This document contains the redlined draft of a proposed text amendment to simplify the requirement for who can submit an application to rezone a portion of a Former Chapter 59 PUD to a zone district in the Denver Zoning Code by requiring the consent of only those property owners within the portion being rezoned.

**Redline Document Conventions**

- Text in red underline is proposed new language.
- Text in red strikethrough is proposed deleted language.
- Text in blue strikethrough is being moved from one section/location to another.
- Text in blue, no strikethrough has been moved from another section/location.

Visit [www.denvergov.org/textamendments](http://www.denvergov.org/textamendments) to learn more about this proposed text amendment. Please send any questions or comments to Libbie Adams, Associate City Planner ([libbie.adams@denvergov.org](mailto:libbie.adams@denvergov.org)).

**WRITTEN COMMENTS WILL BE DISPERSED AS FOLLOWS:**

Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board. Written comments received after that time and prior to 12 p.m. (noon) on the day before the Hearing will be emailed regularly to the Board; hard copies of these comments also will be distributed to the Board at the Hearing. Written comments received after 12 p.m. (noon) on the day before the Hearing will not be distributed to the Board; to ensure these comments are considered by the Board, please submit them to the Board during the Hearing.

**ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE PLANNING BOARD HEARING AND AT THE PUBLIC HEARING BEFORE CITY COUNCIL.**
Chapter 59 - ZONING

Sec. 59-1. - Zoning code.

The zoning code as filed with the Denver City Clerk on 16th day of April 2018, at City Clerk Filing No. 2010-0512-T is hereby adopted as the official zoning code for the City and County of Denver ("Denver Zoning Code"). The Denver Zoning Code and all amendments thereto shall be maintained in and kept current by the department of community planning and development and shall be available to the public.

(Ord. No. 333-10, eff. 6-25-10; Ord. No. 113-14, eff. 4-7-14; Ord. No. 298-15, § 1, 6-29-15; Ord. No. 311-17, § 1, eff. 5-5-17; Ord. No. 323-18, § 1, 5-21-18)

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 subsection 59-3(b).

(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 59-98. 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).

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

Sec. 59-3. - Rezoning.

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

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

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

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

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

(Ord. No. 333-10, eff. 6-25-10)

Sec. 59-4. - Official map.

(a) The digital maps created and maintained by the department of community planning and development and published by Technology Services’ Geographic Information Systems Office delineating the boundaries of the various zone districts, together with all matters and things shown on such maps, are hereby adopted and approved, incorporated herein and made a part hereof and collectively shall constitute the official zoning map of the City and County of Denver ("official map"). The official map may be amended from time to time as provided in the Denver City Charter and the former chapter 59 or the Denver Zoning Code, as applicable. All amendments to the official map shall be maintained in and kept current by the department of community planning and development and made available to the public.

(b) All land located within the City and County of Denver shown on the official map as being zoned to a zone district in the Denver Zoning Code is hereby rezoned as designated on the official map. All land within the City and County of Denver not being rezoned to a zone district in the Denver Zoning Code shall retain its zoning under the former chapter 59 as shown on the official map, until and unless rezoned.