0214-001 and 2016-0430 respectively (collectively, the “Council Amendments”);

WHEREAS, on August 23, 2016, the Department of Community Planning and Development (“CPD”), as publisher of the Denver Zoning Code, administratively amended and republished the

1 2015 Denver Zoning Code (as amended by the Council Amendments) to correct minor clerical errors
2 (such corrections, together with the 2015 Denver Zoning Code and Council Amendments, the
3 “Current Denver Zoning Code”);

4 **WHEREAS**, CPD now desires to amend numerous sections of the Current Denver Zoning
5 Code to improve usability and organization and to make clarifying changes and substantive changes
6 based on CPD’s experience implementing the code;

7 **WHEREAS**, CPD also desires to restate the Current Denver Zoning Code as amended
8 previously and herein in its entirety to improve its usability and future administration;

9 **WHEREAS**, the City Council has determined on the basis of evidence and testimony
10 presented at the public hearing that the amending and restating of the Current Denver Zoning Code
11 as set forth herein is consistent with the Denver Comprehensive Plan 2000 and all amendments
12 thereto, furthers the public health, safety and general welfare of the City, and will result in the
13 uniformity of district restrictions and regulations.

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

16 **Section 1.** The Denver Zoning Code adopted by this ordinance and filed at City Clerk Filing
17 No. 2010-0512-2017-A shall take effect on ~~April 27, 2017~~ **May 5, 2017** (the “Code Effective Date”),
18 and shall govern all applications that are pending as of the Code Effective Date and all applications
19 filed on or after the Code Effective Date. For the avoidance of doubt, an application shall be
20 considered “pending” if the application has not received approval as of the Code Effective Date from
21 the applicable decision-making authority as identified in Section 12.2.9 of the Denver Zoning Code
22 (Summary Table of Authority and Notice).

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1 COMMITTEE APPROVAL DATE: March 14, 2017

2 MAYOR-COUNCIL DATE: March 21, 2017

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: March 23, 2017

11 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.

15 Kristin M. Bronson, Denver City Attorney

16 BY:  _____, Assistant City Attorney DATE: Apr. 24, 2017