

BY AUTHORITY

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ORDINANCE NO. _____
SERIES OF 2026

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

A BILL

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

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

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

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

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

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

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

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

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

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

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

7
8 **Section 2.** Applications for a site development plan, amendment of approved site development
9 plans, and zoning permits for the establishment or expansion of a data center use that have been
10 submitted to the City but that have not been approved on or before the effective date of this ordinance
11 (“pending applications”) shall not be considered inactive pursuant to section 12.3.3.12 of the Denver
12 Zoning Code during the moratorium; however, upon the expiration of the moratorium, section 12.3.3.12
13 shall apply to pending applications.

14
15 **Section 3.** During the duration of the moratorium the City shall conduct a robust public engagement
16 process, including the formation of a working group of community members, city staff, City
17 Councilmembers, industry stakeholders and subject matter experts that will address issues related to
18 the impacts of data center development and craft policy recommendations, paying special attention to
19 vulnerable and adversely impacted communities, creating guardrails around the use of energy and
20 water, with attention to potential noise and air quality impacts, appropriate placement of data centers
21 and a plan that engages community voices in any future data center development.

22
23 **Section 4.** For the purposes of this moratorium, "data center" is defined as a facility where the
24 primary use is the storage, processing, management and transmission of digital data and/or support
25 for the delivery of cloud computing services. For the purposes of this moratorium, a “data center” shall
26 not include the primary uses defined in Denver Zoning Code Section 11.12.5.1.B.3 “Communication
27 Services” and Denver Zoning Code Section 11.12.5.1.B.7 “Telecommunication Facilities.”

28
29 **Section 5.** This moratorium shall expire the earlier of:
30 (a) One year from the effective date of this ordinance; or
31 (b) The effective date of any amendments to the Denver Revised Municipal Code regarding data
32 centers and any text amendment to the Denver Zoning Code regarding data centers, whichever occurs
33 later.

34

1 COMMITTEE APPROVAL DATE: March 31, 2026

2 MAYOR-COUNCIL DATE: April 7, 2026

3 PASSED BY THE COUNCIL 05/18/2026

4 Signed by:
Amanda Sandoval - PRESIDENT
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5 APPROVED: _____ - MAYOR _____

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

10 NOTICE PUBLISHED IN THE DENVER POST _____; _____

11

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

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

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21 BY: Signed by:
Bryan Drodgy, Assistant City Attorney DATE: 4/9/2026 | 11:06 AM MDT
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