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## Temporary Garden Court Form Moratorium

Moratoriums are a tool to temporarily suspend provisions of the zoning code while necessary amendments can be made. Like the upcoming small parcel exemption moratorium, there is need to address discrepancies in the code that are allowing garden court forms to be developed in ways and in areas that were unintended. There are clear discrepancies in multiple sections of the Zoning Code between defined intent and allowed form tables. Additionally, the form requirements are insufficient to achieve the intended form when the garden court form is desired. This packet explains the issue and includes the language of a 12 month moratorium needed to address the issues.

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# What was intended...

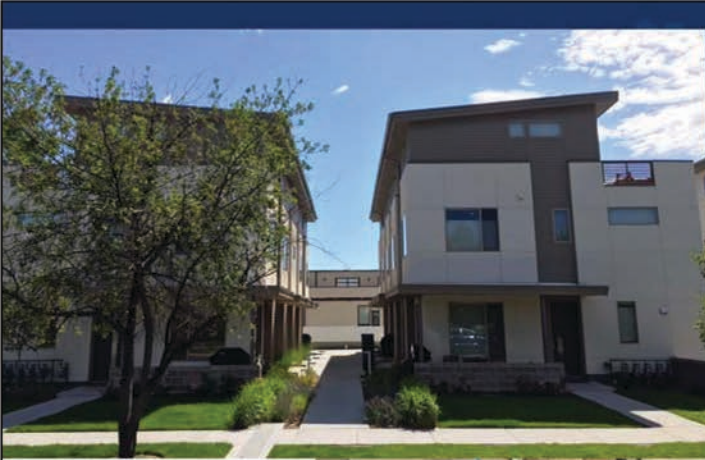


FOR CITY SERVICES VISIT  
[DenverGov.org](http://DenverGov.org) | 311

# What was intended...

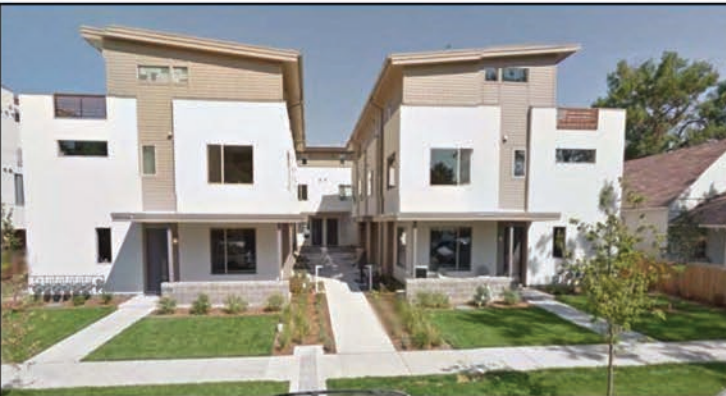


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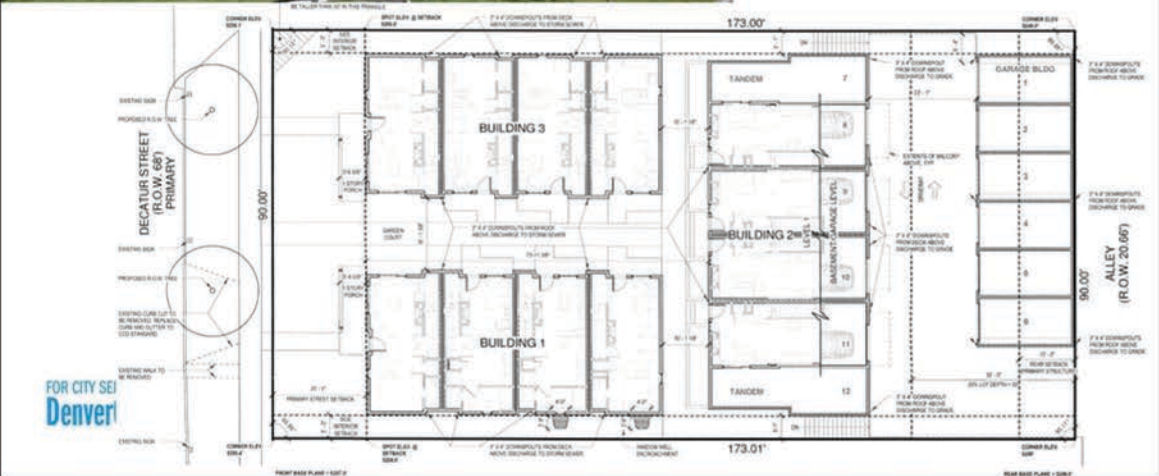
# What has been built...

**21<sup>st</sup> & Decatur,  
G-RH-3, Garden Court**



# What has been built...

**2130-2154 Decatur,  
G-RH-3, Garden Court**



FOR CITY SEI  
Denver

# **Garden Court Building Form Moratorium**

July 20, 2016

## **Reasons for Moratorium:**

Due to the difficulties created by the present applications of the garden court building form, a moratorium on its use is being requested for City Council approval. The intent of this moratorium would be to provide solutions to the following issues over the twelve months after the date of approval. It would apply to all applications submitted using the garden court building form that have not been approved by the adopted date of the moratorium.

