

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2014

COUNCIL BILL NO. CB14-0764
COMMITTEE OF REFERENCE:
NEIGHBORHOOD AND PLANNING

A BILL

For an ordinance relating to the Denver Zoning Code, enacting new Urban Center-Cherry Creek North Zone Districts.

WHEREAS, the City Council desires to amend the Denver Zoning Code to implement the land use recommendations of the Cherry Creek Area Plan; and

WHEREAS, implementing the Cherry Creek Area Plan will create six new Urban Center-Cherry Creek North Zone Districts (i.e. C-CCN-3, C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, and C-CCN-12) (“new C-CCN Zone Districts”) and eliminate the existing Cherry Creek North Zone District (“existing C-CCN Zone District”) in the Denver Zoning Code in order to promote mixed-use, pedestrian-friendly development that is compatible with the character of Cherry Creek North; and

WHEREAS, a map amendment to rezone all existing C-CCN Zone District properties to one of the new C-CCN Zone Districts will have a public hearing at City Council on the same night as the public hearing on this Ordinance; and

WHEREAS, the City Council has determined on the basis of evidence and testimony presented at the public hearing that amending the Denver Zoning Code as set forth herein is in conformance with the Denver Comprehensive Plan 2000 and all amendments thereto, and is reasonably necessary to the promotion of the public health, safety and general welfare.

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

Section 1. The changes to the Denver Zoning Code (“Code”) as set forth in Clerk File No. 14-0502-A, as filed with the Denver City Clerk on September 25, 2014, are hereby adopted and made an official part of the Code. The following is a general description of the amendments being made to the Code related to the creation of new C-CCN Zone Districts:

(a) Article 2 of the Code is hereby amended by amending Division 2.5 (Establishment of Zone Districts) by rewriting for substantive changes related to new C-CCN Zone Districts.

(b) Article 7 of the Code is hereby amended by amending the following divisions by rewriting for substantive changes related to new C-CCN Zone Districts:

Division 7.2 (Districts in the Urban Center Neighborhood Context),

1 Division 7.3 (Design Standards dealing with building form intent; primary building form
2 standards; district specific standards for new C-CCN Zone Districts primary building forms and
3 detached accessory structures; supplemental design standards; design standard alternatives; and
4 design standard exceptions),

5 Division 7.4 (district specific standards for uses and required minimum parking).

6 (c) Article 10 of the Code is hereby amended by amending the following divisions by
7 rewriting for substantive changes related to new C-CCN Zone Districts:

8 Division 10.4 (bicycle parking; vehicle parking exceptions for vehicle parking reductions; and
9 parking categories for bicycles)

10 Division 10.10 (new C-CCN Zone Districts sign standards).

11 (d) Article 11 of the Code is hereby amended by amending the following divisions by
12 rewriting for substantive changes related to new C-CCN Zone Districts:

13 Division 11.2 (residential primary use limitations),

14 Division 11.3 (Civic, Public and Institutional Primary Use limitations),

15 Division 11.4 (limitations for Automobile Services, Light or Heavy uses; and limitations for
16 Automobile/Motorcycle, Light Truck Sales, Rental and/or Leasing; Pawn Lot or Vehicle Auctioneer
17 uses),

18 Division 11.10 (limitations for uses accessory to primary nonresidential use, including
19 outdoor eating and serving areas accessory to eating/drinking establishment uses; and outdoor
20 retail sale and display use.

21 (e) Article 12 of the Code is hereby amended by amending the following divisions by
22 rewriting for substantive changes related to new C-CCN Zone Districts:

23 Division 12.2 (Cherry Creek North Design Advisory Board as a review and decision making
24 body),

25 Division 12.4 (zoning application and review procedures dealing with administrative
26 adjustments and official map amendments),

27 Division 12.5 (compliant uses),

28 Division 12.7 (nonconforming uses),

29 Division 12.8 (nonconforming structures).

30 (f) Article 13 of the Code is hereby amended by amending the following divisions by
31 rewriting for substantive changes related to new C-CCN Zone Districts:

1 Division 13.1 (rules of measurement dealing with 3rd Avenue CCN bulk plane and
2 exceptions; siting form standards for the determination of primary street, side interior, and rear
3 zone lot lines; and design element form standards for private open space and mass reduction),
4 Division 13.3 (definitions).

5 (g) Throughout the Code changes to numbering, pagination, format, references to use
6 limitations, spelling and grammar are made to conform to other changes related to the new C-CCN
7 Zone Districts.

8 **Section 2.** In relation to land being re-zoned from the existing C-CCN Zone District to a
9 new C-CCN Zone District established under this ordinance pursuant to a companion map
10 amendment (Council Bill CB14-0765), any complete application for a zoning permit or site
11 development plan, as defined in section 12.3.3.7 of the Code, submitted pursuant to the existing C-
12 CCN Zone District no later than October 29, 2014, shall be processed in accordance with the
13 existing C-CCN Zone District regulations. Upon approval of such application, any use and/or
14 structure proposed in that approved application that is not a conforming use and/or structure under
15 the new C-CCN Zone District applicable to the site shall become a compliant use and/or structure.
16 However, any such application timely submitted under this Section 2 that is not approved by
17 October 29, 2015 shall be void. No extensions of time to approve such application shall be
18 granted.

19 **Section 3.** Section 12.3.6.3 of the Code shall not apply to any application, site
20 development plan, or zoning permit approved in accordance with Section 2, above.

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1 COMMITTEE APPROVAL DATE: September 18, 2014.

2 MAYOR-COUNCIL DATE: September 23, 2014.

3 PASSED BY THE COUNCIL _____ 2014

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____ 2014

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

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2014 _____ 2014

11 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: September 25, 2014

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

17 D. Scott Martinez, City Attorney

18 BY: _____, _____ City Attorney Date: _____