

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2024

COUNCIL BILL NO. CB24-0456
COMMITTEE OF REFERENCE:--

A BILL

For an ordinance amending Ordinance 20220424, Series 2022, to extend the deadlines by which an applicant must obtain approval of a site development plan or site development plan amendment and to impose timeframes around re-submittals of applications for site development plans in order to comply with the requirements of the Denver Zoning Code, as it existed prior to July 1, 2022.

WHEREAS, the City Council amended the Denver Zoning Code by enacting Ordinance 20220424, Series 2022 (the “EHA Zoning Ordinance”), to implement the land use recommendations of the Expanding Housing Affordability project, which implementation created 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 was also enacted in order to create affordable housing requirements for residential development in the city; and

WHEREAS, the EHA Zoning Ordinance allowed certain projects to proceed under the version of the Denver Zoning Code prior to the enactment of the EHA Zoning Ordinance if the project submitted a specific site development plan application by June 30, 2022, and the city approved the application by a date certain; and

WHEREAS, City Council desires to extend the approval dates for specific applications in order for certain projects to be processed under the version of the Denver Zoning Code prior to enactment of the EHA Zoning Ordinance; and

WHEREAS, the City Council has determined on the basis of evidence and testimony presented at the public hearing that amending the EHA Zoning Ordinance 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 applicable zone districts.

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

Section 1. That Subsection 2 of Section 2 of Ordinance 20220424, Series of 2022, is amended by deleting the language stricken through and adding the language underlined, as follows:

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

6 a. An applicant who, prior to close of business on Thursday, June 30,
7 2022, (i) has submitted to the Department of Community Planning and Development
8 (“CPD”) a site development concept plan, (ii) CPD has assigned a concept number for
9 the site development concept plan, and (iii) obtains site development plan approval ~~or~~
10 ~~has received consolidated review comments from CPD that will require a fourth round or~~
11 ~~more of formal site development plan review by April 18, 2025 May 17, 2024. If an~~
12 ~~applicant has received consolidated review comments by May 17, 2024 that will require~~
13 ~~a fourth round or more of formal site development plan review, then the applicant will~~
14 ~~have until August 31, 2024 to obtain site development plan approval. If any of the~~
15 ~~conditions of this subsection are not satisfied, the amendments enacted by this ordinance~~
16 ~~shall be applicable to an applicant.~~

17 b. An applicant who, prior to close of business on Thursday, June 30,
18 2022, (i) has submitted to CPD an amendment to an approved site development plan, (ii)
19 CPD has assigned a record number for the site development plan amendment, and (iii)
20 obtains site development plan amendment approval ~~or has received consolidated review~~
21 ~~comments from CPD that will require a fourth round or more of formal site development~~
22 ~~plan review by April 18, 2025 May 17, 2024. If an applicant has received consolidated~~
23 ~~review comments by May 17, 2024 that will require a fourth round or more of formal site~~
24 ~~development plan review, then the applicant will have until August 31, 2024 to obtain site~~
25 ~~development plan approval. If any of the conditions of this subsection are not satisfied,~~
26 ~~the amendments enacted by this ordinance shall be applicable to an applicant.~~

27 c. An applicant for an individual site development plan who, prior to
28 close of business on Thursday, June 30, 2022, (i) has been notified in writing by the
29 Development Review Committee that a large development framework is required for its
30 project, (ii) has submitted to CPD a site development concept plan, (iii) CPD has assigned
31 a concept number for the site development concept plan and (iv) obtains site development
32 plan approval ~~or has received consolidated review comments from CPD that will require~~

1 a fourth round or more of formal site development plan review by September 13, 2024. If
2 an applicant has received consolidated review comments by April 18, 2025 September
3 13, 2024 that will require a fourth round or more of formal site development plan review,
4 then the applicant will have until December 31, 2024 to obtain site development plan
5 approval. If any of the conditions of this subsection are not satisfied, the amendments
6 enacted by this ordinance shall be applicable to an applicant.

7 d. An applicant for an individual site development plan within the legally
8 described property of an active subdivision application, who, prior to close of business on
9 Thursday, June 30, 2022, (i) has submitted to CPD a site development concept plan, (ii)
10 CPD has assigned a concept number for the site development concept plan; and (iii)
11 obtains a site development plan approval ~~or has received consolidated review comments~~
12 ~~from CPD that will require a fourth round or more of formal site development plan review~~
13 ~~by April 18, 2025 September 13, 2024. If an applicant has received consolidated review~~
14 ~~comments by September 13, 2024 that will require a fourth round or more of formal site~~
15 ~~development plan review, then the applicant will have until December 31, 2024 to obtain~~
16 ~~site development plan approval. If any of the conditions of this subsection are not~~
17 ~~satisfied, the amendments enacted by this ordinance shall be applicable to an applicant.~~

18 e. An applicant who, prior to close of business on Thursday, June 30,
19 2022, (i) has submitted to CPD a building permit application with associated permit
20 drawings, (ii) paid all applicable plan review fees, (iii) CPD has logged-in such submission
21 for review by CPD, and (iv) obtains the building permit approval by June 16, 2023. If any
22 of the conditions of this subsection are not satisfied, the amendments enacted by this
23 ordinance shall be applicable to an applicant.

24 f. Notwithstanding DZC Sec. 12.3.3.12, any site development plan
25 application submitted under and subject to subsections a – d above will be automatically
26 withdrawn and closed by CPD if the applicant fails to re-submit the site development plan
27 application within 90 days after the date CPD sends consolidated review comments. This
28 requirement shall apply to any re-submittal made to CPD after May 17, 2024. An applicant
29 may re-submit an automatically withdrawn and closed application as a new application,
30 subject to the fees, standards, and regulations of the Denver Zoning Code in effect at the
31 time of re-submittal.

32 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE: April 9, 2024

2 MAYOR-COUNCIL DATE: April 16, 2024

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

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: April 18, 2024

11 Pursuant to Section 13-9, 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 Kerry Tipper, Denver City Attorney

16 BY: Anshul Bagga, Assistant City Attorney DATE: Apr 18, 2024