

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB17-0277
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance providing for an extension of approximately two months of an existing moratorium enacted by Ordinance 20160498, Series of 2016, prohibiting the use of the Denver Zoning Code’s pre-existing small zone lot parking exemption for certain projects.

WHEREAS, in 2010, the City Council of the City and County of Denver (“City”) adopted the Denver Zoning Code wherein the City expressed an intention in Division 10.4 to balance the provision of adequate off-street parking to meet demand with the city-wide objectives to encourage pedestrian-friendly environments and the use of multiple modes of transportation to reduce vehicle parking demand and to promote the development of small zone lots that would otherwise not experience development; and

WHEREAS, the City implemented these intentions with the adoption of Section 10.4.5.1.A, Denver Zoning Code, which states: “In all Mixed Use Commercial Zone Districts, buildings on zone lots which are equal to or smaller than 6,250 square feet in area on June 25, 2010, shall be exempt from providing parking otherwise required by this Division”; and

WHEREAS, concerns have been expressed by property owners within the City and County of Denver, regarding the potential for small zone lots (i.e. equal to or smaller than 6,250 square feet in area) in all mixed use commercial zone districts within the City and County of Denver (“small zone lots”) to experience unanticipated maximized developments because of certain parking exemptions provided in the Denver Zoning Code; and

WHEREAS, increased interest in maximizing the development capacity of these small zone lots warrants a re-evaluation of the current Denver Zoning Code provisions, including Section 10.4.5.1.A, to ensure achievement of city-wide goals and policies; and

WHEREAS, the City regularly engages in efforts to evaluate the Denver Zoning Code to ensure that it addresses issues, and increases efficiency and comprehensiveness of administering the Denver Zoning Code; and

WHEREAS, in order to establish an appropriate period of time to permit review and evaluation of parking exemptions for certain developments on small zone lots seeking to use the provisions of Section 10.4.5.1.A, on August 22, 2016, City Council enacted Ordinance 20160498,

1 Series of 2016, which established a moratorium prohibiting the issuance or approval of applications
2 for zoning permits for certain projects that sought to use the Denver Zoning Code's Pre-Existing
3 Small Zone Lot Parking Exemption; and

4 **WHEREAS**, Ordinance 20160498, Series of 2016, expires at the earlier of March 31, 2017,
5 or the effective date of any text amendment to Section 10.4.5.1.A of the Denver Zoning Code; and

6 **WHEREAS**, City Council needs additional time in which to allow review and evaluation of
7 proposed text amendments to Section 10.4.5.1.A, which furthers the public health, safety and
8 general welfare, before the expiration of Ordinance 20160498, Series 2016.

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

11 **Section 1.** That the moratorium enacted by and the details of which are described in Ordinance
12 20160498, Series of 2016, shall be extended up to and including the earlier of the following:

- 13 a. May 26, 2017; or
- 14 b. The effective date of any text amendment to Section 10.4.5.1.A of the Denver Zoning
15 Code.

16 COMMITTEE APPROVAL DATE: N/A

17 MAYOR-COUNCIL DATE: N/A

18 INTRODUCED BY: Albus Brooks, Councilman District 9

19 PASSED BY THE COUNCIL: _____

20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

26 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: February 23, 2017

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28 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
29 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
31 § 3.2.6 of the Charter.

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33 Kristin M. Bronson, Denver City Attorney

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35 BY: _____, Assistant City Attorney DATE: _____