

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2018

COUNCIL BILL NO. CB18-0016  
COMMITTEE OF REFERENCE:  
Land Use, Transportation and Infrastructure

**A BILL**

**For an ordinance relating to the Denver Zoning Code, creating certain overlay districts in the 38<sup>th</sup> & Blake Station Area.**

**WHEREAS**, the City Council desires to amend the Denver Zoning Code to implement the land use recommendations relating to the creation of the River North Design Overlay (DO-7) and the 38<sup>th</sup> and Blake Station Area Incentive Overlay (IO-1); and

**WHEREAS**, map amendments to rezone certain property into the DO-7 and/or IO-1 are being processed contemporaneously herewith and will have public hearings at City Council on the same night as the public hearing on this Ordinance; 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 uniformity of district regulations and restrictions within the DO-7 and IO-1; 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 for the creation of the IO-1 will provide community benefits that further one or more adopted city policies; that such community benefits are best achieved through incentives; will ensure clear and predictable outcomes consistent with the applicable neighborhood context, building forms, and the stated purpose and intent of the applicable zone district; and will apply equally to all similar properties in an area or district to provide equitable outcomes consistent with adopted city policies.

**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. 2018-0020 as filed with the Denver City Clerk on January 11, 2018, 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 the River North Design Overlay, and the 38<sup>th</sup> and Blake Station Area Incentive Overlay through a new type of overlay district.

1           **Section 2.** (a)       Except as otherwise provided in Section 2(b) of this ordinance with  
2 respect to certain site development plan applications, the text amendments adopted by this  
3 ordinance and filed at Clerk File No. 2018-0020 shall govern all applications that are pending as of  
4 the effective date of this ordinance and all applications filed on or after the effective date of this  
5 ordinance. For the avoidance of doubt, an application shall be considered “pending” if the  
6 application has not received approval as of the effective date of this ordinance from the applicable  
7 decision-making authority as identified in Section 12.2.9 of the Denver Zoning Code (Summary  
8 Table of Authority and Notice).

9           (b)       Notwithstanding Section 2(a) of this ordinance, if requested by an applicant, a  
10 formal site development plan application may be processed under the standards and requirements  
11 of the Denver Zoning Code as they existed immediately prior to the effective date of this ordinance  
12 if a complete site development plan application, including any applicable fees, has been filed with  
13 Community Planning and Development on or before 4:00 P.M. Mountain Standard Time, February  
14 12, 2018. A formal site development plan application processed under the provisions of the Denver  
15 Zoning Code as they existed immediately prior to the effective date of this ordinance pursuant to  
16 this section 2(b) shall be subject to the following requirements:

17           (i)       If the formal site development plan application has not received approval by  
18 the Development Review Committee on or before 4:00 P.M. Mountain Daylight  
19 Time, April 2, 2018, the application shall be void. Once an application  
20 becomes void, all new site development plan applications for the same  
21 property shall be processed under the Denver Zoning Code standards and  
22 requirements in effect at the time of approval. No extensions of time shall be  
23 granted.

24           (ii)       The formal site development plan application shall meet all of the standards  
25 and requirements of the Denver Zoning Code as they existed immediately  
26 prior to the effective date of this ordinance and an applicant may not substitute  
27 standards and requirements for those in effect at the time of approval.

28           (iii)       Any changes, modifications or amendments to a formal site development plan  
29 application approved under this section 2(b) shall comply with the standards  
30 and requirements of the Denver Zoning Code as they existed immediately  
31 prior to the effective date of this ordinance, including changes, modifications or  
32 amendments to an approved formal site development plan application that are  
33 sought on or before 4:00 P.M. Mountain Daylight Time, April 2, 2018.

1 COMMITTEE APPROVAL DATE: January 2, 2018  
2 MAYOR-COUNCIL DATE: January 9, 2018  
3 PASSED BY THE COUNCIL \_\_\_\_\_ February 12, 2018

4 \_\_\_\_\_ *Alan B...* - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ ; \_\_\_\_\_

11 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: January 11, 2018

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
15 §3.2.6 of the Charter.

16  
17 Kristin M. Bronson, Denver City Attorney

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19 BY: *Kristin M. Bronson*, Assistant City Attorney Date: Jan 11, 2018