

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2022

COUNCIL BILL NO. CB22-0424
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance amending the Denver Zoning Code.

WHEREAS, the City Council desires to amend the Denver Zoning Code to implement the land use recommendations of the Expanding Housing Affordability project, which implementation creates various incentives, such as height flexibility and parking reductions, for developments that provide affordable housing; and

WHEREAS, an amendment to chapter 27 (Housing), Denver Revised Municipal Code is also being processed with this ordinance in order to create affordable housing requirements for residential development in the city;

WHEREAS, a map amendment to rezone certain property in the 38th & Blake station area is being processed contemporaneously herewith in order to eliminate the 38th & Blake Incentive Overlay (IO-1) District and adjust underlying base zone districts for certain properties within the IO-1 district, and will have a public hearing at City Council on the same night as the public hearing on this Ordinance; and

WHEREAS, City Council further desires to amend the Denver Zoning Code to correct minor errors and omissions, including clarifying rules of measurement for the Downtown Golden Triangle (D-GT) zone district, correcting Accessory Dwelling Unit use allowances in the Urban Edge Single Unit B1 (E-SU-B1) zone district, and make other minor corrections to the Denver Zoning Code; and

WHEREAS, the City Council has determined on the basis of evidence and testimony presented at the public hearing that amending the Denver Zoning Code as set forth herein is consistent with the City's adopted plans, furthers the public health, safety and general welfare, and will result in regulations and restrictions that are uniform within the applicable zone districts.

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

Section 1. The changes to the Denver Zoning Code as set forth in Clerk File No. 20220052 as filed with the Denver City Clerk on April 27, 2022, and available in the office and on the web page of City Council are hereby adopted and made an official part of the Denver Zoning Code. The changes amend certain provisions of the Denver Zoning Code to create incentives in certain zone

1 districts for developments that provide various amounts of affordable housing; make corrections to
2 the E-SU-B1 zone district; clarify a rule of measurement for the D-GT zone district; and correct
3 various minor substantive and clerical revisions to other articles of the Denver Zoning Code; all in
4 furtherance of implementation of Comprehensive Plan 2040 and Blueprint Denver 2019.

5 **Section 2. Effective Date.**

6 1. Except as otherwise provided herein, this ordinance shall be effective on July 1,
7 2022.

8 2. The amendments to the Denver Zoning Code enacted in this ordinance shall not
9 apply to any applicant under the following circumstances, and an applicant may submit a site
10 development plan or building permit as further described below that complies with both the version
11 of the Denver Zoning Code and zone district designation of its property prior to the enactment of this
12 ordinance:

13 a. An applicant who, prior to close of business on Thursday, June 30, 2022, (i) has
14 submitted to the Department of Community Planning and Development (“CPD”) a site development
15 concept plan, (ii) CPD has assigned a concept number for the site development concept plan, and
16 (iii) obtains site development plan approval by August 30, 2023. If any of the conditions of this
17 subsection are not satisfied, the amendments enacted by this ordinance shall be applicable to an
18 applicant.

19 b. An applicant who, prior to close of business on Thursday, June 30, 2022, (i) has
20 submitted to CPD an amendment to an approved site development plan, (ii) CPD has assigned a
21 record number for the site development plan amendment, and (iii) obtains site development plan
22 amendment approval by August 30, 2023. If any of the conditions of this subsection are not satisfied,
23 the amendments enacted by this ordinance shall be applicable to an applicant.

24 c. An applicant for an individual site development plan who, prior to close of
25 business on Thursday, June 30, 2022, (i) has been notified in writing by the Development Review
26 Committee that a large development framework is required for its project, (ii) has submitted to CPD
27 a site development concept plan, (iii) CPD has assigned a concept number for the site development
28 concept plan and (iv) obtains site development plan approval by December 31, 2023. If any of the
29 conditions of this subsection are not satisfied, the amendments enacted by this ordinance shall be
30 applicable to an applicant.

31 d. An applicant for an individual site development plan within the legally described
32 property of an active subdivision application, who, prior to close of business on Thursday, June 30,
33 2022, (i) has submitted to CPD a site development concept plan, (ii) CPD has assigned a concept

1 number for the site development concept plan; and (iii) obtains a site development plan approval by
2 December 31, 2023. If any of the conditions of this subsection are not satisfied, the amendments
3 enacted by this ordinance shall be applicable to an applicant.

4 e. An applicant who, prior to close of business on Thursday, June 30, 2022, (i) has
5 submitted to CPD a building permit application with associated permit drawings, (ii) paid all
6 applicable plan review fees, (iii) CPD has logged-in such submission for review by CPD, and (iv)
7 obtains the building permit approval by December 31, 2022. If any of the conditions of this
8 subsection are not satisfied, the amendments enacted by this ordinance shall be applicable to an
9 applicant.

10 3. An applicant allowed to comply with the previous provisions of the Denver Zoning
11 Code. due to subsection 2 of section 4, may instead choose to comply with the amendments to the
12 Denver Zoning Code enacted by this ordinance.

13 COMMITTEE APPROVAL DATE: April 26, 2022

14 MAYOR-COUNCIL DATE: May 3, 2022

15 PASSED BY THE COUNCIL: _____ June 6, 2022

16 _____ *Stacy Filmore* - PRESIDENT

17 APPROVED: _____ - MAYOR *Mike Johnston* Jun 9, 2022

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

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

22 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: May 5, 2022

23 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
26 § 3.2.6 of the Charter.

27 Kristin M. Bronson, Denver City Attorney

28 BY: *Anshul Bagga* _____, Assistant City Attorney DATE: May 5, 2022