

## **Garden Court Building Form Moratorium Extension**

In August 2016, the City Council approved a 12-month moratorium on the use of the garden court building form. The reason for the moratorium was that, due to confusing language in the Zoning Code, the form was being allowed to develop multi-unit apartment or slot homes in residential areas where single family home and townhomes are the primary housing characteristic in the neighborhoods. In fact, the garden court form was being used for developments without a garden or a courtyard as illustrated in the Zoning Code and as was previously built in the past construction.

The CPD evaluation process did not begin until January 2017 and focused solely on the design characteristics of "slot homes". This slot home interest had been explained and understood at the beginning of the moratorium and was acceptable to the task force. Unfortunately, the amount of time needed to evaluate slot homes has taken the first 4 months of the evaluation process without any significant discussion and attention to the garden court building form.

Since Councilman Rafael Espinoza and I were concerned that the evaluation of the garden court building form would not be completed by the end of the moratorium time period, we suggested that the garden court building form be removed from the relevant zoning districts where its application had been misused. Residents in these areas were thought to be in agreement with this approach, especially in the District 10 where 76% of the 2,135 in the G-RH-3 zoning properties existed.

After discussing the matter with Brad Buchanan, the Manager of CPD, he recommended that the evaluation process should continue. Even though Brad thought that removing the garden court building form from the relevant zoned areas may be the best approach, he recommended that we extend the moratorium to allow the evaluation process to be completed. It is thought that the evaluation should be completed by the ordinance stated date of June 4, 2018, and the moratorium could end sooner if the process is completed before this date.

Therefore, attached is a copy of the moratorium extension for LUTI consideration and approval by City Council.

Sincerely, CM Wayne New and CM Rafael Espinoza

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2017

COUNCIL BILL NO. 17-xxxx  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance providing for an extension of approximately ten months of an existing moratorium enacted by Ordinance 20160541, Series of 2016 on the approval of site development plans and the amendment of approved site development plans for construction of certain buildings using the Garden Court building form in the Denver Zoning Code.**

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

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

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

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

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

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

**WHEREAS**, increased interest in construction of the Garden Court building form warrants a re-evaluation of the current Code provisions dealing with building form standards and supplemental

1 design standards for the Garden Court building form to ensure consistency with the Code's general  
2 building form intent statements and achievement of city-wide goals and policies; 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; and

5 **WHEREAS**, in order to establish an appropriate period of time to permit review and  
6 evaluation of the Garden Court building form, on August 22, 2016 City Council enacted Ordinance  
7 20160541, Series of 2016, which established a moratorium on the approval of site development  
8 plans and the amendment of approved site development plans for construction of certain buildings  
9 using the Denver Zoning Code's Garden Court building form; and

10 **WHEREAS**, Ordinance 20160541, Series of 2016, expires August 26, 2017; and

11 **WHEREAS**, City Council needs additional time in which to allow review and evaluation of  
12 proposed text amendments to the Denver Zoning Code dealing with the Garden Court building form,  
13 which furthers the public health, safety, and general welfare, before the expiration of Ordinance  
14 20160541, Series of 2016.

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

17 **Section 1.** That the moratorium enacted by and the details of which are described in  
18 Ordinance 20160541, Series of 2016, shall be extended up to and including the earlier of the following:

- 19 a. June 4, 2018; or  
20 b. The effective date of any text amendment to the Denver Zoning Code which either  
21 modifies existing building form standards for the Garden Court building form, or removes the  
22 Garden Court building form from the Denver Zoning Code.

23 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE:  
2 MAYOR-COUNCIL DATE:  
3 INTRODUCED BY: Wayne C. New, Councilman District 10  
4 PASSED BY THE COUNCIL: \_\_\_\_\_, 2017  
5 \_\_\_\_\_ - PRESIDENT

6 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2017

7 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
8 EX-OFFICIO CLERK OF THE  
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2017; \_\_\_\_\_, 2017

11 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: [fill in]  
12

13 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
16 § 3.2.6 of the Charter.

17 Kristin M. Bronson, Denver City Attorney

18 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2017