

	REVIEW AND DECISION-MAKING AUTHORITY						TYPE OF PUBLIC NOTICE REQUIRED					
	D = Decision-Making Authority R = Review and Recommendation Authority * = Public Hearing Required						■ = Notice Required Blank Cell = Notice Not Required					
							Informational Notice			Notice of Public Hearing		
	Zoning Administrator	Manager	DRC	Board of Adjustment	Planning Board	City Council	Written and Posted Notice of Community Information Meeting	Written and Posted Notice of Receipt of Application	Posted Notice of Final Administrative Decision	Written	Posted	Published
Official Map Amendment (Rezoning)		R			R*	D*		■		■	■	■
Text Amendment	R	R			R*	D*				■		■
Infrastructure Master Plan	R		D									
Large Development Review			D				■					
Repeal of an Approved General Development Plan			D							■	■	
Regulating Plan	R	D										

about a potential application before it is submitted. Notice of the community information meeting shall be provided in writing (mailed) and by posting signs.

12.3.4.3 Public Notice – When Required

Required public notices are summarized in the table shown in Section 12.2.9, Summary Table of Authority and Notice. More detailed information may be included with each specific zoning procedure described in Division 4 of this Article 12.

12.3.4.4 Notice of Public Hearing

A. Written Notice of Public Hearings

When required by Section 12.2.9, Summary Table of Authority and Notice, written notice of a public hearing shall be provided in compliance with the following standards:

1. Official Map Amendment (Rezoning) - Written Notice of Planning Board Public Hearings

- a. No later than 15 days before a required Planning Board public hearing on a proposed official map amendment (rezoning), the Manager shall notify the following parties:
 - i. The city council members in whose district the subject property is located.
 - ii. The at-large city council members.
 - iii. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).
 - iv. The owners and tenants (if the latter is different from owners) of any real property within the City and County of Denver, located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

2. All Other Applications - Written Notice of Planning Board Public Hearings

- a. Except for an official map amendment (rezoning) application, no later than 15 days before a required Planning Board public hearing on an application, the Manager shall notify the following parties:
 - i. The city council members in whose district the subject property is located.
 - ii. The at-large city council members.
 - iii. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed application.

3. Written Notice of City Council Public Hearings

No later than 21 days before a required City Council public hearing on an application, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.

4. General Requirements

- a. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- b. Notification shall include, where applicable, the location and general description of the proposed action; the process to be followed, including the date, time and place of the scheduled public hearing and/or public meeting.

5. Minor Defects in Notice Do Not Impair Hearing

Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a *bona fide* attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed to the most recent addresses available to the city, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the review or decision-making body shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing.

B. Posted Notice of Public Hearings

When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of a required public hearing shall be provided in compliance with the following standards:

1. No later than 15 days prior to the required Planning Board public hearing, and no later than 21 days prior to the required City Council public hearing, the applicant shall be responsible for posting signs on the subject property providing public notice thereof.
2. Posted notice shall be in number, size, location, and content as prescribed by the Manager and shall indicate the time and place of the public meeting or hearing, and any other information prescribed by the Manager.
3. The applicant shall take all reasonable efforts to assure that posted signs remain on the site in the number and location prescribed by the Manager, and in good condition to maintain legibility, during the posting period.
4. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the public hearing has been held. Failure to do so shall constitute a violation of this Code.

C. Published Notice of City Council Public Hearing

No later than 21 days prior to the required City Council public hearing, the Office of the City Council, together with the Denver City Clerk's Office, shall publish notice of the time and place of a required public hearing before the City Council in the official newspaper.

12.3.4.5 Informational Notice – General Provisions

A. Written Notice of Receipt of Application

When required by Section 12.2.9, Summary Table of Authority and Notice, written notice of receipt of application shall be provided in compliance with the following standards:

1. Official Map Amendment (Rezoning) - Timing of Notice

For an official map amendment (rezoning) application, Community Planning and Development shall cause written informational notice to be provided no later than 10 days after the determination that a complete application has been received in accordance with Section 12.3.3.8, Determination of Complete Application. Community Planning and Development shall cause written informational notice to be sent to the following parties:

- a. The city council members in whose district the subject property is located.
- b. The at-large city council members.
- c. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).
- d. The owners and tenants (if the latter is different from owners) of any real property within the City and County of Denver, located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

2. All Other Applications - Timing of Notice

Except for an official map amendment (rezoning) application, no later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the city council members in whose district the subject property is located, to the at-large city council members, and to those neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the proposed development.

3. Notice to Landmark Preservation Commission

If the subject property falls within an area designated as a structure or district for preservation according to the D.R.M.C., Chapter 30 (Landmark Preservation), Community Planning and Development shall notify the Denver Landmark Preservation Commission regarding the application within the same time periods specified in paragraphs 1 and 2 above.

