

*From The Desk of Cathy Donohue
Former Denver City Councilwoman*

Date: November 9, 2009

Re: Words of the New Zoning Code: Sec. 9.4.3.1.B

In the OS-A zone District (all city owned, leased and/or operated parks), the Manager of Parks and Recreation shall determine all design and development standards applicable to new developments in the District pursuant to the City Charter.

Sometime shortly after the beginning of the new year, City Council will be voting to adopt a new Zoning Code. Serious questions have been raised about the wisdom of one particular section of the code. If the new code is adopted as written, citizens will lose their rights to influence the way land use decisions are made for our city parks.

Since the mid-1920's , when the city first adopted a Zoning Code, all land use decisions have been under Council's jurisdiction. The new Zoning Code proposes to establish a new way to control land in our parks. All parks will be in the OS (Open Space) zones. Ironically, all of the other land in the city will have new zoning classifications with strict regulations that must be followed for all development.

The City Administration decided that the new OS (Open Space) zone needs absolutely no rules or regulations. Specific language which would give definitions and rules of procedure for this zone was proposed by a number of citizens. However, this reasonable approach was rejected by the Council. The new Zoning Code gives control of development in the parks to an unelected bureaucrat, the Parks Department Manager, and allows City officials development rights without regulations.

Building sizes, number of stories, open spaces, bulk and view plains will be controlled at the discretion of this Manager. Today there are zoning regulations for parks. Depending upon the adjacent land use, they range from R-O (single family) to B-8 (high density commercial). Although the current situation is confusing, it still allows the citizens to tell Council members when they disagree with a zoning decision...

Because all zoning is established by ordinance, the citizens have a time-honored American way to tell the elected officials if they disagree with their actions. They may present a legal petition (with approximately 5000 signatures), to require any Council-approved zoning change to be voted upon by all the citizens. When the unelected Manager of Parks is given the sole power over developments in our parks, the citizens will have no legally binding way to disagree with a decision made by this bureaucrat because his/her decisions are not made by ordinance.

Currently, the Manager of Parks only has jurisdiction over the uses of facilities in our parks—not land use changes or initial development. This new “decider” for all development in our parks will not be subject to anything more than letter writing or public outcry.

In response to these objections, members of City Council are repeating a specious theory that because they control budgets, they can control the Parks Manager's decisions. Nowhere in budget process is an opportunity for legal citizen dissent. The budget process is an "insider" game of vote trading that allows no legal citizen involvement.

During the time that I served as a member of the Council, I would never have thrown away my power to represent the electorate on any matters concerning our parks. For that matter, I would not have relinquished any power granted in the Charter unless the people voted to take it away. The City Administration and the Council have stated that they can will be transferring this power without a vote of the people.

Unbelievably, Council members have publicly stated that they approve of this transfer of power. The political atmosphere has changed at City Hall, and our elected representatives have publicly expressed their willingness to give their parks' responsibilities to a bureaucrat. This situations is anathema to me. There is only one way to stop the Council from approving this portion of the new Zoning Code. They must be asked by the electorate to amend this provision of the Zoning Code and remove it from the ordinance. Parks' rules need to be established in their own section of the Charter.

There are two chances for us (the voters) to let City officials know that we do not want to lose our right to have elected officials govern our parks. On Wednesday, Nov. 18, 2009, between 5:30 and 8:30 p.m. there will be a public hearing in the Webb Office Building. There will be a second public hearing on Nov. 19 from 1-4 p.m. As many people as possible should come to show their disapproval of the City's proposal. We should also write to councilpersons at Room 451, City and County Building, Denver, Co., 80204. Council members need to know that the citizens are unwilling to allow them to give away the power vested in them by the voters.

I ask that you forward this message to anyone that you believe might understand how important it is to stop this decision. The new Zoning Code must be amended. An amendment can be passed with seven (7) votes of Council, but the Mayor can veto the amendment; then it would take nine (9) votes to override his veto. This new plan for our parks has been placed in the code by the Administration and is currently supported by most members of Council. We need to have our voices heard, or else we will lose control of our parks.

The time to stop this denial of our rights is now, before the issue is passed by Council. I hope you will join those of us that have already begun voicing our objections to our representatives and send a message, loudly and clearly, at the public hearings and through letters, emails and phone calls.

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