

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB24-0455

SERIES OF 2024

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance amending Ordinance 20220426, 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 Articles V or VI, Chapter 27 of the DRMC, as applicable, as it existed prior to July 1, 2022.

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

Section 1. That Sections (4)(b) of Ordinance 20220426, Series 2022, shall be amended by deleting the language stricken and adding the language underlined, as follows:

(b) The amendments to chapter 27, D.R.M.C, enacted in this ordinance shall not apply to any applicant under the following circumstances and an applicant shall be subject to the provisions of chapter 27, D.R.M.C. in effect as of June 30, 2022:

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

(2) An applicant who, prior to close of business on Thursday, June 30, 2022, (i) has submitted to CPD an amendment to an approved site development plan, (ii) CPD has assigned a record number for the site

1 development plan amendment, and (iii) obtains site development plan
2 amendment approval ~~or has received consolidated review comments from~~
3 ~~CPD that will require a fourth round or more of formal site development plan~~
4 ~~review by May 17, 2024~~ April 18, 2025. ~~If an applicant has received~~
5 ~~consolidated review comments by May 17, 2024 that will require a fourth~~
6 ~~round or more of formal site development plan review, then the applicant will~~
7 ~~have until August 31, 2024 to obtain site development plan approval.~~ If any
8 of the conditions of this subsection are not satisfied, the amendments
9 enacted by this ordinance shall be applicable to an applicant.

10 (3) An applicant for an individual site development plan who, prior to
11 close of business on Thursday, June 30, 2022, (i) has been notified in writing
12 by the Development Review Committee that a large development framework
13 is required for its project, (ii) has submitted to CPD a site development
14 concept plan, (iii) CPD has assigned a concept number for the site
15 development concept plan and (iv) obtains site development plan approval
16 ~~or has received consolidated review comments from CPD that will require a~~
17 ~~fourth round or more of formal site development plan review by September~~
18 ~~13, 2024~~ April 18, 2025. ~~If an applicant has received consolidated review~~
19 ~~comments by September 13, 2024 that will require a fourth round or more of~~
20 ~~formal site development plan review, then the applicant will have until~~
21 ~~December 31, 2024 to obtain site development plan approval.~~ If any of the
22 conditions of this subsection are not satisfied, the amendments enacted by
23 this ordinance shall be applicable to an applicant.

24 (4) An applicant for an individual site development plan within the
25 legally described property of an active subdivision application, who, prior to
26 close of business on Thursday, June 30, 2022, (i) has submitted to CPD a
27 site development concept plan, (ii) CPD has assigned a concept number for
28 the site development concept plan; and (iii) obtains a site development plan
29 approval ~~or has received consolidated review comments from CPD that will~~
30 ~~require a fourth round or more of formal site development plan review by~~
31 ~~September 13, 2024~~ April 18, 2025. ~~If an applicant has received~~
32 ~~consolidated review comments by September 13, 2024 that will require a~~
33 ~~fourth round or more of formal site development plan review, then the~~

1 applicant will have until December 31, 2024 to obtain site development plan
2 approval. If any of the conditions of this subsection are not satisfied, the
3 amendments enacted by this ordinance shall be applicable to an applicant.

4 (5) An applicant who, prior to close of business on Thursday, June
5 30, 2022, (i) has submitted to CPD a building permit application with
6 associated permit drawings, (ii) paid all applicable plan review fees, (iii) CPD
7 has logged-in such submission for review by CPD, and (iv) obtains the
8 building permit approval by June 16, 2023. If any of the conditions of this
9 subsection are not satisfied, the amendments enacted by this ordinance
10 shall be applicable to an applicant.

11 (6) Notwithstanding Denver Zoning Code Sec. 12.3.3.12 or any
12 provision contained in Former Chapter 59, any site development plan
13 application submitted under and subject to subsections (1) – (4) above will
14 be automatically withdrawn and closed by CPD if the applicant fails to re-
15 submit the site development plan application within 90 days after the date
16 CPD sends consolidated review comments. This requirement shall apply to
17 any re-submittal made to CPD after May 17, 2024. An applicant may re-
18 submit an automatically withdrawn and closed application as a new
19 application, subject to the fees, standards, and regulations of the Denver
20 Revised Municipal Code in effect at the time of re-submittal.

21 **Section 2.** That Section (4)(d) of Ordinance 20220426, Series 2022, shall be amended by
22 deleting the language stricken and adding the language underlined, as follows:

23 (d) Upon the enactment of this ordinance, CPD shall report to the city
24 council at least seven (7) times in intervals not longer than six (6) months
25 detailing the (i) number of concept and formal site development plans that
26 were submitted prior to June 30, 2022, (ii) typical review times, and (iii)
27 number of resubmittals. The final report shall be made no later than
28 ~~February 7, 2025~~ May 30, 2025.

29 **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: Eliot C. Schaefer, 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 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
18 BY: _____, Assistant City Attorney DATE: _____,