1. **Confusion, Ambiguity, and Appropriateness of Use** – The attached analysis is intended to illustrate how the intent, zone criteria, and design standards of the garden court building form are not clearly defined and applied consistently. As an example, in the General Urban Neighborhood Context of the Denver Zoning Code, it is clear that the intent, criteria, and standards are stated on the use of the garden court building form. At the same time, it is also illustrated clearly that the use of the apartment building form is not allowed for use with the garden court building form in the specific G-RH-3 zoned district and its chart on approved building forms on page 6.3-5.

Yet, even though the apartment building form is not approved for use with the garden court form, it is being allowed by Community Planning and Development to be proposed or considered for several large dwelling unit development projects. This type of garden court form confusion and its misuse only produces resident anxiety, anger, and extreme opposition to a project that could have been welcomed if it had been aligned with the neighborhood character.

2. **Lack of Quality Zoning Criteria and Design Standards** – Comparing the garden court building form design illustration with preliminary project designs and actual implementations using the zoning criteria shows the problem with present criteria use. Pictures are included that show how the 15 foot minimum width of the garden court between dwelling units does not meet the landscaping design standards nor have direct access to desired garden court space. What could be a high quality garden court form implementation for dwelling unit residents resulted in a goal of increasing project density rather than a quality building project using the true intent of the garden court building form and its design. Increased density is desired, but there must be a real balance between density and quality and its relationship to neighborhood character.

## **Attached Explanatory Information:**

- Garden Court Building Form Analysis
- Section 6.3.3, Page 6.3-5 – Primary Building Form Standards – Allowable Building Form Table
- Moratorium Bill Draft
- Garden Court Illustration – Note building separation and layout – not prescriptive by Zoning Code
- Garden Court Criteria for Applicable Zone Districts – Article 6: General Urban Neighborhood Context; Note minimum width of garden court and lack of design details
- Supplemental Design Standards – Note lack of specificity
- Photographs of existing garden court form residential and under construction

## SECTION 6.3.3 PRIMARY BUILDING FORM STANDARDS

### 6.3.3.1 Applicability

All development, except detached accessory structures, in all the General Urban Neighborhood Context Zone Districts

### 6.3.3.2 General Standards

Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

### 6.3.3.3 District Specific Standards Summary

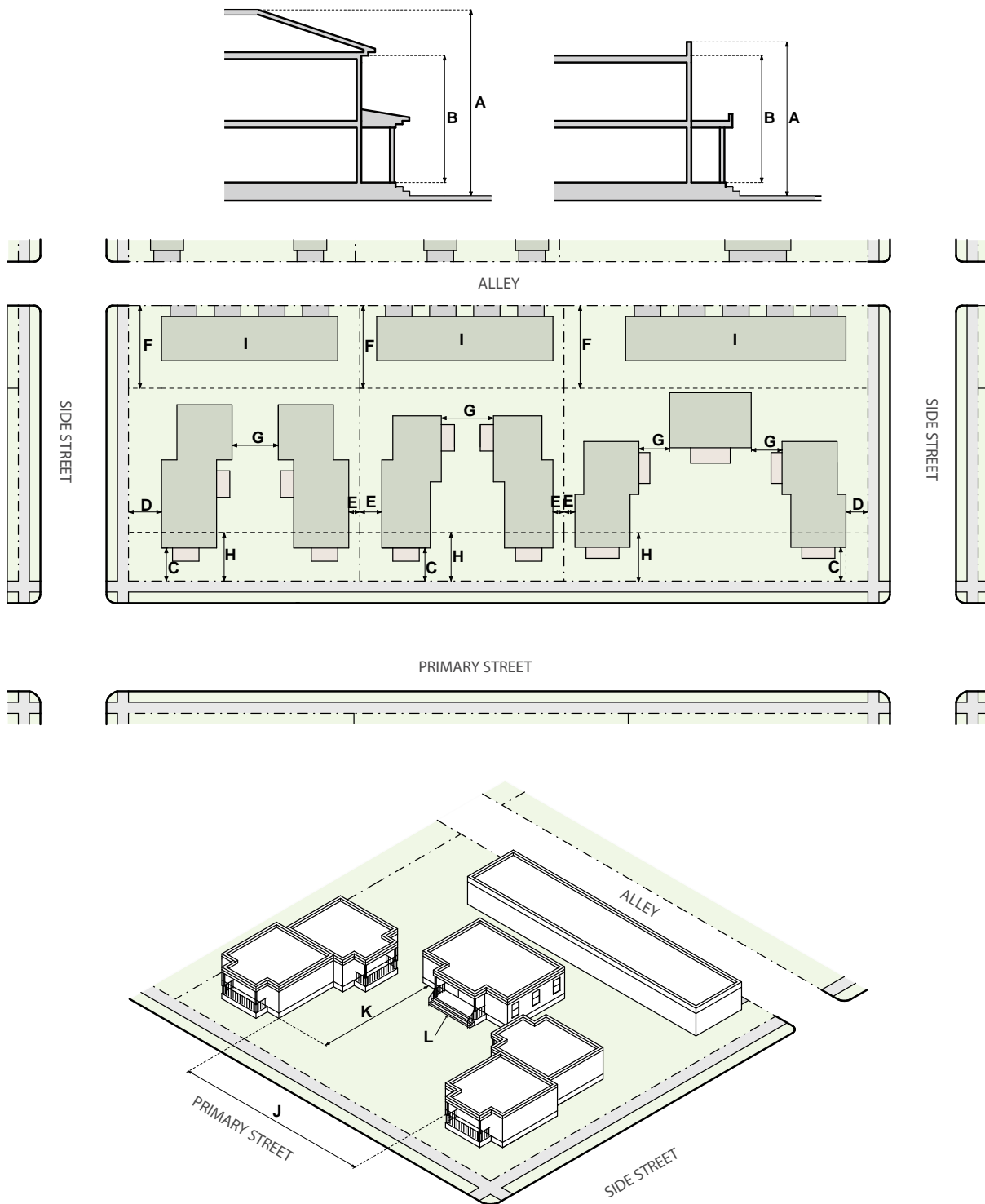
The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

