



**TO:** Denver City Council  
**FROM:** Michelle Pyle, Senior City Planner  
**DATE:** March 1, 2012  
**RE:** Denver Zoning Code Text Amendment #10: Governmental Action and Procedures for Zone Lot Amendments and Expansion of Compliant and Nonconforming Uses

#### **Staff Report and Recommendation**

Text Amendment 10 to the Denver Zoning Code provides flexibility for property owners when private land is changed due to governmental action through right-of-way vacation, condemnation or threat of condemnation, specifically with amending a zone lot and expanding an existing compliant or nonconforming use. This amendment is sponsored by Councilwoman Robb. The City Council will consider this Text Amendment to the Denver Zoning Code at a public hearing on March 5, 2012, and then make its final decision to approve or deny the amendment.

Based on the review criteria for text amendments stated in the Denver Zoning Code ("DZC"), Section 12.4.11 (Text Amendment), CPD staff recommends that the City Council **approve** this Amendment to the Denver Zoning Code.

#### **I. Summary and Purpose**

The purpose of Text Amendment 10 is to provide reasonable flexibility for property owners when private land is changed due to governmental action through right-of-way vacation, condemnation or threat of condemnation. A redline of Text Amendment 10 is attached. Text Amendment 10 will:

1. Allow a property owner to amend a zone lot when land is either removed or created as result of governmental action through right-of-way vacation, condemnation, or threat of condemnation, even if such zone lot amendment results in a new or increase of a compliant or non-conforming element; and
2. Allow a compliant or nonconforming use, operating on a zone lot that is immediately adjacent to newly created private land, to expand in land area onto that newly created private land.

#### **II. Criteria for Review and CPD Analysis**

The criteria for review of a proposed text amendment are found in Section 12.4.11.9 of the Denver Zoning Code. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed Text Amendment satisfies each of the criteria.

#### **A. Text Amendment is Consistent with the City's Adopted Plans and Policies**

Text Amendment 10 is consistent with the city's adopted plans and policies in the following ways:

##### Denver Comprehensive Plan 2000:

###### Land Use

- Strategy 2-A: (*paraphrased*) [P]roposed revisions should ensure that the Denver Zoning Ordinance will be flexible and accommodating of current and future land use needs...

###### Economic Activity

- Strategy 2-A: (*paraphrased*) Improve the regulatory climate in City government by focusing on customer service and accountability. Components should include streamlining the development process to ensure that it is fair...

#### **B. Text Amendment Furthers the Public Health, Safety, and General Welfare**

Text Amendment 10 furthers the general welfare of Denver by assuring fair treatment of private property owners as result of government action.

#### **C. The Text Amendment Results in Regulations that are Uniform within Each Zone District**

Text Amendment 10 will result in the uniform regulations in each of the zone districts as the process is applicable to all zone districts.

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### **III. Public Outreach and Comments**

Below is a summary of the public outreach for this amendment.

- *October 11, 2011:* City Council notified by email all Registered Neighborhood Organizations about the LUTI meeting on October 25, 2011.
- *November 1, 2011:* City Council notified by email all Registered Neighborhood Organizations about the Planning Board hearing on November 16, 2011.
- *December 3, 2011:* CPD presented a summary of the amendment to INC Zoning and Planning Committee
- *January 12, 2012:* City Council notified by email all Registered Neighborhood Organizations about the LUTI meeting on January 24, 2012.

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### **IV. Planning Board Recommendation**

The Planning Board reviewed this amendment and held a public hearing on November 16, 2011. The Planning Board unanimously recommended approval of this text amendment to the City Council.

**V. LUTI Committee Action**

On January 24, 2012, the LUTI Committee voted to forward Text Amendment 10 to the full City Council for final action.

**VI. CPD Staff Recommendation**

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Based on the criteria for review as described above, CPD Staff recommends **approval** of Text Amendment 10 to the Denver Zoning Code.