

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2026

COUNCIL BILL NO. 26-0431
COMMITTEE OF REFERENCE:
4 Community Planning and Housing

5 A BILL

6 **For an ordinance authorizing a moratorium on the acceptance or processing of**
7 **certain permit applications and site development plan applications where a data**
8 **center is included as a proposed primary use.**
9

10 **WHEREAS**, there is considerable interest and concern among residents within the city and county of
11 Denver that data centers have the potential to create an unmanageable burden on critical energy and
12 water resources; and

13 **WHEREAS**, the City shall advocate to the state and/or other relevant entities to ensure that energy
14 and water ratepayers are billed fairly and costs are not shifted to existing customers; and

15 **WHEREAS**, revisions may be needed to regulate and establish standards for distance, noise and
16 other ancillary impacts of data centers on surrounding properties; and

17 **WHEREAS**, the City Council recognizes that Data Centers may affect the character of the surrounding
18 area and that all applications for Data Centers be considered consistently within the purpose and
19 intent of the city's climate goals, the Denver Comprehensive Plan, Blueprint Denver, or other relevant
20 adopted citywide or neighborhood plans, and that the most appropriate uses of land are encouraged
21 throughout the City and County of Denver; and

22 **WHEREAS**, there are currently no data center-specific zoning regulations that adequately address all
23 these issues; and

24 **WHEREAS**, City Council must take immediate and responsive action to protect the health, safety and
25 welfare of the citizens of the City and County of Denver; and

26 **WHEREAS**, because of the possible effects of data centers on surrounding community, the City
27 Council intends to consider revisions to the Denver Zoning Code, the Denver Revised Municipal Code,
28 and other standards designed to protect the health, safety, and general welfare of the community; and

29 **WHEREAS**, it is appropriate for the City Council to establish a reasonable period of time during which
30 site development plans, site development plan amendments, and zoning permits for new or expanded
31 data centers will not be approved in order to survey current data centers and to develop text
32 amendments to the zoning code and other regulations, as needed, to address data centers in Denver.

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34 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

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Section 1. A moratorium is hereby authorized on the acceptance, processing, or approval of any zoning permits, site development plan applications, and site development plan amendment applications beginning on the effective date of this ordinance that propose to establish as a primary use any new data center or expand or otherwise increase the gross-floor area of an existing data center use. The purpose of this moratorium is to provide time for the City to construct thoughtful regulations for existing and future data centers.

Section 2. Applications for a site development plan, amendment of approved site development plans, and zoning permits for the establishment or expansion of a data center use that have been submitted to the City but that have not been approved on or before the effective date of this ordinance (“pending applications”) shall not be considered inactive pursuant to section 12.3.3.12 of the Denver Zoning Code during the moratorium; however, upon the expiration of the moratorium, section 12.3.3.12 shall apply to pending applications.

Section 3. During the duration of the moratorium the City shall conduct a robust public engagement process, including the formation of a working group of community members, city staff, City Councilmembers, industry stakeholders and subject matter experts that will address issues related to the impacts of data center development and craft policy recommendations, paying special attention to vulnerable and adversely impacted communities, creating guardrails around the use of energy and water, with attention to potential noise and air quality impacts, appropriate placement of data centers and a plan that engages community voices in any future data center development.

Section 4. For the purposes of this moratorium, "data center" is defined as a facility where the primary use is the storage, processing, management and transmission of digital data and/or support for the delivery of cloud computing services. For the purposes of this moratorium, a “data center” shall not include the primary uses defined in Denver Zoning Code Section 11.12.5.1.B.3 “Communication Services” and Denver Zoning Code Section 11.12.5.1.B.7 “Telecommunication Facilities.”

Section 5. This moratorium shall expire the earlier of:

- (a) One year from the effective date of this ordinance; or
- (b) The effective date of any amendments to the Denver Revised Municipal Code regarding data centers and any text amendment to the Denver Zoning Code regarding data centers, whichever

1 occurs later.

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3 COMMITTEE APPROVAL DATE: March 31, 2026

4 MAYOR-COUNCIL DATE: April 7, 2026

5 PASSED BY THE COUNCIL _____

6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER
11

12 NOTICE PUBLISHED IN THE DENVER POST _____; _____

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14 PREPARED BY: Jonathan Griffin, Assistant City Attorney; DATE: April 9, 2026

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16 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.

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21 Miko Ando Brown, Denver City Attorney

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23 BY: _____, Assistant City Attorney DATE: _____