

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2017

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

5 A BILL

6 **For an ordinance providing for an extension of approximately two months of an**
7 **existing moratorium enacted by Ordinance 20160498, Series of 2016, prohibiting**
8 **the use of the Denver Zoning Code’s pre-existing small zone lot parking**
9 **exemption for certain projects.**
10

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

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

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

26 **WHEREAS**, increased interest in maximizing the development capacity of these small zone
27 lots warrants a re-evaluation of the current Denver Zoning Code provisions, including Section
28 10.4.5.1.A, to ensure achievement of city-wide goals and policies; and

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

32 **WHEREAS**, in order to establish an appropriate period of time to permit review and
33 evaluation of parking exemptions for certain developments on small zone lots seeking to use the
34 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: _____ March 20, 2017

20 Albus Brooks - PRESIDENT

21 APPROVED: [Signature] - MAYOR Mar 21, 2017

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: [Signature], Assistant City Attorney DATE: Feb 23, 2017