

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-0421
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

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 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, 2022, (i)
7 has submitted to the Department of Community Planning and Development (“CPD”) a site
8 development concept plan, (ii) CPD has assigned a concept number for the site
9 development concept plan, and (iii) obtains site development plan approval or has
10 received consolidated review comments from CPD that will require a fourth round or more
11 of formal site development plan review by August 30, 2023 May 17, 2024. If an applicant
12 has received consolidated review comments by May 17, 2024 that will require a fourth
13 round or more of formal site development plan review, then the applicant will have until
14 August 31, 2024 to obtain site development plan approval. If any of the conditions of this
15 subsection are not satisfied, the amendments enacted by this ordinance shall be
16 applicable to an applicant.

17 b. An applicant who, prior to close of business on Thursday, June 30, 2022, (i)
18 has submitted to CPD an amendment to an approved site development plan, (ii) CPD has
19 assigned a record number for the site development plan amendment, and (iii) obtains site
20 development plan amendment approval or has received consolidated review comments
21 from CPD that will require a fourth round or more of formal site development plan review
22 by August 30, 2023 May 17, 2024. If an applicant has received consolidated review
23 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.


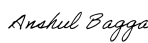
27 c. An applicant for an individual site development plan who, prior to close of
28 business on Thursday, June 30, 2022, (i) has been notified in writing by the Development
29 Review Committee that a large development framework is required for its project, (ii) has
30 submitted to CPD a site development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

1 fourth round or more of formal site development plan review by ~~December 31, 2023~~
2 September 13, 2024. If an applicant has received consolidated review comments by
3 September 13, 2024 that will require a fourth round or more of formal site development
4 plan review, then the applicant will have until December 31, 2024 to obtain site
5 development plan approval. If any of the conditions of this subsection are not satisfied,
6 the amendments 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 ~~December 31, 2023~~ September 13, 2024. If an applicant has received consolidated
14 review comments by September 13, 2024 that will require a fourth round or more of formal
15 site development plan review, then the applicant will have until December 31, 2024 to
16 obtain 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, 2022, (i)
19 has submitted to CPD a building permit application with associated permit drawings, (ii)
20 paid all applicable plan review fees, (iii) CPD has logged-in such submission for review
21 by CPD, and (iv) obtains the building permit approval by ~~December 31, 2022~~ June 16,
22 2023. If any of the conditions of this subsection are not satisfied, the amendments
23 enacted by this ordinance shall be applicable to an applicant.

24 **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: _____ May 22, 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: April 27, 2023
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:  _____, Assistant City Attorney DATE: Apr 27, 2023