

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2019

COUNCIL BILL NO. CB19-0494
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance relating to the Denver Zoning Code and Denver Revised**
7 **Municipal Code, replacing the current GDP process with a suite of plan**
8 **implementation tools.**
9

10 **WHEREAS**, the City Council desires to amend the Denver Zoning Code and Denver Revised
11 Municipal Code by replacing the current General Development Plan ("GDP") process with a suite of
12 plan implementation tools; and

13 **WHEREAS**, the City Council has determined on the basis of evidence and testimony
14 presented at the public hearing that amending the Denver Zoning Code and Denver Revised
15 Municipal Code as set forth herein is consistent with the City's adopted plans, furthers the public
16 health, safety and general welfare, and will result in regulations and restrictions that are uniform
17 within all zone districts concerning large developments by ensuring community input, providing
18 predictability to applicants and the community, and encouraging improved open space.

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

21 **Section 1.** Section 59-2(b) (Former chapter 59) of the Denver Revised Municipal Code shall
22 be amended by adding the language underlined to read as follows:

23 **Sec. 59-2. Former chapter 59.**

24 (b) For lands retaining their zoning designation under former chapter 59, including land
25 zoned planned unit development (PUD), land zoned with waivers and conditions and land subject to a
26 planned building group site plan, all provisions of the former chapter 59, including procedures, shall
27 apply, except as explicitly stated in Section 59-2(j) below.

28 **Section 2.** That Section 59-2 (Former chapter 59) of the Denver Revised Municipal Code is
29 hereby amended by adding the following subsection (j):

30 **Sec. 59-2. Former chapter 59.**

31 (j) Any portion of a General Development Plan approved under former chapter 59 may be
32 repealed in accordance with Section 12.4.12 of the Denver Zoning Code.

33 **Section 3.** The changes to the Denver Zoning Code as set forth in Clerk File No. 20190046
34 as filed with the Denver City Clerk on June 4, 2019, 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 ensure that community concerns can be addressed or mitigated for large development sites. This amendment will ensure large development sites reflect the applicable adopted plan's vision and meet the requirements for land use, infrastructure, affordable housing, open space, parks, design, and other community benefits addressing citywide goals related to sustainability. The amendment will improve and expand on the open space outcomes from large development sites.

Section 4. Except as otherwise provided in Section 5 of this ordinance with respect to certain applications, the changes to the Denver Zoning Code adopted by this ordinance and filed at City Clerk Filing No. 20190046 shall take effect on July 12, 2019 (the "Effective Date") and shall govern all applications that are pending as of the Effective Date and all applications filed on or after the Effective Date. For the avoidance of doubt, an application shall be considered "pending" if the application has not received approval as of the Effective Date from the applicable decision-making authority identified in Section 12.2.9 of the Denver Zoning Code (Summary Table of Authority and Notice) or Chapter 50 of the Denver Revised Municipal Code.

Section 5. Notwithstanding Section 4 of this ordinance, unless otherwise requested by the applicant, applications for Site Development Plan Review that may be subject to the "Large Development Review" process and open space requirements for large developments (as defined by the changes to the Denver Zoning Code adopted by this ordinance and filed at City Clerk Filing No. 20190046 ("Large Development Review")) shall be processed under the provisions of the Denver Zoning Code, as it existed prior to the Effective Date, if such application meets the following requirements:

(a) A concept application has been submitted and/or been cleared from the concept review phase between October 1, 2018 and before May 1, 2019; and

(b) The applicant has submitted for formal site development plan, prior to October 1, 2019; or

(c) A pending Site Development Plan Review, cleared from concept prior to October 1, 2018, and currently under an active Site Development Plan Review, as of the Effective Date.

Section 6. For the avoidance of doubt, any application for certain site development plan applications cleared from concept prior to October 1, 2018, that has not been submitted for formal site development plan prior to May 1, 2019 shall be subject to the Large Development Review process, adopted hereby, and must reapply for concept.

1 COMMITTEE APPROVAL DATE: May 21, 2019
2 MAYOR-COUNCIL DATE: May 28, 2019 by Consent
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: Nathan J. Lucero, Assistant City Attorney DATE: June 6, 2019
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 Kristin M. Bronson, Denver City Attorney
16 BY: Kristin M. Bronson, Assistant City Attorney DATE: July 7, 2019