

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016
4 AS AMENDED 7-25-16

COUNCIL BILL NO. CB16-0541
COMMITTEE OF REFERENCE:
NEIGHBORHOODS & PLANNING

5 **A BILL**

6 **For an ordinance providing for a moratorium on the approval of site**
7 **development plans and the amendment of approved site development plans for**
8 **construction of certain buildings using the Garden Court building form in the**
9 **Denver Zoning Code for a period of approximately twelve months.**
10

11 **WHEREAS**, in 2010, the City Council of the City and County of Denver adopted the Denver
12 Zoning Code (“Code”) which established a context-based approach to zoning within the City and
13 County of Denver (“City”) to organize the Code by neighborhood contexts and provide a range of
14 zone districts that set standards for compatible development; and

15 **WHEREAS**, the Code also established a form-based approach to zoning within the City to
16 explain how buildings relate to their lots, surrounding buildings, and street and alley rights-of-way;
17 and

18 **WHEREAS**, the Code includes a menu of building forms and their standards for each zone
19 district, including the Garden Court building form; and

20 **WHEREAS**, the Code includes general building form intent statements for all neighborhood
21 contexts; and

22 **WHEREAS**, concerns have been raised regarding the construction of buildings using the
23 Garden Court building form and whether such building form is in keeping with the Code’s general
24 building form intent statements, including the following: “Provide a positive relationship to the
25 street through access, orientation and placement consistent with the context” and “Encourage
26 variation in building form that provides opportunities for architectural scale relationships in large
27 building contexts”; and

28 **WHEREAS**, additional concerns have been raised regarding whether the Garden Court
29 building form should be an allowed building form in certain zone districts and where such zone
30 districts are designated on the City’s official zoning map; and

31 **WHEREAS**, increased interest in construction of the Garden Court building form warrants a
32 re-evaluation of the current Code provisions dealing with building form standards and
33 supplemental design standards for the Garden Court building form to ensure consistency with the

1 Code's general building form intent statements and achievement of city-wide goals and policies;
2 and

3 **WHEREAS**, the City regularly engages in efforts to evaluate the Code to ensure that it
4 addresses issues, and increases efficiency and comprehensiveness of administering the Code;
5 and

6 **WHEREAS**, it is appropriate for the City Council to establish an appropriate period of time
7 during which site development plans and amendments to approved site development plans to
8 construct buildings using the Garden Court building form will not be approved, with some
9 exceptions, in order to permit review and evaluation of the Garden Court building form standards,
10 the Zone Districts where the Garden Court building form is allowed, and the location of such zone
11 districts on the City's official zoning map, which furthers the public health, safety and general
12 welfare.

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

15 **Section 1.** A moratorium is hereby established on the approval of site development
16 plans and the amendment of approved site development plans for construction of buildings using
17 the Garden Court building form under the Code. Notwithstanding the foregoing, applications
18 proposing to use the Garden Court building form may be processed, so long as they comply with
19 all applicable requirements of the Code and meet the following condition: notwithstanding the
20 street-facing courtyard width defined in the district specific standards of the Code, the proposed
21 street-facing courtyard width is equal to or greater than the maximum height in feet of the
22 proposed building(s) abutting the courtyard.

23 **Section 2.** For purposes of administering Section 1, above, the term Garden Court shall
24 mean: a Multi Unit Dwelling development where dwelling units arranged side-by-side, and no part
25 of any dwelling unit is constructed vertically above any part of another dwelling unit and each
26 building bounding the courtyard shall contain at least one dwelling. A minimum of fifty percent
27 (50%) of the surface of the courtyard shall be permeable.

28 **Section 3.** The provisions of Section 12.3.3.12 of the Code dealing with inactive
29 applications shall not apply to site development plan applications that have been submitted to the
30 City but that have not been approved on or before the effective date of this ordinance ("pending
31 applications"); however, upon expiration of this moratorium the provisions of Section 12.3.3.12
32 shall apply to pending applications.

1 **Section 4.** This moratorium shall expire August 26, 2017.

2

1 COMMITTEE APPROVAL DATE: N/A.
2 MAYOR-COUNCIL DATE: N/A.
3 INTRODUCED BY: Rafael G. Espinoza, Councilman District 1; Wayne C. New, Councilman
4 District 10
5 PASSED BY THE COUNCIL: _____, 2016
6 _____ - PRESIDENT
7 APPROVED: _____ - MAYOR _____, 2016
8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER
11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016
12 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: July 21,
13 2016
14
15 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
16 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
18 § 3.2.6 of the Charter.
19 Denver City Attorney
20 BY: _____, Assistant City Attorney DATE: _____, 2016