



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**

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**TO: Denver City Council**  
**FROM: Tina Axelrad, Principal City Planner**  
**DATE: August 25, 2011**  
**RE: Denver Zoning Code Text Amendment 9: Correct Use Table Errata  
Regarding Plant Husbandry Use in the Industrial Zones**

### **Staff Report and Recommendation**

Pursuant to Section 12.4.11 (Text Amendment) of the Denver Zoning Code, the Denver City Council will consider proposed Text Amendment 9 at its meeting on August 29, 2011, and take final action to approve, approve with conditions, or deny the proposal.

Based on the criteria for review for text amendments stated in Section 12.4.11.9 of the Denver Zoning Code, CPD staff recommends approval of proposed Text Amendment 9, which will address errata from Text Amendment 7 that changed the use allowance for plant husbandry in the I-MX and I-A zone districts.

### **I. Summary and Purpose of Proposed DZC Text Amendment 9**

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Text Amendment 9 will address errata from Text Amendment 7 that changed the use allowance for plant husbandry in the I-MX and I-A zone districts. This is considered errata because the change made was not directed by City Council, nor proposed or documented in public presentations or staff reports.

Text Amendment 9 will make two specific revisions to re-align the zoning text with City Council's direction regarding plant husbandry uses:

1. Correct plant husbandry use in the I-MX districts from "permitted use with limitations" (L-ZP) to "not permitted" (NP); and
2. Correct plant husbandry use in the I-A district from "permitted use without limitations" (P-ZP) to "permitted use with limitations" (L-ZP).

A summary of the proposed changes is attached, showing the tracked changes for the proposed amendment (underlined text for additions; ~~strikethrough text~~ for deletions), for the Planning Board's review and consideration.

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

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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 Amendment 9 satisfies each of the criteria.

### **A. Amendment 9 is Consistent with the City's Adopted Plans and Policies**

Amendment 9 does not change in any substantive manner the content or intent of the Denver Zoning Code, or the City's adopted plans or policies. Accordingly, Amendment 9 is consistent with the City's adopted plans and land use policies.

### **B. Amendment 9 Furthers the Public Health, Safety, and General Welfare**

Amendment 9 furthers the general welfare of Denver's residents by correcting an error in the rules applicable to plant husbandry uses in I-MX and I-A, consistent with adopted City policies.

### **C. Amendment 9 Results in Regulations that are Uniform within Each Zone District**

Amendment 9 will result in regulations that treat plant husbandry uses uniformly in the I-MX and I-A zone districts.

## **III. Review Process**

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Based on the authority provided in Section 12.4.11.5, the Manager of Community Planning & Development referred Amendment 9 directly to the Land Use, Transportation and Infrastructure (LUTI) Committee of City Council because the amendment consists solely of revisions necessary to address errata in the text of the Denver Zoning Code.

On July 28, 2011, the LUTI Committee voted to forward Amendment 9 to the full City Council for final action at a public hearing. The City Council's First Reading of the Amendment 9 council bill was held August 1, 2011.

As a courtesy, CPD referred text amendment to the Planning Board on August 17, 2011, for its review and recommendation to City Council. The Planning Board unanimously voted to recommend approval of Text Amendment 9.

## **IV. CPD Staff Recommendation**

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Based on the criteria for review as described above, CPD Staff recommends **approval** of Text Amendment 9.

### **Attachment**

DZC Redlined Pages of Proposed Text Amendment 9

KEY: P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review  
 ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review  
 \* = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	APPLICABLE USE LIMITATIONS			APPLICABLE USE LIMITATIONS
		I-MX-3 I-MX-5 I-MX-8	I-A	I-B	
<b>AGRICULTURE PRIMARY USE CLASSIFICATION</b>					
Agriculture	Aquaculture* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	§11.6.1
	Garden, Urban* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	§11.6.2
	Husbandry, Animal* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	L-ZP	§9.1.5.20
	Husbandry, Plant* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	<del>L-ZP</del> NP	<del>P</del> L-ZP	P-ZP	§9.1.5.21
	Plant Nursery • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP*	L-ZP*	§9.1.5.22
<b>ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION</b>					
Accessory to Primary Residential Uses  In the I-A and I-B Zone Districts, see Sections 9.1.5.1 through 9.1.5.3 for additional limitations on accessory uses.  (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit	L-ZP	NP	NP	§11.7; §11.8.2
	Domestic Employee	L	NP	NP	§11.8.3
	Garden*	L	L	L	§11.7; §11.8.4
	Keeping of Household Animals*	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	§11.7; §11.8.5
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles*	L	NP	NP	§11.7; §10.9
	Kennel or Exercise Run*	L	L	L	§11.7; §11.8.6
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	Not Applicable - See Allowed Primary Uses	NP	NP	§11.7; §11.8.7
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	§11.8.8
	Vehicle Storage, Repair and Maintenance*	L	L	L	§11.7; §10.9
	Wind Energy Conversion Systems*	Not Applicable - See Allowed Primary Uses			
Yard or Garage Sales*	L	L	L	§11.7; §11.8.9	
Unlisted Accessory Uses	L - Applicable in all Zone Districts			§11.7; §11.8.1	