

AMENDMENT TO THE DENVER REVISED MUNICIPAL CODE

REVISED Provisions Relating to Lands Retaining
Former Chap 59 Zoning and DZC Residential Districts
LUTI 12/3/13

DRMC Amendment



- Summary of the process
- Purpose of amendment
- Explanation of current standards
- Summary of the proposed changes
- Review Criteria/Analysis
- CPD recommendation

DRMC Amendment Process

- Planning Board Public Hearing – November 6, 2013
 - Posting of “redline” DRMC amendment: October 29, 2013
 - Recommended Approval (9-0)
- LUTI Committee meeting #2 – December 3, 2013
 - LUTI meeting #1 (before revisions): September 17, 2013 – passed out of committee
- City Council First Reading
- City Council Public Hearing
 - Notification to Registered Neighborhood Organizations 21 days prior to public hearing
 - Public Hearing and decision by City Council

Purpose of Amendment

- Ensure *Continuation of Various Protections for Residential Properties* applied to development under Former Chapter 59 zoning when mapped next to Denver Zoning Code “protected districts” or certain residential zone districts
 - *Building Height and Bulk Controls*
 - Original text amendment considered at 8/21/13 hearing
 - *Increased Building Setback for Development in Mixed Use Zones Near Residential Zones*
 - *Various Limitations on Uses Established Near Residential Zones*

Current DRMC Provisions



- DRMC, Section 59-2:
 - ▣ Establishes the new Denver Zoning Code as the city's official zoning code
 - ▣ Establishes the old zoning code as “Former Chapter 59” and states that lands with Former Chapter 59 zoning have to follow all the standards and procedures in Former Chapter 59

Current DRMC Provisions

Denver, Colorado, Code of Ordinances >> TITLE II - REVISED MUNICIPAL CODE >> Chapter 59 ZONING >>

Chapter 59 ZONING [1]

[Sec. 59-1. Zoning code.](#)
[Sec. 59-2. Former chapter 59.](#)
[Sec. 59-3. Rezoning.](#)
[Sec. 59-4. Official map.](#)

Sec. 59-1. Zoning code.

The zoning code as filed with the Denver City Clerk on 20th day of May 2010, at City Clerk Filing No. 10-512-A, is hereby adopted as the official zoning code for the City and County of Denver ("Denver Zoning Code"). The Denver Zoning Code and all amendments thereto shall be maintained in and kept current by the department of community planning and development and shall be available to the public.

(Ord. No. 333-10, eff. 6-25-10)

Sec. 59-2. Former chapter 59.

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

(b) For lands retaining their zoning designation under the former chapter 59, including land zoned planned unit development (PUD), land zoned with waivers and conditions and land subject to a planned building group site plan, all provisions of the former chapter 59, including procedures, shall apply.

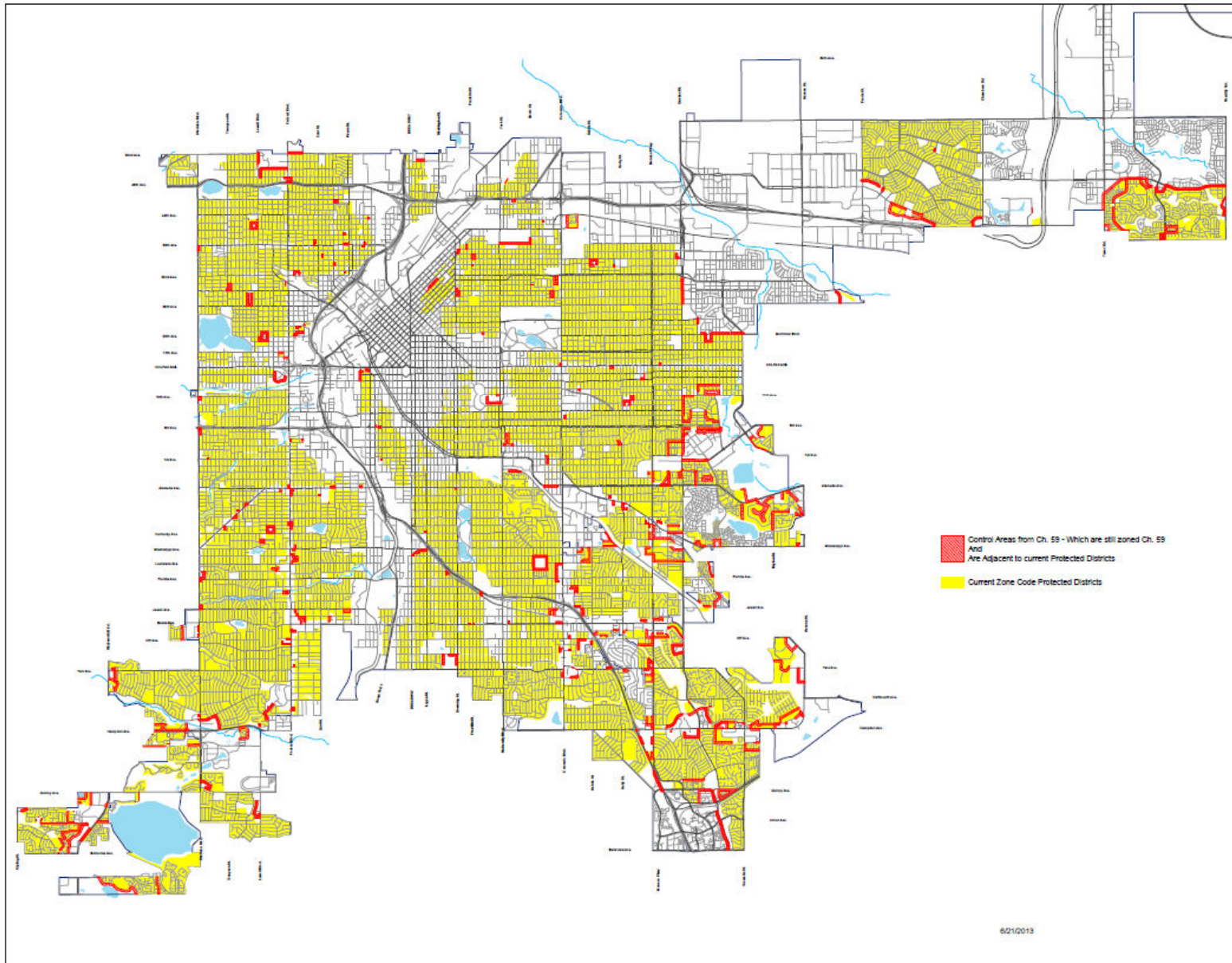
(Ord. No. 333-10, eff. 6-25-10)

