

BY AUTHORITY

RESOLUTION NO. 103
SERIES OF 2009

COMMITTEE OF REFERENCE:
Blueprint Denver

A RESOLUTION

Expressing the intention of the Denver City Council in regard to the procedures for consideration and formal adoption of a new zoning code and map for the City and County of Denver

Whereas, Denver adopted Ordinance No. 392, Series of 1956, enacting both a completely new zoning code and zoning map for the entire city; and

Whereas, that code and map reflected the contemporary best planning practices based on the current conditions and emerging trends of the mid-1950s, which included economic growth, population growth, increasing automobile use, and suburbanization; and

Whereas, over the intervening years, Denver's zoning code and map have been amended in large and small ways, always with the intent to reflect contemporary best practices and changing conditions; and

Whereas, the resulting document is long, complex, and hard to use; it does not lend itself to modern standards of electronic communications and user-friendliness; and it does not encourage redevelopment that is sympathetic to neighborhood character or the types of redevelopment desired in emerging areas; and

Whereas, calls for a comprehensive overhaul of the zoning code and map are long-standing and increasingly urgent, as evidenced by recommendations of the 1989 Comprehensive Plan; Denver Comprehensive Plan 2000; Blueprint Denver: An Integrated Land Use & Transportation Plan, adopted in 2002; and numerous neighborhood plans, small area plans, station area plans and other planning documents; and

Whereas, in early 2005, Mayor John Hickenlooper appointed a Zoning Code Task Force comprised of representatives of registered neighborhood organizations, the historic preservation community and the development community, including the Homebuilders Association, the Board of Realtors, architects and planners; and a Citizen Advisory Group of citizens and property owners; and

Whereas, for nearly five years, the Task Force, with the assistance of zoning consultants, staff from several City agencies, and the Citizen Advisory Group, has gone out into the community to listen to problems with the current code and map and to how people want their city and neighborhood to look; has developed ideas and proposals, which they then took back out for public feedback, debate and discussion; and this work is on-going today as the elusive "perfect" code is pursued through more discussions and testing; and

1 **Whereas**, Denver's public policy regarding amendments to its zoning regulations and
2 zoning map is contained in Section 59-646 of the Denver Revised Municipal Code (DRMC), which
3 declares, in part, that amendments to these documents shall be made only to correct errors or to
4 respond to changing conditions and only as reasonably necessary to promote public health, safety
5 or general welfare; and
6

7 **Whereas**, City Council has determined the need to correct errors and respond to changing
8 conditions, as described in recitals above, not by amendment but by adoption of a new zoning
9 code and map; and
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11 **Whereas**, Council considers extensive notification, outreach and public input imperative to
12 successfully adopting and applying the new zoning code and map and therefore has determined
13 that consideration of a proposed zoning code and map should be more extensive than established
14 in Charter Section 3.2.9(D) and DRMC Sec. 59-647(7) for a single public hearing and notice
15 thereof, which is appropriate to the typical amendments proposed for individual properties or
16 language in one or two sections of the code.
17

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

20 **Section 1.** The Council hereby endorses the following extraordinary public outreach and
21 notification efforts prior to the filing of a council bill for adoption of the new zoning code and map,
22 and urges the Zoning Code Task Force and the Department of Community Planning and
23 Development to complete these efforts within the time frames set forth herein:
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- 25 A. Continuing wide distribution of information about the proposed new code and all public
26 meetings, listening sessions and public hearings, including internet and web locations,
27 Council newsletters, Denver 8 TV, Registered Neighborhood Organization (RNO) notice for
28 neighborhood newsletters, and print media, including The Denver Post, local neighborhood
29 papers and other print media.
- 30 B. Submittal of comments by individuals or organizations to www.NewCodeDenver.org or to
31 City Council.
- 32 C. Publication of a semi-final draft, revised to reflect the Round 3 public meetings and to
33 correct typographical and format errors, by late-October.
- 34 D. At least two listening sessions and/or prehearings held jointly by City Council and Planning
35 Board for public comment by the third week of November.
- 36 E. Publication of the final draft on www.NewCodeDenver.org no later than December 22,
37 2009.
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44 **Section 2.** The Council hereby expresses its intention that the proposed zoning code and
45 map shall be considered for formal adoption by the City Council in accordance with the following
46 procedures and time frames:
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- 1 A. A single bill for an ordinance adopting the new zoning code and map in one
2 legislative enactment will be filed by the Department of Community Planning and
3 Development (CPD).
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- 5 B. Prior to filing the bill for an ordinance, CPD shall submit to the Blueprint Denver
6 Committee on December 22, 2009, the final draft of the new zoning code and map.
7
- 8 C. Planning Board will hold a public hearing on January 6, 2010.
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- 10 D. The Blueprint Denver Committee will consider the final draft of the new zoning
11 code and map at the Committee's regular meeting on January 13, 2010.
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- 13 1. Any member of council wishing to make amendments to the final draft of the
14 code and/or map prior to bill filing are urged to do so at this committee
15 meeting, and to distribute any proposed amendment in writing to all members
16 of council a week prior to the committee meeting date.
17
- 18 2. Any member of council, regardless of whether or not he or she is a member of
19 the Blueprint Denver Committee, is encouraged to attend this meeting and will
20 be entitled to vote on any proposed amendment put forth in the committee.
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- 22 3. Amendments will be adopted by a majority of those council members present
23 and voting, and will then be reflected in the bill for an ordinance subsequently
24 filed by CPD.
25
- 26 4. If necessary, the Blueprint Denver Committee may set a date on which it will
27 continue consideration of the proposed zoning code and map and any
28 proposed amendments thereto. In such circumstances, the remaining steps in
29 the process will occur later than presented below.
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- 31 E. CPD will file the bill for an ordinance on January 21, 2010, for first reading by the
32 City Council on January 25, 2010, and final consideration by the City Council on
33 February 22, 2010, following a formal public hearing.
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- 35 F. In accordance with regular council rules of procedure, the final hearing on the bill
36 may be continued and ultimate action on the bill may be postponed. Any
37 substantive amendment to the code or map adopted at this point in the process will
38 require re-publication and at least a four-week delay in final adoption of the bill.
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41 **Section 3.** The City Council hereby expresses its intention that the bill for an ordinance
42 adopting the proposed zoning code and map will include the following provision regarding effective
43 date and applicability of these new laws:
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- 45 A. The new code and map shall be effective upon final publication of the ordinance
46 adopting the new zoning code and map. However, during a 4-month transition
47 period, persons may continue to apply for development review or zoning permits
48 under the old code and map or, alternatively, may elect to apply for development
49 review or zoning permits under the new code and map.
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- 1 B. On and after the expiration of the transition period, any application for development
2 review or zoning permit shall be made in accordance with the new code and map.
3
4 C. Any application for a zoning map amendment (re-zoning) pending before the
5 effective date of the new zoning code and map shall be returned to the applicant for
6 revision (with no additional fee), and any application for a map amendment
7 submitted on and after the effective date shall be required to comply with the new
8 code and map.
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12 COMMITTEE APPROVAL DATE: NA

13 MAYOR-COUNCIL DATE: NA

14 PASSED BY THE COUNCIL September 28 2009

15
16 Jeanne Robb - PRESIDENT

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18 ATTEST: Stephanie Hall - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER
21

22 PREPARED BY: Gretchen Williams, Legislative Services DATE: Sept. 16, 2009

23 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of the
24 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.

27 David R. Fine, City Attorney

28 BY: [Signature], Asst City Attorney

29 DATE: 16 Sep 09

