

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. CB21-0213
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending Chapter 59 (Zoning) of the Denver Revised Municipal**
7 **code to administer certain provisions of Former Chapter 59.**

8 **WHEREAS**, the City Council adopted amendments to the Denver Zoning Code’s regulations
9 for household living uses as part of Council Bill 20-0888, also known as the “Group Living Text
10 Amendment” on February 8, 2021; and

11 **WHEREAS**, the Group Living Text Amendment, among other things, allows up to five adults
12 to live together in households where not all adults are related; and

13 **WHEREAS**, the Group Living Text Amendment only applies to land zoned under the Denver
14 Zoning Code; and

15 **WHEREAS**, public input received during legislative review of the Group Living Text
16 Amendment indicated that community members want the increased flexibility for household living
17 uses to be applied equitably across the city, including lands retaining their zoning designation under
18 former chapter 59 (defined below); and

19 **WHEREAS**, the City Council has determined on the basis of evidence and testimony
20 presented at the public hearing that amending Chapter 59 (Zoning), Denver Revised Municipal Code,
21 as set forth herein is consistent with the City’s adopted plans, furthers the public health, safety and
22 general welfare, and will result in regulations and restrictions that are uniform within land retaining
23 zoning under former chapter 59.

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

26 **Section 1.** That section 59-2, D.R.M.C concerning Former Chapter 59 shall be amended
27 by deleting the language stricken and adding the language underlined, to read as follows:

28 **“Sec. 59-2. Former chapter 59.**

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

1 (b) For lands retaining their zoning designation under the former chapter 59, including land zoned
2 planned unit development (PUD), land zoned with waivers and conditions and land subject to a
3 planned building group site plan, all provisions of the former chapter 59, including procedures, shall
4 apply, except as explicitly stated in sections 59-2(j c)(8) and 59-3(b) below.

5 (c) No changes shall be enacted to the provisions of the former chapter 59 after June 25, 2010;
6 however, regulation of lands retaining their zoning designation under the former chapter 59 shall
7 incorporate the following requirements of the Denver Zoning Code:

8 (1) For purposes of applying the limitations on bulk planes and building heights in section
9 59-96 of the former chapter 59, the "protected districts" identified therein shall also include the zone
10 districts defined as "protected districts" in section 13- 3 of the Denver Zoning Code.

11 (2 d) For purposes of applying the "L1" limitation on "eating place" primary uses applicable
12 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
13 residential districts identified in the L1 limitation shall also include the zone districts defined as
14 "protected districts" in section 13-3 of the Denver Zoning Code.

15 (3 e) For purposes of applying the "exception to use enclosure requirement" for mixed use
16 zone districts (C-MU, R-MU, and T-MU zones) in section 59-302(4)b.1, and 2 of the former chapter
17 59, the residential districts identified therein shall also include the zone districts defined as "protected
18 districts" in section 13-3 of the Denver Zoning Code.

19 (4 f) For purposes of applying the restrictions on the siting of outdoor animal runs within
20 twenty (20) feet of a habitable residential structure stated in section 59-2(16) of the former chapter
21 59, the residential zone districts identified therein shall also include the zone districts defined as
22 "protected districts" in section 13-3 of the Denver Zoning Code.

23 (5 g) For purposes of applying the five-foot side setback for structures that are not single-
24 unit or two-unit dwellings, and which have ground floor commercial or which are four (4) or more
25 stories in height, as required in the mixed use zoning districts in section 59-312(3) of the former
26 chapter 59, the residential zone districts identified therein shall also include all SU and TU zone
27 districts as established on the official zoning map under the Denver Zoning Code.

28 (6 h) For purposes of applying various zoning protections to residentially zoned properties,
29 the terms "residential district(s)," "residential zone district(s)," "residential zone(s)," "residentially
30 zoned lot," and "residentially zoned zone lot" used throughout former chapter 59 shall also include
31 the zone districts defined as a "residential zone district or residential district" in section 13-3 of the

1 Denver Zoning Code.

2 (7 i) Gardens shall be allowed as an accessory use common, customary and incidental to
3 a primary residential use, and shall comply with all limitations generally applicable to accessory uses
4 stated in former chapter 59, sections 59-87 and 59-88. In addition, marijuana grown as part of a
5 garden accessory to a primary residential use shall comply with all applicable limitations found in the
6 Denver Zoning Code, including, but not limited to, section 11.8 (Uses accessory to primary
7 residential uses—Limitations). (a) The following uses and circumstances are exempt from providing
8 the minimum amount of vehicle parking otherwise required by this Code, but only to the extent
9 specified in this Section.

10 (8 j) Any portion of a General Development Plan approved under former chapter 59 may
11 be repealed in accordance with Section 12.4.12 of the Denver Zoning Code.

12 (9) For purposes of regulating “Cluster multiple-unit dwellings” throughout the former
13 chapter 59, each “separate, independent dwelling unit” that comprises a “Cluster multiple unit
14 dwelling” use in section 59-2(72) of former chapter 59 may contain a “Household” as defined in
15 section 11.12.2.1.B.3 of the Denver Zoning Code.

16 (10) For purposes of regulating “Dwelling, multiple unit” throughout the former chapter 59,
17 each “separate independent dwelling unit” that comprises a “Dwelling, multiple unit” use in section
18 59-2(95) of former chapter 59 may contain a “Household” as defined in section 11.12.2.1.B.3 of the
19 Denver Zoning Code.

20 (11) For purposes of regulating “Dwelling, single unit” throughout the former chapter 59,
21 each “housekeeping unit” that comprises a “Dwelling, single unit” use in section 59-2(96) of former
22 chapter 59 may contain a “Household” as defined in section 11.12.2.1.B.3 of the Denver Zoning
23 Code.

24 (12) The home occupations in sections 59-89(1)g (Foster Family Care), and 59-89(1)k
25 (Rooming and/or Boarding) of the former chapter 59 are not permitted whenever a dwelling unit
26 exceeds the number of unrelated adults as defined in “Household” from the Denver Zoning Code.

27 (13) The definition of Residence for Older Adults in section 59-2(230) of former chapter 59
28 shall only apply to a Residence for Older Persons serving 9 or more residents; a Residence for Older
29 Adults serving less than 9 residents shall be determined as either a “Dwelling, single unit” or
30 “Dwelling, multiple unit” based on the type of structure containing the use, and shall only be permitted
31 as a “Dwelling, single unit” or “Dwelling, multiple unit” in zone districts allowing the use.”

1 **Section 2.** That section 4-24, D.R.M.C. concerning solid fuel burning devices in former
2 chapter 59 single unit dwellings shall be amended by deleting the language stricken and adding the
3 language underlined in subsection (c)(3), to read as follows:

4 **“Sec. 4-24. Combustion.**

5 (a) *Solid fuel burning.*

6 (3) *Number limited for single-unit dwelling.* One (1) solid-fuel fired device may be installed
7 in a single-unit dwelling (as defined in chapter 59 ~~subsection 59-2(96)~~ of the Revised
8 Municipal Code) that is constructed or added to after the effective date of this section.”

9 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

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1 COMMITTEE APPROVAL DATE: March 2, 2021

2 MAYOR-COUNCIL DATE: N/A

3 INTRODUCED BY: Councilwoman Stacie Gilmore

4 PASSED BY THE COUNCIL: _____ April 5, 2021

5 Stacie Gilmore - PRESIDENT

6 APPROVED: _____ - MAYOR _____

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

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

11 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: March 4, 2021

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 Kristin M. Bronson, Denver City Attorney

17 BY: Jonathan Griffin, Assistant City Attorney DATE: Mar 4, 2021