Sec. 59-3. Rezoning.

Proposed DRMC Amendment

- Controlled and protected districts are established in Former Chapter 59
- “Protected districts” and “Residential [zone] districts” in Former Chapter 59 do not include residential zone districts under the Denver Zoning Code (because they didn’t exist when Former Chapter 59 was the official zoning code!)
- *Problem:* Height/bulk and other residential protections aren’t triggered when land developed under Former Chapter 59 is mapped next to Denver Zoning Code “protected districts” or other residential zone districts

Where does situation occur?



Proposed DRMC Amendment

□ Add new subsections (c) thru (h) shown below:

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

(b) For lands retaining their zoning designation under the Former Chapter 59, including land zoned Planned Unit Development (PUD), land zoned with waivers and conditions and land subject to a Planned Building Group Site Plan, all provisions of the Former Chapter 59, including procedures, shall apply.

(c) For purposes of applying the limitations on bulk planes and building heights in Section 59-96 of the Former Chapter 59, the “protected districts” identified therein shall also include the zone districts defined as “protected districts” in Section 13.3 of the Denver Zoning Code.

Proposed DRMC Amendment (cont'd)

- (d) For purposes of applying the “L1” **limitation on “eating place”** primary uses applicable 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 residential districts identified in the L1 limitation shall also include the zone districts defined as “protected districts” in Section 13-3 of the Denver Zoning Code.
- (e) For purposes of applying the “**exception to use enclosure requirement**” for Mixed Use Zone Districts (C-MU, R-MU, and T-MU zones) in Sections 59-302 (4)b.1 & 2 of the Former Chapter 59, the residential districts identified therein shall also include the zone districts defined as “protected districts” in Section 13-3 of the Denver Zoning Code.
- (f) For purposes of applying the restrictions on the **siting of outdoor animal runs within 20 feet of a habitable residential structure** stated in Section 59-2(16) of the Former Chapter 59, the residential zone districts identified therein shall also include the zone districts defined as “protected districts” in Section 13-3 of the Denver Zoning Code.
- (g) For purposes of applying the **5-foot side setback for structures that are not single-unit or two-unit dwellings, and which have ground floor commercial or which are four (4) or more stories in height**, as required in the Mixed Use Zone Districts in Section 59-312(3) of the Former Chapter 59, the residential zone districts identified therein shall also include all SU and TU zone districts as established on the Official Zoning Map under the Denver Zoning Code.
- (h) For purposes of **applying various zoning protections to residentially zoned properties**, the terms “residential district(s),” “residential zone district(s),” “residential zone(s),” “residentially zoned lot,” and “residentially zoned zone lot” used throughout Former Chapter 59 shall also include the zone districts defined as a “residential zone

Review Criteria



- City Charter (§3.2.9) criteria for City Council adoption of new zoning-related ordinances (not part of DZC):
 - ▣ Consistent with City's adopted comprehensive plan
 - ▣ Furthers public health, safety & general welfare
 - ▣ Results in uniformity of regulations

Analysis/CPD Findings



- **Amendment is consistent with comprehensive plan**
 - ▣ Zoning revisions ensure ordinance remains flexible and accommodating of current and future land uses
 - ▣ Encourage quality infill development consistent with the character of surrounding neighborhoods
- Amendment continues status quo of zoning entitlements and limitations under Former Chapter 59, when land subject to Former Chapter 59 is mapped next to “protected districts” or other residential zone districts under DZC

Analysis/CPD Findings



- **Amendment furthers public's general welfare**
 - ▣ Assures continuation of zoning protections for lower-intensity residential zones districts
- **Amendment results in uniformity of zone district regulations**
 - ▣ Assures uniform and consistent bulk/height limitations in all zone districts whether zone district is a carry-over from Former Chapter 59 or a more recent DZC district

CPD Recommendation



- LUTI send the proposed text amendments to the full City Council for final action at a public hearing