

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2019

COUNCIL BILL NO. CB19-0584
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **ABILL**

6 **For an ordinance amending Chapter 59 (Zoning) of the Denver Revised Municipal**
7 **code to revise the amendment procedure for land retaining Planned Unit**
8 **Development zoning under Former Chapter 59.**

9 **WHEREAS**, the City Council desires to amend Chapter 59 (Zoning) of the Denver Revised
10 Municipal Code (D.R.M.C.) to allow for land retaining Planned Unit Development zoning under
11 former chapter 59 to be amended without all owners of this land to file and sign a map amendment
12 application; and

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

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

20 **Section 1.** That section 59-2, D.R.M.C concerning Former Chapter 59 shall be amended
21 by adding the language underlined below to read as follows:

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

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

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

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

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

2 (d) For purposes of applying the "L1" limitation on "eating place" primary uses applicable in the
3 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 (e) For purposes of applying the "exception to use enclosure requirement" for mixed use zone
7 districts (C-MU, R-MU, and T-MU zones) in section 59-302(4)b.1, and 2 of the former chapter 59,
8 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 (f) For purposes of applying the restrictions on the siting of outdoor animal runs within twenty
11 (20) feet of a habitable residential structure stated in section 59-2(16) of the former chapter 59, the
12 residential zone districts identified therein shall also include the zone districts defined as "protected
13 districts" in section 13-3 of the Denver Zoning Code.

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

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

24 (i) Gardens shall be allowed as an accessory use common, customary and incidental to a
25 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 (j) Any portion of a General Development Plan approved under former chapter 59 may be
2 repealed in accordance with Section 12.4.12 of the Denver Zoning Code.”

3 **Section 2.** That section 59-3, D.R.M.C. concerning Rezoning shall be amended by adding
4 the language underlined below to read as follows:

5 **“Sec. 59-3. Rezoning.**

6 (a) Any land rezoned after June 25, 2010, shall not be rezoned to zone districts in the former
7 chapter 59, except that:

8 (1) Land retaining PUD zoning under the former chapter 59 may be rezoned to new PUD
9 under the former chapter 59;

10 (2) Land retaining a zoning designation with waivers and conditions under the former
11 chapter 59 may be rezoned under the former chapter 59, but only to the extent that the waivers
12 and/or conditions may be eliminated or modified. The underlying zone district may not be
13 changed to another zone district under the former chapter 59.

14 (b) An application to rezone only a portion of land in a PUD zone district under the former chapter
15 59 to a zone district in the Denver Zoning code need only be filed and signed by all owners or
16 authorized representatives of the owners of the property within the subarea(s), platted lot(s), or
17 metes and bounds parcel(s) of land proposed to be rezoned, and does not require all owners or
18 authorized agents of the owners of property within the entirety of the land retaining such PUD zoning
19 under the former chapter 59 to file and sign the application. The executive director of community
20 planning and development, city council, or any individual member of the city council may also initiate
21 an application under this subsection (b) so long as the proposed zone district is not a PUD district or
22 a zone district with waivers and/or conditions. Any application submitted under this subsection (b)
23 must utilize the procedures in the Denver Zoning Code.

24 (c) Except as explicitly stated in [subsections] 59-3(a) and (b), any land that remains zoned
25 to zone districts in the former chapter 59 after June 25, 2010, if rezoned after June 25, 2010, may
26 only be rezoned to zone districts in the Denver Zoning Code utilizing the procedures of the Denver
27 Zoning Code.”

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1 COMMITTEE APPROVAL DATE: June 25, 2019
2 MAYOR-COUNCIL DATE: July 2, 2019 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: Adam C. Hernandez, Assistant City Attorney DATE: July 3, 2019
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: *Kristin M. Bronson*, Assistant City Attorney DATE: Jul 3, 2019