4. General Rules

- a. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- b. Notification shall include the location and general description of the application and proposed action; and the process to be followed, including the date, time and place of any related public meeting or hearing, if such has been scheduled; and information concerning, as applicable, when and where written comments may be submitted.
- c. The failure to receive a notification required hereunder, for whatever reason, shall not invalidate any final action by the city.

B. Posted Notice of Receipt of Application

When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of receipt of an application shall be provided in compliance with the following standards:

1. Official Map Amendment (Rezoning)

- a. For an official map amendment (rezoning) application, no later than 10 days after receipt of a complete application, the applicant shall post the subject property in a conspicuous location for at least 15 days, or until replaced by posted notice of a required public hearing, whichever is shorter, with a sign or sign template provided by Community Planning and Development.
- b. Such sign shall include a general description of the proposed official map amendment and any other information prescribed by the Manager, and give directions for submitting comments to Community Planning and Development.

2. All Other Applications

- a. Except for an official map amendment (rezoning) application, no later than 10 days after receipt of a complete application, the applicant shall post the subject property in a conspicuous location for 10 days with a sign or sign template provided by Community Planning and Development. The start of the 10-day period shall be the first day of the posting of the sign.
- b. Such sign shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the beginning of the posting period, and state that any final decision to approve the application shall be posted at the same location for 15 days as soon as it is effective.
- c. Posted notices shall be removed by the applicant from the subject property by no later than 15 days after the end of the posting period. Failure to do so shall constitute a violation of this Code.

- F. The use and enjoyment of other existing uses on the surrounding property will not be substantially impaired by the establishment, maintenance, and operation of the special exception;
- G. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- H. The aggregate impacts of similar special exceptions shall not result in harmful external effects or environmental impacts; and
- I. Any potential adverse impacts from the proposed special exception can and will be adequately mitigated.

12.4.9.4 Requirements and Limitations After Zoning Permit Issuance

A. Expiration and Extensions

1. Except as otherwise allowed in subsection A.2. below, a zoning permit with special exception review shall expire 12 months from the date of the Board of Adjustment's decision unless the special exception use begins operating, or a valid building permit is issued. Upon a showing of good cause, the Zoning Administrator may extend the permit for the special exception for additional time periods not to exceed a total of 12 additional months.
2. If a zoning permit with special exception review is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

B. Limit on Reapplication for Denied Special Exceptions

No application for a zoning permit with special exception review denied by the Board of Adjustment shall be considered for a period of 1 year from the date of the original denial unless the Zoning Administrator determines that the application contains substantial changes that address the reasons for denial of the application.

SECTION 12.4.10 OFFICIAL MAP AMENDMENT (REZONING)

12.4.10.1 Applicability

An official map amendment may be required to rezone an area to implement adopted plans, to provide for a community need not anticipated by adopted plans, or to change the regulations and restrictions of an area as reasonably necessary to promote the public interest.

12.4.10.2 Zone Districts Not Available for Rezoning

Except as otherwise provided in Section 9.4.2.1 and Section 12.3.3.9, no land may be rezoned into any zone district not established in this Code. In addition, the following zone districts established in this Code, while mapped on the Official Zoning Map, shall not be applied to any lands after June 25, 2010:

- A. D-AS Downtown Arapahoe Square zone district
- B. O-1 zone district
- C. Adult Use Overlay District (UO-1)
- D. Billboard Use Overlay District (UO-2)

12.4.10.3 Adjacency and Location Requirements

A. Requirements

Official Map amendments for the following zone districts shall meet the following requirements:

B. Pre-Application Meeting

1. A pre-application meeting is mandatory for an official map amendment (Rezoning). See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.
2. The Development Review Committee (DRC) shall determine at the pre-application meeting whether a Large Development Review (LDR) is required under Section 12.4.12.

C. Application and Fees - General

1. All applications for official map amendments shall be filed in writing with the Manager. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications. This provision does not apply to map amendments initiated by the Manager.

D. Review and Referral by Manager

All applications for official map amendments shall be subject to the following review process:

1. Referral and Examination of Application

Upon receipt of a complete application, the Manager shall transmit copies of the application to other agencies that might be affected by the proposed application. If considered necessary, any such agency may require the applicant to furnish additional information of a pertinent and reasonable nature. Any such agency may transmit comments and recommendations concerning the application to the Manager. Any agency wishing to comment shall do so within 14 days from the referral of the complete application. Non-response by a reviewing agency within the 14-day time period, or any extension agreed to by the Manager, shall be deemed a recommendation of approval by such agency.

2. Disposition of Application

- a. Except as allowed in subsection D.2.b. below, when the Manager determines an application for an official map amendment, including agency comments and recommendations, is ready for Planning Board action, the Manager shall submit the application to the Planning Board together with the Manager's written recommendation to the Planning Board.
- b. Where an amendment is necessary only to correct an error in the official map, the Manager may submit the application, including agency comments and recommendations, directly to the Council Committee for its consideration under Section 12.4.10.4.F, below.

