

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB21-0516

SERIES OF 2021

COMMITTEE OF REFERENCE:

AS AMENDED 6-7-21 / AS AMENDED 6-28-21 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 is found in City Clerk Filing No. 10-512-A, (the “2010 Denver Zoning Code”); and

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. 14-131 (the “2014 Denver Zoning Code”); and

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 (the “2015 Denver Zoning Code”); and

WHEREAS, City Council adopted Ordinance 20170311, Series 2017, as amended April 24, 2017, amending and restating the 2015 Denver Zoning Code in its entirety, which amended and restated code went into effect on May 5, 2017 and which code is found in City Clerk Filing No. 2010-0512-2017-A (the “2017 Denver Zoning Code”); and

WHEREAS, City Council adopted Ordinance 20180323, Series 2018, as amended May 14, 2018, amending and restating the 2017 Denver Zoning Code in its entirety, which amended and restated code went into effect on May 24, 2018 and which code is found in City Clerk Filing No. 2010-0512-T (the “2018 Denver Zoning Code”); and

WHEREAS, the 2018 Denver Zoning Code has been amended by City Council ten times to amend noticing requirements for map amendments; to amend the definition of signs; to enact new Downtown-Central Platte Valley-Auraria zone districts; to create a large development review process; to enact new Campus-National Western Center zone districts; to allow a Temporary Tiny Home Village use; to enact a new Urban Edge Single Unit B1 zone district; to amend household and group living uses; to enact the Active Centers and Corridors Design Overlay (DO-8); and to enact the Bungalow Conservation Overlay (CO-6); which amendments are found in Clerk File Numbers,

1 2018-0204, 2018-0414, 2018-0532, 20190046, 20190058, 20190075, 20200090, 202100002,
2 20210016, and 20210015 respectively (collectively, the “Council Amendments”); and

3 **WHEREAS**, on July 26, 2019, and October 10, 2019, the Department of Community Planning
4 and Development (“CPD”), as publisher of the Denver Zoning Code, administratively amended and
5 republished the 2018 Denver Zoning Code (as amended by the Council Amendments) to correct
6 minor clerical errors (the “Corrections,” together with the 2018 Denver Zoning Code and Council
7 Amendments, the “March 31, 2021 Denver Zoning Code”); and

8 **WHEREAS**, CPD now desires to amend numerous sections of the March 31, 2021 Denver
9 Zoning Code to improve usability and organization and to make clarifying changes and substantive
10 changes based on CPD’s experience implementing the code; and

11 **WHEREAS**, CPD also desires to restate the March 31, 2021 Denver Zoning Code as
12 amended previously and herein in its entirety to improve its usability and future administration; and

13 **WHEREAS**, the City Council has determined on the basis of evidence and testimony
14 presented at the public hearing that the amending and restating of the March 31, 2021 Denver
15 Zoning Code as set forth herein is consistent with the Denver Comprehensive Plan 2040 and all
16 amendments thereto, furthers the public health, safety and general welfare of the City, and will result
17 in the uniformity of district restrictions and regulations.

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

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

23 The zoning code as filed with the Denver City Clerk on the 16th 12th 4th day of April 2018 ~~May~~
24 **June 2021**, at City Clerk Filing No. ~~2010-0512-T 20210048~~ **20210048A**, is hereby adopted as the
25 official zoning code for the City and County of Denver (“Denver Zoning Code”). The Denver Zoning
26 Code and all amendments thereto shall be maintained in and kept current by the Department of
27 Community Planning and Development and shall be available to the public.

28 **Section 2. Effective Date.**

29 1. Except as otherwise provided in ~~subsection 2 of this ordinance~~ ***subsections 2 and 3***
30 ***of this Section 2*** with respect to certain pending applications, the Denver Zoning Code adopted by
31 this ordinance and filed at City Clerk Filing No. ~~20210048~~ **20210048A** shall take effect on ~~June 21~~
32 **July 1**, 2021 (the “Code Effective Date”), and shall govern all applications that are pending as of the
33 Code Effective Date and all applications filed on or after the Code Effective Date. For the avoidance

1 of doubt, an application shall be considered “pending” if the application has not received approval
2 as of the Code Effective Date from the applicable decision-making authority as identified in Section
3 12.2.9 of the Denver Zoning Code (Summary Table of Authority and Notice).

