

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB24-1589

SERIES OF 2024

COMMITTEE OF REFERENCE:

AMENDED 12-16-2024

Land Use, Transportation & Infrastructure

A BILL

For an ordinance to amend Chapter 59 (Zoning) of the Revised Municipal Code relating to the Denver Zoning Code and to amend and restate the Denver Zoning Code.

WHEREAS, City Council adopted Ordinance No. 333, Series of 2010, enacting the Denver Zoning Code, which code went into effect on June 25, 2010 and which code in its entirety is found in City Clerk Filing No. 10-512-A, (the “2010 Denver Zoning Code”); and

WHEREAS, City Council adopted Ordinance 113, Series 2014, amending and restating the 2010 Denver Zoning Code in its entirety, which amended and restated code went into effect on April 7, 2014 and which code is found in City Clerk Filing No. 14-131 (the “2014 Denver Zoning Code”); and

WHEREAS, City Council adopted Ordinance 298, Series 2015, as amended June 8, 2015, amending and restating the 2014 Denver Zoning Code in its entirety, which amended and restated code went into effect on July 6, 2015 and which code is found in City Clerk Filing No. 2015-0211-E (the “2015 Denver Zoning Code”); and

WHEREAS, City Council adopted Ordinance 20170311, Series 2017, as amended April 24, 2017, amending and restating the 2015 Denver Zoning Code in its entirety, which amended and restated code went into effect on May 5, 2017 and which code is found in City Clerk Filing No. 2010-0512-2017-A (the “2017 Denver Zoning Code”); and

WHEREAS, City Council adopted Ordinance 20180323, Series 2018, as amended May 14, 2018, amending and restating the 2017 Denver Zoning Code in its entirety, which amended and restated code went into effect on May 24, 2018 and which code is found in City Clerk Filing No. 2010-0512-T (the “2018 Denver Zoning Code”); and

WHEREAS, City Council adopted Ordinance 20210516, Series 2021, as amended June 6, 2021 and June 28, 2021, amending and restating the 2018 Denver Zoning Code in its entirety, which amended and restated code went into effect on July 1, 2021 and which code is found in City Clerk Filing No. 20210048A (the “2021 Denver Zoning Code”); and

WHEREAS, the 2021 Denver Zoning Code has been amended by City Council thirteen times to reestablish the Board of Adjustment and update its procedures; to amend Downtown-Golden Triangle regulations; to correct an error in the detached accessory building form standards; to

1 implement land use recommendations of the Expanded Housing Affordability project; to establish
2 the Cherry Creek East Mixed Use and Cherry Creek East Residential Design Overlay zone districts;
3 to establish the Sunnyside Conservation and Sunnyside Conservation and Brick Overlay zone
4 districts; to amend the Active Centers and Corridors Design Overlay zone district; to amend relief
5 processes for zoning standards; to establish the Temporary Managed Community use; to amend
6 accessory dwelling unit standards; to establish the Outdoor Gathering Area use; to amend accessory
7 dwelling unit standards; and to establish the Manufactured Home Community zone district; which
8 amendments are found in Ordinance 20220093, Series of 2022, and Clerk File Numbers, 20210060,
9 20210092, 20220052, 20230001, 20230003, 20230005, 20230045, 20230052, 20230053,
10 20230056, 20240130, and 20240131 respectively (collectively, the "Council Amendments", together
11 with the 2021 Denver Zoning Code, the "December 16, 2024 Denver Zoning Code"); and

12 **WHEREAS**, CPD now desires to amend numerous sections of the December 16, 2024
13 Denver Zoning Code to improve usability and organization and to make clarifying changes and
14 substantive changes based on CPD's experience implementing the code; and

15 **WHEREAS**, CPD also desires to restate the December 16, 2024 Denver Zoning Code as
16 amended previously and herein in its entirety to improve its usability and future administration; and

17 **WHEREAS**, the City Council has determined on the basis of evidence and testimony
18 presented at the public hearing that the amending and restating of the December 16, 2024 Denver
19 Zoning Code as set forth herein is consistent with the Denver Comprehensive Plan 2040 and all
20 amendments thereto, furthers the public health, safety and general welfare of the City, and will result
21 in the uniformity of district restrictions and regulations.

