

BY AUTHORITY

ORDINANCE NO.

COUNCIL BILL NO. CB18-0323

SERIES OF 2018

COMMITTEE OF REFERENCE:

AS AMENDED 5-14-18

Land Use, Transportation & Infrastructure

A BILL

For an ordinance to amend Chapter 59 (Zoning) of the Denver Revised Municipal Code relating to the Denver Zoning Code and to amend and restate the Denver Zoning Code.

WHEREAS, City Council adopted Ordinance No. 333, Series of 2010, enacting the Denver Zoning Code, which code went into effect on June 25, 2010 and which code in its entirety and as amended is found in City Clerk Filing Nos. 10-0512-A, 10-0512-B, 10-0512-C, 10-0512-D, 10-0512-E, 10-0512-G, 10-0512-H, 10-0512-J, 10-0512-K, 10-0512-L, 10-0512-M, 10-0512-N, 10-0512-O, 10-0512-P, 10-0512-Q, 10-0512-R, and 10-0512-S (as amended, the “2010 Denver Zoning Code”);

WHEREAS, City Council adopted Ordinance 113, Series 2014, amending and restating the 2010 Denver Zoning Code in its entirety, which amended and restated code went into effect on April 7, 2014 and which code is found in City Clerk Filing No. 14-0131 (the “2014 Denver Zoning Code”);

WHEREAS, City Council adopted Ordinance 298, Series 2015, as amended June 8, 2015, amending and restating the 2014 Denver Zoning Code in its entirety, which amended and restated code went into effect on July 6, 2015 and which code is found in City Clerk Filing No. 2015-0211-E (“2015 Denver Zoning Code”);

WHEREAS, the 2015 Denver Zoning Code has been amended by City Council ten (10) times to allow the Scottish Village Conservation Overlay (CO-3), the Potter Highlands conservation Overlay (CO-4), the Side Interior Setback Design Overlay (DO-4), the Campus-National Western Center (CMP-NWC) Zone District, to establish the new S-MX-2A, S-MX-3A, S-MX-5A, S-MX-8A, and S-MX-12A Zone Districts, to amend the provisions of the Denver International Airport (DIA) Zone District and creating the Pena Station Next Design Overlay District (DO-6), to amend the provisions of the Airport Influence (AIO) Overlay Zone District, to allow short-term rentals as accessory to a primary residential use, to amend the Provisions of the D-AS-12+ and D-AS-20+ Zone Districts and create a new Design Advisory Board for the Arapahoe Square neighborhood, and to enact the Krisana Park Conservation Overlay (CO-5), which amendments are found in Clerk Filing Nos’, 2015-0211-F, 2015-0211G, 2015-0211-H, 2015-0211-I, 2015-0439, 2016-0203, 2016-0114, 2016-0194, 2016-0214-001 and 2016-0430 respectively;

1 **WHEREAS**, on August 23, 2016, the Department of Community Planning and Development
2 (“CPD”), as publisher of the Denver Zoning Code, administratively amended and republished the
3 2015 Denver Zoning Code, as amended, to correct minor clerical errors;

4 **WHEREAS**, on November 25, 2016, City Council adopted Ordinance 906, Series 2016,
5 amending the 2015 Denver Zoning Code, as amended, to implement the land use recommendations
6 relating to the creation of the Krisana Park Conservation Overlay District, CO-5, which amendment
7 is found in Clerk Filing No. 2016-0430;

8 **WHEREAS**, City Council adopted Ordinance 311, Series 2017, as amended April 24, 2017,
9 amending and restating the 2015 Denver Zoning Code, as amended in its entirety, which amended
10 and restated code went into effect on May 5, 2017 and which code is found in City Clerk Filing No.
11 2010-0512-2017-A (“2016 Denver Zoning Code”);

12 **WHEREAS**, the 2016 Denver Zoning Code has been amended by City Council two times to
13 enact the River North Design Overlay (DO-7) and the 38th & Blake Station Area Incentive Overlay
14 (IO-1), and to modify certain building form standards for side by side dwelling unit construction, which
15 amendments are found in Clerk Filing Nos. 2018-0020 and 2018-0130-001 (collectively, the “Council
16 Amendments”)

17 **WHEREAS**, on September 1, 2017, the Department of Community Planning and
18 Development (“CPD”), as publisher of the Denver Zoning Code, administratively amended and
19 republished the 2016 Denver Zoning Code to correct minor clerical errors (such corrections, together
20 with the 2016 Denver Zoning Code and Council Amendments, the “Current Denver Zoning Code”);

21 **WHEREAS**, CPD now desires to amend numerous sections of the Current Denver Zoning
22 Code to improve usability and organization and to make clarifying changes and substantive changes
23 based on CPD’s experience implementing the code;

24 **WHEREAS**, CPD also desires to restate the Current Denver Zoning Code as amended
25 previously and herein in its entirety to improve its usability and future administration;

26 **WHEREAS**, the City Council has determined on the basis of evidence and testimony
27 presented at the public hearing that the amending and restating of the Current Denver Zoning Code
28 as set forth herein is consistent with the Denver Comprehensive Plan 2000 and all amendments
29 thereto, furthers the public health, safety and general welfare of the City, and will result in the
30 uniformity of district restrictions and regulations.

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

3 **Section 1.** Section 59-1 (Zoning code) of the Denver Revised Municipal Code shall be
4 amended by adding the language underlined, and deleting the language stricken, to read as follows:

5 **Sec. 59-1. Zoning code.**

6 The zoning code as filed with the Denver City Clerk on the 16th day of April 2018, at City
7 Clerk Filing No. 2010-0512-T, is hereby adopted as the official zoning code for the City and County
8 of Denver ("Denver Zoning Code"). The Denver Zoning Code and all amendments thereto shall be
9 maintained in and kept current by the Department of Community Planning and Development and
10 shall be available to the public.

