

BY AUTHORITY

ORDINANCE NO.

COUNCIL BILL NO. CB23-0415

SERIES OF 2023

COMMITTEE OF REFERENCE:

AMENDED 6-5-2023

Land Use, Transportation & Infrastructure

A BILL

For an ordinance amending the Denver Zoning Code, concerning accessory dwelling units.

WHEREAS, the City Council desires to amend the Denver Zoning Code to update and revise regulations concerning accessory dwelling units by removing barriers to constructing accessory dwelling units and creating context sensitive building form standards for accessory dwelling units; 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 all 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. 20230053 as filed with the Denver City Clerk on May 02, 2023, 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 update and revise regulations concerning accessory dwelling units.

~~**Section 2.** This ordinance is effective July 5, 2023.~~

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.

1 2. Notwithstanding subsection 1 of this Section 2, if requested by an applicant, a zoning
2 permit application for an accessory dwelling unit building form or use (an “ADU Zoning Permit”)
3 submitted under Sections 12.4.1, 12.4.2, or 12.4.9 of the Denver Zoning Code may be processed
4 under the Denver Zoning Code in effect as of May 25, 2023 (the “May 25, 2023 Denver Zoning
5 Code”) if a complete ADU Zoning Permit application has been filed with Community Planning and
6 Development (“CPD”) on or before 4:30 P.M., June 30, 2023. An ADU Zoning Permit application
7 processed under the provisions of the May 25, 2023 Denver Zoning Code pursuant to this Section
8 2.2 is subject to the following requirements:

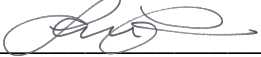
9 (i) If the ADU Zoning Permit application has not received approval by the zoning
10 administrator on or before 4:30 P.M., February 1, 2024, the application will be void. Once an ADU
11 Zoning Permit application becomes void, all new ADU Zoning Permit applications for the same
12 property will be processed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

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

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

25 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE: April 18, 2023
2 MAYOR-COUNCIL DATE: April 25, 2023
3 PASSED BY THE COUNCIL: June 5, 2023 _____,

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: May 4, 2023

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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
16 Kerry Tipper, Denver City Attorney

17 BY:  _____, Assistant City Attorney DATE: _____,
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