

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB23-0480  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance approving and accepting the Near Southeast Area Plan, which Plan shall become a part of Comprehensive Plan 2040 for the City and County of Denver pursuant to the provisions of Section 12-61 of the Denver Revised Municipal Code.**

**WHEREAS**, pursuant to the provisions of Section 12-61 of the Denver Revised Municipal Code (“DRMC”), and by Ordinance No. 302, Series of 2019, there has been approved a Comprehensive Plan for the City and County of Denver (“Comprehensive Plan 2040”); and

**WHEREAS**, said Section 12-61 of the DRMC provides for the supplementation of Comprehensive Plan 2040; and

**WHEREAS**, pursuant to Ordinance No. 698, Series of 2003, the City accepted the Colorado Station Area Framework Plan as an amendment to the City’s comprehensive plan; and

**WHEREAS**, the City wishes to repeal and replace the Colorado Station Area Framework Plan with an updated comprehensive plan supplement, entitled Near Southeast Area Plan, for the orderly growth and harmonious development of the City and County of Denver; and

**WHEREAS**, pursuant to the provisions of Section 12-61 DRMC, the City wishes to supplement Comprehensive Plan 2040 by approving and accepting the Near Southeast Area Plan; and

**WHEREAS**, members of the City Council, duly authorized by the president of council have monitored the process whereby said Near Southeast Area Plan has been formulated; and

**WHEREAS**, the Near Southeast Area Plan has been approved by the Denver Planning Board; and

**WHEREAS**, the Manager of Community Planning and Development has transmitted the Near Southeast Area Plan to the Mayor and Council for acceptance as a supplement to Comprehensive Plan 2040; and

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

**Section 1.** That the proposed Near Southeast Area Plan, consisting of a document of the same name filed with the City Clerk, Ex-Officio Clerk of the City and County of Denver, on the 8th day of May as City Clerk Filing No. 20230055, is hereby adopted and accepted as a supplement to

1 Comprehensive Plan 2040, pursuant to Section 12-61(d) of the DRMC.

2 **Section 2.** That the Near Southeast Plan replaces and supersedes the Colorado Station  
3 Area Framework Plan.

4 **Section 3.** That this adoption and acceptance of the Near Southeast Area Plan, and of any  
5 amendment thereto, in conjunction with Comprehensive Plan 2040, is intended to establish the  
6 official guide for officials of the City and County of Denver and private citizens when making decisions  
7 affecting the future of land use and transportation in and for the City and County of Denver, as  
8 defined in said plan; provided however, that such approval shall not preempt the decision making  
9 powers vested by law or administrative directive in the Mayor, the Council or any other official of the  
10 City and County of Denver with respect to, but not limited to: a zoning map amendment, a zoning  
11 language amendment, a dedication or vacation of a street, alley or other public way, a designation  
12 of a park, the issuance of a revocable permit, a conveyance or acquisition of real property by the  
13 City and County of Denver, or an appropriation for or construction of a capital improvement; and  
14 provided, further that it is expressly understood that judgment must be exercised in the application  
15 of Near Southeast Area Plan in the decision making processes of the Mayor, Council and other  
16 officials of the City and County of Denver.

17 COMMITTEE APPROVAL DATE: May 2, 2023

18 MAYOR-COUNCIL DATE: May 9, 2023

19 PASSED BY THE COUNCIL: \_\_\_\_\_

20 \_\_\_\_\_ - PRESIDENT

21 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

22 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,

23 EX-OFFICIO CLERK OF THE

24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_;

26 PREPARED BY: Adam Hernandez, Assistant City Attorney DATE: May 11, 2023

27 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of  
28 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
29 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
30 § 3.2.6 of the Charter.

31 Kerry Tipper, Interim Denver City Attorney

32 BY: *Anshul Bagga*, Assistant City Attorney DATE: May 11, 2023