11 **Section 2.** Except as otherwise provided in Section 3 and 4 of this ordinance with respect
12 to certain site development plan and residential project applications, the Denver Zoning Code
13 adopted by this ordinance and filed at City Clerk Filing No. 2010-0512-T shall take effect on May 24,
14 2018 (the "Code Effective Date"), and shall govern all applications that are pending as of the Code
15 Effective Date and all applications filed on or after the Code Effective Date. For the avoidance of
16 doubt, an application shall be considered "pending" if the application has not received approval as
17 of the Code Effective Date from the applicable decision-making authority as identified in Section
18 12.2.9 of the Denver Zoning Code (Summary Table of Authority and Notice).

19 **Section 3.** Notwithstanding Section 2 of this ordinance, if requested by an applicant the
20 following applications may be processed under the provisions of the Current Denver Zoning Code:

21 (a) A complete application for formal site development plan has been filed with CPD,
22 including payment of all applicable fees, on or before May 24, 2018 ("Site Development Plan
23 Applications"). A Site Development Plan Application processed under the provisions of the Current
24 Denver Zoning Code pursuant to this Section 3(a) shall be subject to the following requirements:

25 (i) If the Site Development Plan Application has not received approval by the
26 Development Review Committee or, with respect to Site Development Plan Applications for certain
27 construction and exceptions in the Campus Healthcare and Campus Healthcare 2 Zone Districts,
28 the Denver Planning Board, on or before 4:30 P.M. Mountain Standard Time, November 10, 2018,
29 the application shall be void. Once a Site Development Plan Application becomes void, all new site
30 development plan applications for the same property shall be processed under the Denver Zoning
31 Code then in effect. No extensions of time shall be granted.

1 (ii) The Site Development Plan Application shall meet all of the standards and
2 requirements of the Current Denver Zoning Code and an applicant may not substitute standards and
3 requirements of the Current Denver Zoning Code with those set forth in the Denver Zoning Code.

4 (iii) Any changes, modifications, or amendments to a Site Development Plan
5 Application approved under this Section 3(a) shall comply with the Denver Zoning Code then in
6 effect, including changes, modifications, or amendments to an approved Site Development Plan
7 Application sought on or before 4:30 P.M. Mountain Standard Time, November 10, 2018.

8 (b) A complete application for a zoning permit for construction of any building form that
9 contains either a single unit dwelling use or a two unit dwelling use that has been filed with CPD,
10 including payment of all applicable fees, on or before May 24, 2018 (“Single-Family or Duplex Project
11 Applications”). A Single-Family or Duplex Project Application processed under the provisions of the
12 Current Denver Zoning Code pursuant to this Section 3(b) shall be subject to the following
13 requirements:

14 (i) If the Single-Family or Duplex Project Application has not received approval by
15 the Zoning Administrator on or before 4:30 P.M. Mountain Standard Time, November 10, 2018, the
16 application shall be void. Once a Single-Family or Duplex Project Application becomes void, all new
17 zoning permit applications for the same property shall be processed under the Denver Zoning Code
18 then in effect. No extensions of time shall be granted.

19 (ii) The Single-Family or Duplex Project Application shall meet all of the standards
20 and requirements of the Current Denver Zoning Code and an applicant may not substitute standards
21 and requirements of the Current Denver Zoning Code with those set forth in the Denver Zoning
22 Code.

23 (iii) Any changes, modifications, or amendments to a Single-Family or Duplex
24 Project Application approved under this Section 3(b) shall comply with the Denver Zoning Code then
25 in effect, including changes, modifications, or amendments to an approved Single-Family or Duplex
26 Project Application sought on or before 4:30 P.M. Mountain Standard Time, November 10, 2018.

27 **Section 4.** Notwithstanding Section 2 of this ordinance, if requested by an applicant the
28 following applications may be processed under the provisions of the Denver Zoning Code as it
29 existed as of March 14, 2018:

30 (a) Complete applications for construction of multi-unit residential structures containing
31 only residential dwelling units that are attached along common walls and occupy the space between
32 the street level and roof that were submitted to CPD for formal site development plan review per
33 Code Section 12.4.3.3.C, and that have received an Accela log number on or before 4:30 P.M.

1 Mountain Daylight Time, March 14, 2018 ("Slot Home Applications"), subject to the following
2 requirements:

3 (i) If a Slot Home Application has not received approval by the Development
4 Review Committee on or before 4:30 P.M. Mountain Standard Time, November 10, 2018, the
5 application shall be void. Once a Slot Home Application becomes void, all new site development
6 plan applications for the same property shall be processed under the Denver Zoning Code in effect
7 on November 10, 2018. No extensions of time shall be granted.

8 (ii) Slot Home Applications shall meet all the standards and requirements of the
9 Denver Zoning Code as it existed on March 14, 2018.

10 (iii) Any change, modification, or amendment to a Slot Home Application approved
11 under this Section 4 that is sought on or before 4:30 P.M. Mountain Standard Time, November 10,
12 2018, shall comply with the Denver Zoning Code as the Denver Zoning Code exists at the time of
13 any change, modification, or amendment.

14 COMMITTEE APPROVAL DATE: April 10, 2018 by Consent

15 MAYOR-COUNCIL DATE: April 17, 2018

16 PASSED BY THE COUNCIL: _____ May 21, 2018

17 *Alan Banks* - PRESIDENT

18 APPROVED: _____ - MAYOR _____

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

22 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

23 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: April 19, 2018

24 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
25 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
26 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
27 § 3.2.6 of the Charter.

28 Kristin M. Bronson, Denver City Attorney

29 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: May 18, 2018