

**BY AUTHORITY**

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

COUNCIL BILL NO. CB22-1647  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for multiple properties to apply the Cherry Creek East Commercial and Residential Mixed Use Design Overlay in Cherry Creek.**

**WHEREAS**, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the C-MX-3, DO-9; C-MX-5, DO-9; C-MX-8, DO-9; C-MX-12, DO-9; C-RX-8, DO-9; G-MX-3, DO-9; G-RX-5, DO-9; and G-RH-3, DO-10 district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

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

**Section 1.** That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

a. The land areas hereinafter described are presently classified as C-MX-3, C-MX-5, C-MX-8, C-MX-12, C-RX-8, G-MX-3, G-RX-5, and G-RH-3.

b. It is proposed that the land area hereinafter described be changed to: C-MX-3, DO-9; C-MX-5, DO-9; C-MX-8, DO-9; C-MX-12, DO-9; C-RX-8, DO-9; G-MX-3, DO-9; G-RX-5, DO-9; and G-RH-3, DO-10.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from C-MX-3 to C-MX-3, DO-9:

- Burlington Capitol Hill Addition**
- Block 23, Lots 13 to 20
- Block 32, Lots 1 to 4
- Block 33, 21 to 32, and 37 to 40

in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

**Section 3.** That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from C-MX-5 to C-MX-5, DO-9:

1 **Burlington Capitol Hill Addition**

2 Block 14, Lots 1 to 12

3 Block 15, Lots 1 to 40

4 Block 17, Lots 11 to 36

5 Block 22, Lots 21 to 22

6 in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline  
7 thereof, which are immediately adjacent to the aforesaid specifically described area.

8 **Section 4.** That the zoning classification of the land area in the City and County of Denver  
9 described as follows shall be and hereby is changed from C-MX-8 to C-MX-8, DO-9:

10 **Burlington Capitol Hill Addition**

11 Block 16, Lots 1 to 8, and 21 to 40

12 Block 17, Lots 37 to 40

13 in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline  
14 thereof, which are immediately adjacent to the aforesaid specifically described area.

15 **Section 5.** That the zoning classification of the land area in the City and County of Denver  
16 described as follows shall be and hereby is changed from C-MX-12 to C-MX-12, DO-9:

17 **Burlington Capitol Hill Addition**

18 Block 17, Lots 1 to 10

19 Block 20, Lots 1 to 20

20 in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline  
21 thereof, which are immediately adjacent to the aforesaid specifically described area.

22 **Section 6.** That the zoning classification of the land area in the City and County of Denver  
23 described as follows shall be and hereby is changed from C-RX-8 to C-RX-8, DO-9:

24 **Burlington Capitol Hill Addition**

25 Block 44, The North 17' of Lot 32, and Lots 33 to 40

26 in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline  
27 thereof, which are immediately adjacent to the aforesaid specifically described area.

28 **Section 7.** That the zoning classification of the land area in the City and County of Denver  
29 described as follows shall be and hereby is changed from G-MX-3 to G-MX-3, DO-9:

30 **Burlington Capitol Hill Addition**

31 Block 13, Lots 1 to 6

32 in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline  
33 thereof, which are immediately adjacent to the aforesaid specifically described area.

34 **Section 8.** That the zoning classification of the land area in the City and County of Denver  
35 described as follows shall be and hereby is changed from G-RX-5 to G-RX-5, DO-9:

36 **Burlington Capitol Hill Addition**

37 Block 33, Lots 1 to 7, and Lots 33 to 36

38 TOGETHER WITH

1 All Vacated Street or Alley Rights of Way lying adjacent to described areas.  
2 in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline  
3 thereof, which are immediately adjacent to the aforesaid specifically described area.

4 **Section 9.** That the zoning classification of the land area in the City and County of Denver  
5 described as follows shall be and hereby is changed from G-RH-3 to G-RH-3, DO-10:

- 6 **Burlington Capitol Hill Addition**
- 7 Block 10, Lots 11 to 20
- 8 Block 11, Lots 7 to 10, 14 to 30, the North 2/3 of 34 and 35 to 40
- 9 Block 13, Lots 9 to 20, and 25 to 26
- 10 Block 23, Lots 5 to 8, and 37 to 38
- 11 Block 24, Lots 21 to 30
- 12 Block 25, Lots 1 to 8, 21 to 26, and 31 to 36
- 13 Block 26, Lots 1 to 4, 13 to 14, 27 to 28, and 39 to 40
- 14 Block 27, Lots 1 to 13
- 15 Block 29, Lots 1 to 2
- 16 Block 30, Lots 9 to 14, and 35 to 36
- 17 Block 32, Lots 5 to 8, and 19 to 20
- 18 Block 41, Lots 3 to 4, 13 to 22, 25 to 26, and 35 to 40
- 19 Block 43, Lots 1 to 2, and 19 to 24
- 20 TOGETHER WITH
- 21 All Vacated Street or Alley Rights of Way lying adjacent to described areas.

22 in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline  
23 thereof, which are immediately adjacent to the aforesaid specifically described area.

24 **Section 10.** Effective Date. This ordinance shall be effective February 13, 2023.

25 **Section 11.** That this ordinance shall be recorded by the Manager of Community  
26 Planning and Development in the real property records of the Denver County Clerk and Recorder.

1 COMMITTEE APPROVAL DATE: December 20, 2022  
2 MAYOR-COUNCIL DATE: December 27, 2022 by Consent  
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: January 5, 2023  
11 Pursuant to Section 13-9, 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  
16 Kerry Tipper, Denver City Attorney  
17  
18 BY: Anshul Bagga, Assistant City Attorney DATE: Jan 4, 2023