

Sec. 59-2. - Former chapter 59.

- (a) Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk on 20th day of May 2010, at City Clerk Filing No. 10-512, ("Former Chapter 59"), shall remain in full force and effect for any land not rezoned to zone districts in the Denver Zoning Code. No changes shall be enacted to the provisions of the former chapter 59 after June 25, 2010.
- (b) For lands retaining their zoning designation under the former chapter 59, including land zoned planned unit development (PUD), land zoned with waivers and conditions and land subject to a planned building group site plan, all provisions of the former chapter 59, including procedures, shall apply, except as explicitly stated in Section 59-2-(j) below.
- (c) For purposes of applying the limitations on bulk planes and building heights in section 59-96 of the former chapter 59, the "protected districts" identified therein shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (d) For purposes of applying the "L1" limitation on "eating place" primary uses applicable 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 residential districts identified in the L1 limitation shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (e) For purposes of applying the "exception to use enclosure requirement" for mixed use zone districts (C-MU, R-MU, and T-MU zones) in section 59-302(4)b.1, and 2 of the former chapter 59, the residential districts identified therein shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (f) For purposes of applying the restrictions on the siting of outdoor animal runs within twenty (20) feet of a habitable residential structure stated in section 59-2(16) of the former chapter 59, the residential zone districts identified therein shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (g) For purposes of applying the five-foot side setback for structures that are not single-unit or two-unit dwellings, and which have ground floor commercial or which are four (4) or more stories in height, as required in the mixed use zoning districts in section 59-312(3) of the former chapter 59, the residential zone districts identified therein shall also include all SU and TU zone districts as established on the official zoning map under the Denver Zoning Code.
- (h) For purposes of applying various zoning protections to residentially zoned properties, the terms "residential district(s)," "residential zone district(s)," "residential zone(s)," "residentially zoned lot," and "residentially zoned zone lot" used throughout former chapter 59 shall also include the zone districts defined as a "residential zone district or residential district" in section 13-3 of the Denver Zoning Code.
- (i) Gardens shall be allowed as an accessory use common, customary and incidental to a primary residential use, and shall comply with all limitations generally applicable to accessory uses stated in former chapter 59, sections 59-87 and 59-88. In addition, marijuana grown as part of a garden accessory to a primary residential use shall comply with all applicable limitations found in the Denver Zoning Code, including, but not limited to, section 11.8 (Uses accessory to primary residential uses—Limitations).
- (j) Any portion of a General Development Plan approved under former chapter 59 may be repealed in accordance with Section 12.4.12 of the Denver Zoning Code.

(Ord. No. 333-10, eff. 6-25-10; Ord. No. 22-14, § 1, 1-13-14; Ord. No. 493-14, § 1, 9-15-14)