

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0779
COMMITTEE OF REFERENCE:
4 Land Use Transportation and Infrastructure

5
6 A BILL

7 **For an ordinance amending the Denver Zoning Code to mitigate the effect of**
8 **certain governmental actions on zone lots and uses.**

9
10 **WHEREAS**, the City Council has determined on the basis of evidence and testimony presented at
11 the public hearing that the amendment set forth herein is in conformance with the Denver
12 Comprehensive Plan 2000 and all amendments thereto, and is reasonably necessary to the
13 promotion of the public health, safety and general welfare.

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

16 **Section 1.** Section 12.4.4.2.F.2 shall be amended by adding the language underlined
17 below to read and be read as follows:

18 2. Except in the case of adding or removing land by an act of government through right-of-way
19 vacation, condemnation, or threat of condemnation, the following criteria shall be met:

20 a. A zone lot amendment shall not result in the creation of a new nonconforming or compliant
21 zone lot, structure or land use.

22 b. Nor shall a zone lot amendment increase an existing nonconforming or compliant structure's
23 degree of nonconformity with this Code's standards (e.g., a zone lot amendment that would
24 further decrease an existing compliant side interior setback is not allowed).

25 **Section 2.** Section 12.5.2.3.A shall be amended by adding the language underlined below
26 to read and be read as follows:

27 **A. Zoning Administrator Authority in Special Cases Only**

28 1. The Zoning Administrator may authorize, upon application in specific cases, an exception
29 permitting an increase in either or both the land area or the floor area in a structure or structures
30 occupied by a compliant use as are necessary and essential to enable the owner of the use to
31 comply with lawful requirements of the federal, state, or municipal governments.

32 2. The Zoning Administrator may authorize, upon application in specific cases, an exception
33 permitting an increase in either or both the land area or the floor area in a structure or structures

1 occupied by a compliant use, as a result of an act of government through vacation of right-of-way
2 that creates private land area immediately adjacent to an abutting zone lot.

3 **Section 3.** Section 12.7.2.2.A shall be amended by adding the language underlined below to
4 read and be read as follows:

5 **A. Zoning Administrator Authority in Special Cases Only**

6 1. The Zoning Administrator may authorize, upon application in specific cases, an exception
7 permitting an increase in either or both the land area or the floor area in a structure or structures
8 occupied by a nonconforming use as are necessary and essential to enable the owner of the use
9 to comply with lawful requirements of the federal, state, or municipal governments.

10 2. The Zoning Administrator may authorize, upon application in specific cases, an exception
11 permitting an increase in either or both the land area or the floor area in a structure or structures
12 occupied by a nonconforming use, as a result of an act of government through vacation of right-of-
13 way that creates private land area immediately adjacent to an abutting zone lot.

14 **Section 4.** All of the above changes as filed with the Denver City Clerk on _____,
15 2011 at City Clerk Filing No. 10-512-N.

16 COMMITTEE APPROVAL DATE: _____/2011.

17 MAYOR-COUNCIL DATE: _____/2011.

18 PASSED BY THE COUNCIL _____ 2011

19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____ 2011

21 ATTEST: _____ - CLERK AND RECORDER,
22 EX-OFFICIO CLERK OF THE
23 CITY AND COUNTY OF DENVER
24

25 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011; _____ 2011

26 PREPARED BY: Kerry A. Buckey, Assistant City Attorney _____ 10/14/2011

27 Pursuant to section 13-12, 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

32 Douglas J. Friednash, Denver City Attorney

33 BY: _____, Assistant City Attorney Date: _____, 2011