

1 **BY AUTHORITY**

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

COUNCIL BILL NO. 17-0728  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

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

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 street  
25 through access, orientation and placement consistent with the context” and “Encourage variation in  
26 building form that provides opportunities for architectural scale relationships in large building  
27 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 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.

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

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

18 (a) June 4, 2018; or

19 (b) The effective date of any text amendment to the Denver Zoning Code which does  
20 any of the following: modifies any existing primary building form standards or supplemental  
21 design standards for the Garden Court building form in Denver Zoning Code Sections 4.3.3.4.F,  
22 4.3.5.3, 5.3.3.4.D, 5.3.5.3, 6.3.3.4.C, 6.3.5.2, 9.7.3.4.D, or 9.7.5.2 (as section numbers may be  
23 amended from time-to-time); removes the Garden Court building form as an allowed building form  
24 in one or more zone districts; or removes the Garden Court building form from the Denver Zoning  
25 Code.

26 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE: June 27, 2017  
2 MAYOR-COUNCIL DATE: July 4, 2017 by Consent  
3 INTRODUCED BY: Wayne C. New, Councilman District 10  
4 PASSED BY THE COUNCIL: \_\_\_\_\_

5 \_\_\_\_\_ - PRESIDENT  
6 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

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

11 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: July 6, 2017

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: Jul 6, 2017 \_\_\_\_\_