E. Public Hearing and Recommendation by Planning Board

1. The Planning Board shall notice and hold a public hearing on the application for an official map amendment according to Section 12.3.4, Public Notice Requirements. The Planning Board shall consider the recommendation of the Manager and any comments, in addition to the review criteria below, in recommending approval, approval with conditions, or denial of an official map amendment.
2. The Planning Board's recommendation shall be forwarded to the City Council for consideration within 30 calendar days after the closing of the public hearing, unless the applicant consents to an extension of such time.

F. Consideration of Application by Council Committee

1. City Council shall appoint a committee of its members to examine all applications for official map amendment and the related department reports, Manager's recommendation, and the Planning Board's recommendation. The Council committee may at that time require additional information from the applicant, from anyone submitting comments, or from city agencies, including information previously waived.

2. The Council committee shall direct any further action on the application under this Section and, when deemed ready for hearing, shall forward the application to the City Council.

G. Public Hearing and Final Decision by City Council

1. The Manager shall submit the complete application with such supporting material as designated by the Council committee.
2. The City Council shall notice and hold a public hearing on the proposed official map amendment according to Section 12.3.4, Public Notice Requirements. The City Council shall consider the recommendations of the Planning Board and Manager, and any other comments received, in addition to the review criteria below, in approving, approving with conditions, or denying an official map amendment.

12.4.10.5 Protest Petition

A. Effect of Protest to Amendment

1. Pursuant to section 3.2.9 of the Charter, if a protest to an official map amendment signed by the owners of 20 percent or more either of (1) the area of the lots included in such proposed change; or (2) the total land area located within the City and County of Denver from the perimeter of the area proposed for change to a distance of 200 feet outside of the perimeter of the area proposed for change, is filed with the City Council per subsection B. below, then the amendment shall not become effective except by the favorable vote of 10 members of the City Council.
2. For the purpose of defining owners and the area of land represented by the owner, land owned by more than one owner shall be divided to the extent of each owner's percentage of ownership interest in determining whether a protest has the required percentage of signatures.
3. The Manager shall determine the adequacy of all protest petition signatures.

B. Filing of Protests; Time Limitations; Withdrawal

All protests to an official map amendment and any withdrawal of the protest or specific petition signatures shall be filed with the City Council on or before, and not later than, noon 7 days prior to the date for the public hearing before City Council on the official map amendment. No protests shall be signed until the official map amendment council bill is ordered published by City Council.

12.4.10.6 Waivers of Rights and Obligations and Approval of Reasonable Conditions

- A. Whenever an application for an official map amendment, in whole or in part, is based upon a written representation by the applicant(s) that the applicant(s) wishes to waive certain rights or obligations under the proposed district classification, the City Council may adopt such waivers as a part of the ordinance amending the official map if such waivers are approved in writing by the applicant(s).
- B. Whenever public necessity, convenience, general welfare or good zoning practice justify the attachment of reasonable conditions to an official map amendment, the City Council may adopt such conditions as a part of the ordinance amending the official map if such conditions are approved in writing by the applicant(s).
- C. Upon adoption of an ordinance pursuant to subsections A. or B. above, no zoning permits shall be issued except in strict compliance with the approved waivers or conditions. Any person who applies for a permit to alter or erect a structure in such area shall be deemed to have assented to all of these waivers and conditions.

- D. Every official map amendment based, in whole or in part, upon waivers as set forth in subsection A. or conditions as set forth in subsection B. above, shall contain an exact description of any such waivers or conditions. Such ordinance may be amended by City Council upon application for an amendment either by the original applicant or by a successor in interest; provided, however, that prior to such amendment, public notice shall be given similar in all respects to the public notice required for an official map amendment. Nothing contained in this Section shall be construed as a requirement that all applications for rezoning must contain waivers or have conditions.
- E. When City Council approves a text amendment to the standards applicable in a zone district (see Section 12.4.11), such text amendment applies equally to all previously approved official map amendments to that zone district, including official map amendments that were based, in whole or in part, upon waivers or conditions.

12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments

The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

A. Consistency with Adopted Plans

The proposed official map amendment is consistent with the City's adopted plans.

1. Community Need Exception

The City Council may approve an official map amendment that does not comply with subsection 12.4.10.7.A if the proposed official map amendment is necessary to provide for an extraordinary community need that was not anticipated at the time of the adoption of the city's plans.

B. Public Interest

The proposed official map amendment is in the public interest.

C. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district.

12.4.10.8 Additional Review Criteria for Rezoning to PUD District

In addition to the general review criteria stated in Section 12.4.10.7, for all proposed official map amendments requesting a PUD District, the City Council shall find:

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
- D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).