

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2012

COUNCIL BILL NO. 12-0486  
COMMITTEE OF REFERENCE:  
Land Use, Transportation and  
Infrastructure

6 A BILL

7 **For an ordinance approving the Cherry Creek Area Plan, which plan shall become**  
8 **a part of the Comprehensive Plan for the City and County of Denver pursuant to**  
9 **the provisions of Section 12-61 of the Denver Revised Municipal Code.**

10  
11 **WHEREAS**, pursuant to the provisions of Section 12-61 of the Denver Revised  
12 Municipal Code ("DRMC"), and by Ordinance No. 52, Series of 2000, there has been  
13 approved a Comprehensive Plan for the City and County of Denver; and

14 **WHEREAS**, said Section 12-61 of the RMC provides for the amendment of said Plan;  
15 and

16 **WHEREAS**, the Manager of Community Planning and Development has transmitted the  
17 Cherry Creek Area Plan to the Mayor and Council for acceptance as a proposed part of the  
18 Comprehensive Plan; and

19 **WHEREAS**, the Planning Board has approved the same:

20 **NOW THEREFORE,**

21 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

22 **Section 1.** That the proposed Cherry Creek Area Plan, consisting of a document of the  
23 same name filed with the City Clerk, Ex-Officio Clerk of the City and County of Denver, on the  
24 28<sup>th</sup> day of June, 2012, as City Clerk Filing No. 12-474, is hereby accepted and adopted as  
25 part of the Comprehensive Plan, pursuant to Section 12-61 of the DRMC.

26 **Section 2.** That this acceptance of the Cherry Creek Area Plan, and of any  
27 amendment thereto, is intended to establish the same, in conjunction with the Comprehensive  
28 Plan, as the official guide for officials of the City and County of Denver and private citizens  
29 when making decisions affecting the future of the Cherry Creek Area, as defined in said plan;  
30 provided however, that such approval shall not preempt the decision making powers vested by  
31 law or administrative directive in the Mayor, the Council or any other official of the City and  
32 County of Denver with respect to, but not limited to: a zoning map amendment, a zoning  
33 language amendment, a dedication or vacation of a street, alley or other public way, a  
34 designation of a park, the issuance of a revocable permit, a conveyance or acquisition of real  
35 property by the City and County of Denver, or an appropriation for or construction of a capital

1 improvement; and provided, further, that it is expressly understood that judgment must be  
2 exercised in the application of the Cherry Creek Area Plan in the decision making processes  
3 of the Mayor, Council and other officials of the City and County of Denver.

4 COMMITTEE APPROVAL DATE: 6/19/2012.

5 MAYOR-COUNCIL DATE: 6/26/2012.

6 PASSED BY THE COUNCIL \_\_\_\_\_  
7 2012

8 \_\_\_\_\_ - PRESIDENT

9 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
10 2012

11 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
12 EX-OFFICIO CLERK OF THE  
13 CITY AND COUNTY OF DENVER  
14

15 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2012; \_\_\_\_\_ 2012

16 PREPARED BY: Kerry A. Buckey, Assistant City Attorney \_\_\_\_\_ 6/20/2012

17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office  
18 of the City Attorney. We find no irregularity as to form, and have no legal objection to the  
19 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval  
20 pursuant to § 3.2.6 of the Charter.  
21

22 Douglas J. Friednash, City Attorney

23 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney DATE: \_\_\_\_\_