

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. CB18-0129
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance placing a moratorium on the approval of site development plans and the amendment of approved site development plans for developments using side-by-side dwelling units with certain building forms in the Denver Zoning Code for a period of approximately two months.

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 Apartment, General, Shopfront, Row House, and Town House building forms; and

WHEREAS, the Code allows for the use of the building forms listed above in various zone districts, including Mixed Use, Residential Mixed Use, Main Street, Multi-Unit, Residential Office, Row House, and Town House zone districts; and

WHEREAS, the construction of multi-unit residential structures may occur in the building forms listed above; and

WHEREAS, concerns have been raised regarding construction of certain types of multi-unit residential structures in the following zone districts: that in Mixed Use, Residential Mixed Use, and Main Street zone districts, these structures create problems with the building’s interaction with the public realm due to the lack of primary or side street setbacks and minimal pedestrian entrance standards; that in Multi-Unit and Residential Office zone districts, these structures provide adverse impacts to neighbors because of shallow side interior setbacks and excessive height allowances; and that in Row House and Town House zone districts, these structures often contain dwelling units that are located to the rear of a property, are often inconsistent with the current definition of a row

1 house in the Code, and often are inconsistent with the existing building form intent of dwelling units
2 orienting to the street; and

3 **WHEREAS**, Community Planning and Development (“CPD”) convened a task force to assist
4 CPD in evaluating issues associated with certain types of multi-unit residential structures allowed in
5 the Code building forms listed above, and to recommend specific Code text amendments to address
6 identified issues (“Slot Home Text Amendment”); and

7 **WHEREAS**, CPD has published a public review draft of the proposed Slot Home Text
8 Amendment, and plans to bring the proposed Slot Home Text Amendment before City Council in
9 May of 2018 for its approval; and

10 **WHEREAS**, CPD generally provides review, but not approval, of proposals for development
11 prior to the final adoption of Code text amendments, and plans to do the same during the Slot Home
12 Text Amendment process; and

13 **WHEREAS**, it is appropriate for the City Council to establish an appropriate period of time
14 during which site development plans and amendments to approved site development plans for
15 construction of certain multi-unit residential structures in certain building forms will not be approved
16 in order to allow the Slot Home Text Amendment to be finally adopted.

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

19 **Section 1.** A moratorium is hereby established on the approval of site development plans
20 and the amendment of approved site development plans for construction of multi-unit residential
21 structures containing only residential dwelling units that are attached along common walls and
22 occupy the space between the street level and roof (“Side-by-Side Dwelling Units”) using the
23 Apartment, General, Shopfront, Row House, or Town House building forms under the Code.

24 **Section 2.** This moratorium shall not apply to applications for construction of Side-by-Side
25 Dwelling Units submitted to CPD for formal site development plan review per Code Section
26 12.4.3.3.C, and that have received an Accela log number on or before 4:30 P.M. Mountain Daylight
27 Time, March 14, 2018 (“Pending Applications”). Pending Applications shall be subject to the
28 following requirements:

29 (a) If a Pending Application has not received approval by the Development Review
30 Committee on or before 4:30 P.M. Mountain Standard Time, November 10, 2018, the application
31 shall be void. Once a Pending Application becomes void, all new site development plan applications
32 for the same property shall be processed under the Code in effect on November 10, 2018. No
33 extensions of time shall be granted.

1 (b) Pending Applications shall meet all the standards and requirements of the Code as they
2 exist on March 14, 2018.

3 (c) Any change, modification, or amendment to a Pending Application approved under this
4 Section 2 that is sought on or before 4:30 P.M. Mountain Standard Time, November 10, 2018, shall
5 comply with the Code as the Code exists at the time of any change, modification, or amendment.

6 **Section 3.** This moratorium shall expire upon adoption the effective date of the Slot Home
7 Text Amendment, or June 4, 2018, whichever event occurs earlier.

8 COMMITTEE APPROVAL DATE: February 6, 2018

9 MAYOR-COUNCIL DATE: N/A.

10 INTRODUCED BY: Rafael G. Espinoza, Councilman District 1; Wayne C. New, Councilman District
11 10

12 PASSED BY THE COUNCIL: _____
13 _____ - PRESIDENT

14 APPROVED: _____ - MAYOR _____

15 ATTEST: _____ - CLERK AND RECORDER,
16 EX-OFFICIO CLERK OF THE
17 CITY AND COUNTY OF DENVER

18 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

19 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: February 8, 2018

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21 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
22 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
24 § 3.2.6 of the Charter.

25 Kristin M. Bronson, Denver City Attorney

26 BY: _____, Assistant City Attorney DATE: _____