

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. CB21-xxxx
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending Chapter 59 (Zoning) of the Denver Revised Municipal**
7 **code to administer certain provisions of Former Chapter 59.**

8 **WHEREAS**, [insert]; and

9 **WHEREAS**, the City Council has determined on the basis of evidence and testimony
10 presented at the public hearing that amending Chapter 59 (Zoning), Denver Revised Municipal Code,
11 as set forth herein is consistent with the City's adopted plans, furthers the public health, safety and
12 general welfare, and will result in regulations and restrictions that are uniform within land retaining
13 zoning under former chapter 59.

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

16 **Section 1.** That section 59-2, D.R.M.C concerning Former Chapter 59 shall be amended
17 by deleting the language stricken and adding the language underlined, to read as follows:

18 **"Sec. 59-2. Former chapter 59.**

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

23 (b) For lands retaining their zoning designation under the former chapter 59, including land zoned
24 planned unit development (PUD), land zoned with waivers and conditions and land subject to a
25 planned building group site plan, all provisions of the former chapter 59, including procedures, shall
26 apply, except as explicitly stated in sections 59-2(j c)(8) and 59-3(b) below.

27 (c) No changes shall be enacted to the provisions of the former chapter 59 after June 25, 2010;
28 however, regulation of lands retaining their zoning designation under the former chapter 59 shall
29 incorporate the following requirements of the Denver Zoning Code:

30 (1) For purposes of applying the limitations on bulk planes and building heights in section
31 59-96 of the former chapter 59, the "protected districts" identified therein shall also include the zone

1 districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.

2 (2 d) For purposes of applying the "L1" limitation on "eating place" primary uses applicable
3 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
4 residential districts identified in the L1 limitation shall also include the zone districts defined as
5 "protected districts" in section 13-3 of the Denver Zoning Code.

6 (3 e) For purposes of applying the "exception to use enclosure requirement" for mixed use
7 zone districts (C-MU, R-MU, and T-MU zones) in section 59-302(4)b.1, and 2 of the former chapter
8 59, the residential districts identified therein shall also include the zone districts defined as "protected
9 districts" in section 13-3 of the Denver Zoning Code.

10 (4 f) For purposes of applying the restrictions on the siting of outdoor animal runs within
11 twenty (20) feet of a habitable residential structure stated in section 59-2(16) of the former chapter
12 59, the residential zone districts identified therein shall also include the zone districts defined as
13 "protected districts" in section 13-3 of the Denver Zoning Code.

14 (5 g) For purposes of applying the five-foot side setback for structures that are not single-
15 unit or two-unit dwellings, and which have ground floor commercial or which are four (4) or more
16 stories in height, as required in the mixed use zoning districts in section 59-312(3) of the former
17 chapter 59, the residential zone districts identified therein shall also include all SU and TU zone
18 districts as established on the official zoning map under the Denver Zoning Code.

19 (6 h) For purposes of applying various zoning protections to residentially zoned properties,
20 the terms "residential district(s)," "residential zone district(s)," "residential zone(s)," "residentially
21 zoned lot," and "residentially zoned zone lot" used throughout former chapter 59 shall also include
22 the zone districts defined as a "residential zone district or residential district" in section 13-3 of the
23 Denver Zoning Code.

24 (7 i) Gardens shall be allowed as an accessory use common, customary and incidental to
25 a primary residential use, and shall comply with all limitations generally applicable to accessory uses
26 stated in former chapter 59, sections 59-87 and 59-88. In addition, marijuana grown as part of a
27 garden accessory to a primary residential use shall comply with all applicable limitations found in the
28 Denver Zoning Code, including, but not limited to, section 11.8 (Uses accessory to primary
29 residential uses—Limitations). (a) The following uses and circumstances are exempt from providing
30 the minimum amount of vehicle parking otherwise required by this Code, but only to the extent
31 specified in this Section.

1 (8 j) Any portion of a General Development Plan approved under former chapter 59 may
2 be repealed in accordance with Section 12.4.12 of the Denver Zoning Code.

3 (9) For purposes of regulating “Cluster multiple-unit dwellings” throughout the former
4 chapter 59, each “separate, independent dwelling unit” that comprises a “Cluster multiple unit
5 dwelling” use in section 59-2(72) of former chapter 59 may contain a “Household” as defined in
6 section 11.12.2.1.B.3 of the Denver Zoning Code.

7 (10) For purposes of regulating “Dwelling, multiple unit” throughout the former chapter 59,
8 each “separate independent dwelling unit” that comprises a “Dwelling, multiple unit” use in section
9 59-2(95) of former chapter 59 may contain a “Household” as defined in section 11.12.2.1.B.3 of the
10 Denver Zoning Code.

11 (11) For purposes of regulating “Dwelling, single unit” throughout the former chapter 59,
12 each “housekeeping unit” that comprises a “Dwelling, single unit” use in section 59-2(96) of former
13 chapter 59 may contain a “Household” as defined in section 11.12.2.1.B.3 of the Denver Zoning
14 Code.

15 (12) The home occupations in sections 59-89(1)g (Foster Family Care), and 59-89(1)k
16 (Rooming and/or Boarding) of the former chapter 59 are not permitted whenever a dwelling unit
17 exceeds the number of unrelated adults as defined in “Household” from the Denver Zoning Code.

18 (13) The definition of Residence for Older Adults in section 59-2(230) of former chapter 59
19 shall only apply to a Residence for Older Persons serving 9 or more residents; a Residence for Older
20 Adults serving less than 9 residents shall be determined as either a “Dwelling, single unit” or
21 “Dwelling, multiple unit” based on the type of structure containing the use, and shall only be permitted
22 as a “Dwelling, single unit” or “Dwelling, multiple unit” in zone districts allowing the use.”

23 **Section 2.** That section 4-24, D.R.M.C. concerning solid fuel burning devices in former
24 chapter 59 single unit dwellings shall be amended by deleting the language stricken and adding the
25 language underlined in subsection (c)(3), to read as follows:

26 **“Sec. 4-24. Combustion.**

27 (a) *Solid fuel burning.*

28 (3) *Number limited for single-unit dwelling.* One (1) solid-fuel fired device may be installed
29 in a single-unit dwelling (as defined in chapter 59 subsection 59-2(96) of the Revised
30 Municipal Code) that is constructed or added to after the effective date of this section.”

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1 COMMITTEE APPROVAL DATE: March 2, 2021

2 MAYOR-COUNCIL DATE: n/a

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: March 4, 2021

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 §3.2.6 of the Charter.

15 Kristin M. Bronson, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____

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