4 2. Notwithstanding subsection 1 of this Section 2, if requested by an applicant, a formal
5 site development plan application submitted under Section 12.4.3 of the Denver Zoning Code, a
6 zoning permit application submitted under Sections 12.4.1, 12.4.2, or 12.4.9 of the Denver Zoning
7 Code, or a zone lot amendment application submitted under Section 12.4.4 may be processed under
8 the provisions of the March 31, 2021 Denver Zoning Code if a complete formal site development
9 plan application, zoning permit application, or zone lot amendment application has been filed with
10 Community Planning and Development (“CPD”) on or before 4:30 P.M., Mountain Daylight Time,
11 ~~June 18~~ **June 30**, 2021. A formal site development plan application, zoning permit application, or
12 zone lot amendment processed under the provisions of the March 31, 2021 Denver Zoning Code
13 pursuant to this Section 2.2 shall be subject to the following requirements:

14 (i) If the formal site development plan application, zoning permit application, or zone lot
15 amendment application has not received approval by the development review committee or zoning
16 administrator, as applicable, on or before 4:30 P.M. Mountain Standard Time, February 1, 2022, the
17 application shall be void. Once a formal site development plan application, zoning permit application,
18 or zone lot amendment application becomes void, all new site development plan applications, zoning
19 permit applications, or zone lot amendment applications for the same property will be processed
20 under the Denver Zoning Code then in effect. No extensions of time will be granted.

21 (ii) The site development plan application, zoning permit application, or zone lot
22 amendment application must meet all of the standards and requirements of the March 31, 2021
23 Denver Zoning Code and an applicant may not substitute standards and requirements of the March
24 31, 2021 Denver Zoning Code with those set forth in any amendments to the Denver Zoning Code.

25 (iii) A formal site development plan, zoning permit, or zone lot amendment approved under
26 the provisions of the 2018 Denver Zoning Code, any of the Council Amendments, or any of the
27 Corrections, if requested by an applicant, may be modified or amended applying the March 31, 2021
28 Denver Zoning Code if the application for modification or amendment is approved by 4:30 P.M.,
29 Mountain Standard Time, February 1, 2023. Any application for modification or amendment to such
30 formal site development plan, zoning permit, or zone lot amendment approved under the provisions
31 of the 2018 Denver Zoning Code, any of the Council Amendments, or any of the Corrections the
32 2018 Denver Zoning Code, that does not receive approval by February 1, 2023, must comply with

1 the Denver Zoning Code then in effect according to Section 12.3.7 of the Denver Zoning Code. No
2 extensions of time will be granted.

3 **3. Notwithstanding subsection 1 of this Section 2, if requested by an**
4 **applicant, a formal site development plan application submitted under Section 12.4.3 of**
5 **the Denver Zoning Code may be processed to completion under the provisions of the**
6 **2018 Denver Zoning Code including the amendments found in Clerk File Numbers 2018-**
7 **0204, 2018-0414, 2018-0532, 20190046, 20190058, 20190075, and 20200090, and the**
8 **Corrections (together, the “November 12, 2020 Denver Zoning Code”) if a site**
9 **development concept plan application was filed with CPD between September 1, 2019**
10 **and February 10, 2021, and the application proposed a specific use type no longer listed**
11 **in the use and parking tables of the March 31, 2021 Denver Zoning Code. A formal site**
12 **development plan application processed under the provisions of the November 12, 2020**
13 **Denver Zoning Code pursuant to this Section 2.3 shall be subject to the following**
14 **requirements:**

15 **(i) If the formal site development plan application has not received approval**
16 **by the development review committee on or before 4:30 P.M. Mountain Standard Time,**
17 **May 1, 2023, the application shall be void. Once a formal site development plan**
18 **application becomes void, all new site development plan applications will be processed**
19 **under the Denver Zoning Code then in effect. No extensions of time will be granted.**

20 **(ii) The site development plan application must meet all of the standards**
21 **and requirements of the November 12, 2020 Denver Zoning Code, and an applicant may**
22 **not substitute standards and requirements of the November 12, 2020 Denver Zoning**
23 **Code with those set forth in any subsequent amendments to the Denver Zoning Code.**

24 **(iii) A formal site development plan approved under the provisions of the**
25 **November 12, 2020 Denver Zoning Code, if requested by an applicant, may be modified**
26 **or amended applying the November 12, 2020 Denver Zoning Code if the application for**
27 **modification or amendment is approved by 4:30 P.M., Mountain Standard Time, May 1,**
28 **2023. Any application for modification or amendment to such formal site development**
29 **plan approved under the provisions of the November 12, 2020 Denver Zoning Code that**
30 **does not receive approval by May 1, 2023, must comply with the Denver Zoning Code**
31 **then in effect according to Section 12.3.7 of the Denver Zoning Code. No extensions of**
32 **time will be granted.**

1 COMMITTEE APPROVAL DATE: May 4, 2021
2 MAYOR-COUNCIL DATE: May 11, 2021 by Consent
3 PASSED BY THE COUNCIL: June 28, 2021

4 *Steve Gilman* - PRESIDENT

5 APPROVED: _____ - MAYOR *J. S. Ma* Jul 1, 2021

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

10 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: May 13, 2021

11 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.

15 Kristin M. Bronson, Denver City Attorney

16 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: June 28, 2021