

Amendment to 23-0415: Concerning Adding an Effective Date to the Accessory Dwelling Unit Ordinance

Councilmembers,

I move to amend Council Bill 23-0415 with the following particulars:

On page 1, line 24, add:

“Section 2. **Effective date.**

1. Except as otherwise provided in subsection 2 of this ordinance with respect to certain pending applications, the amendments to the Denver Zoning Code adopted by this ordinance and filed at City Clerk Filing No. 20230053 take effect on July 5, 2023 (the “Code Effective Date”), and govern all applications that are pending as of the Code Effective Date and all applications filed on or after the Code Effective Date. For the avoidance of doubt, an application is considered “pending” if the application has not received approval as of the Code Effective Date from the zoning administrator.

2. Notwithstanding subsection 1 of this Section 2, if requested by an applicant, a zoning permit application for an accessory dwelling unit building form or use (an “ADU Zoning Permit”) submitted under Sections 12.4.1, 12.4.2, or 12.4.9 of the Denver Zoning Code may be processed under the Denver Zoning Code in effect as of May 25, 2023 (the “May 25, 2023 Denver Zoning Code”) if a complete ADU Zoning Permit application has been filed with Community Planning and Development (“CPD”) on or before 4:30 P.M., June 30, 2023. An ADU Zoning Permit application processed under the provisions of the May 25, 2023 Denver Zoning Code pursuant to this Section 2.2 is subject to the following requirements:

(i) If the ADU Zoning Permit application has not received approval by the zoning administrator on or before 4:30 P.M., February 1, 2024, the application will be void. Once an ADU Zoning Permit application becomes void, all new ADU Zoning Permit applications for the same property will be processed under the Denver Zoning Code then in effect. No extensions of time will be granted.

(ii) The ADU Zoning Permit application must meet all of the standards and requirements of the May 25, 2023 Denver Zoning Code and an applicant may not substitute standards and requirements of the May 25, 2023 Denver Zoning Code with those set forth in any version of the Denver Zoning Code in effect after July 4, 2023.

(iii) An ADU Zoning Permit approved under the provisions of the May 25, 2023 Denver Zoning Code, if requested by an applicant, may be modified or amended applying the May 25, 2023 Denver Zoning Code, if the application for modification or amendment is approved by 4:30 P.M., January 31, 2025. Any application for modification or amendment to an ADU Zoning Permit approved under the provisions of the May 25, 2023 Denver Zoning Code, that does not receive approval by January 31, 2025, must comply with the Denver Zoning Code then in effect according to Section 12.3.7 of the Denver Zoning Code. No extensions of time will be granted.”

Explanation: The ordinance amending the Denver Zoning Code, concerning accessory dwelling units as written does not contain language on an effective date. The unintended results of which any project that has submitted an application and is currently under review may be required to change their design if they do not meet compliance requirements by July 5, 2023 should the ordinance pass second reading. This could result in increased costs and delays in completing projects already in design and/or review. The added language will allow projects with a completed application to continue under existing requirements in effect at the time of submittal.

This amendment does not require republication