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

24 **Section 1.** Section 59-1 (Zoning code) of the Denver Revised Municipal Code shall be
25 amended by adding the language underlined, and deleting the language stricken, to read as follows:

26 **Sec. 59-1. Zoning code.**

27 The zoning code as filed with the Denver City Clerk on the 13th day of November 2024 ~~4th~~
28 ~~day of June 2024~~, at City Clerk Filing No. 20240141 ~~20240048A~~ is hereby adopted as the official
29 zoning code for the City and County of Denver ("Denver Zoning Code"). The Denver Zoning Code
30 and all amendments thereto shall be maintained in and kept current by the department of community
31 planning and development and shall be available to the public.

32 **Section 2. Effective Date.**

1 1. Except as otherwise provided in subsections 2 and 3 of this Section 2 with respect to
2 certain pending applications, the Denver Zoning Code adopted by this ordinance and filed at City
3 Clerk Filing No. 20240141 shall take effect on February 25, 2025 (the “Code Effective Date”), and
4 shall govern all applications that are pending as of the Code Effective Date and all applications filed
5 on or after the Code Effective Date. An application shall be considered “pending” if the application
6 has not received approval as of the Code Effective Date from the applicable decision-making
7 authority as identified in Section 12.2.9 of the Denver Zoning Code.

8 2. If requested by an applicant, a site development plan application submitted under
9 Section 12.4.3 of the Denver Zoning Code, may be processed under the provisions of the December
10 16, 2024 Denver Zoning Code if a complete concept site development plan application for the same
11 project has been filed with the department of community planning and development (“CPD”) on or
12 before August 9, 2024. A site development plan application processed under the provisions of the
13 December 16, 2024 Denver Zoning Code pursuant to this Section 2.2 shall be subject to the following
14 requirements:

15 (i) If the site development plan application has not received approval by the
16 development review committee on or before March 12, 2026, the application shall be void.
17 Once a site development plan application becomes void, all new site development plan
18 applications for the same property will be processed under the Denver Zoning Code then in
19 effect. No extensions of time will be granted.

20 (ii) The site development plan application shall meet all of the standards and
21 requirements of the December 16, 2024 Denver Zoning Code and an applicant may not
22 substitute standards and requirements of the December 16, 2024 Denver Zoning Code with
23 those set forth in the Denver Zoning Code or any amendments to the Denver Zoning Code.

24 (3) If requested by an applicant, a zoning permit application submitted under Section
25 12.4.1 of the Denver Zoning Code may be processed under the provisions of the December 16, 2024
26 Denver Zoning Code if a complete zoning permit application has been filed with CPD on or before
27 February 24, 2025. A zoning permit application processed under the provisions of the December 16,
28 2024 Denver Zoning Code pursuant to this Section 2.3 shall be subject to the following requirements:

29 (i) If the zoning permit application has not received approval by the zoning
30 administrator on or before October 17, 2025, the application shall be void. Once a zoning
31 permit application becomes void, all new zoning permit applications for the same property will
32 be processed under the Denver Zoning Code then in effect. No extensions of time will be
33 granted.

1 (ii) The zoning permit application shall meet all of the standards and requirements
2 of the December 16, 2024 Denver Zoning Code and an applicant may not substitute standards
3 and requirements of the December 16, 2024 Denver Zoning Code with those set forth in the
4 Denver Zoning Code or any amendments to the Denver Zoning Code.

5 (iii) If requested by an applicant, any modifications to a zoning permit approved
6 under this Section 2(3) sought on or before September 25, 2026 may be processed under the
7 provisions of the December 16, 2024 Denver Zoning Code. Any modification to a zoning
8 permit approved under this Section 2(3) sought after September 25, 2026 must comply with
9 the Denver Zoning Code then in effect.

10 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: November 12, 2024

2 MAYOR-COUNCIL DATE: N/A

3 PASSED BY THE COUNCIL: December 16, 2024

4 *Amund P. Sandora* - 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: November 14, 2024

11 Pursuant to Section 13-12, 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: *Anahil Bagga*, Assistant City Attorney DATE: December 17, 2024