General Urban (G-) Neighborhood Context Zone Districts		Max Number of Primary Structures per Zone Lot	Building Forms												
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
RESIDENTIAL ZONE DISTRICTS															
Row House (RH)	G-RH-3	no max		■	■	■				■	■	■			
Multi Unit (MU)	G-MU-3, -5	no max		■	■	■				■	■	■			
	G-MU-8, -12, -20	no max		■	■	■					■	■			
Residential Office (RO)	G-RO-3, -5	no max		■	■	■					■	■			
COMMERCIAL MIXED USE ZONE DISTRICTS															
Residential Mixed Use (RX)	G-RX-5	no max													■
Mixed Use (MX)	G-MX-3	no max									■	■	■		
Main Street (MS)	G-MS-3, -5	no max									■	■			■

■ = Allowed    □ = Allowed subject to limitations

**C. Garden Court**

*Not to Scale. Illustrative Only.*



## GARDEN COURT

<b>HEIGHT</b>		<b>G-RH-3</b>	<b>G-MU-3</b>	<b>G-MU-5</b>
<b>A</b>	Stories (max)	see below	3	3
<b>A</b>	Feet (max)	see below	30'*	30'*
	Stories, front 80% / rear 20% of zone lot depth (max)	3/1	na	na
<b>A</b>	Feet, front 80% / rear 20% of zone lot depth (max)	30'*/19'	na	na
<b>B</b>	Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street (max)	25'	na	na
	Upper Story Setback, for flat roof, Above 25': Side Street and Side Interior (min)	15'	na	na

\*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

<b>SITING</b>		<b>G-RH-3</b>	<b>G-MU-3</b>	<b>G-MU-5</b>
<b>ZONE LOT</b>				
	Zone Lot Size (min)	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>
	Zone Lot Width (min)	50'	50'	50'
<b>SETBACKS</b>				
	Primary Street, block sensitive setback required	yes	yes	na
<b>C</b>	Primary Street, where block sensitive setback does not apply (min)	20'	10'	10'
<b>D</b>	Side Street (min)	5'	5'	5'
<b>E</b>	Side Interior (min)	5'	7.5'	7.5'
<b>F</b>	Rear, alley/no alley (min)	12'/20'	10'/20'	10'/20'
<b>G</b>	Required Separation Between Primary Structures (min)	10'	10'	10'
<b>PARKING</b>				
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed		
	Vehicle Access	From Alley; or Street access allowed when no Alley present (See Sec. 6.3.7.6)		
<b>I</b>	<b>DETACHED ACCESSORY STRUCTURES</b>	See Sec. 6.3.4		

<b>DESIGN ELEMENTS</b>		<b>G-RH-3</b>	<b>G-MU-3</b>	<b>G-MU-5</b>
<b>BUILDING CONFIGURATION</b>				
<b>J</b>	Street-Facing Courtyard Width (min)	15'	15'	15'
<b>K</b>	Street-Facing Courtyard Depth (min)	30'	30'	30'
	Garden Court Design Standards	See Sec. 6.3.5		
	Attached Garage Allowed	May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks		
<b>STREET LEVEL ACTIVATION</b>				
<b>L</b>	Pedestrian Access	Each dwelling unit shall have a Street Level Entrance. A minimum of two dwelling units shall each have an Entrance facing the Primary Street and all other dwelling units shall have an Entrance that faces either the Primary Street or the interior courtyard.		
<b>USES</b>		G-RH-3, G-MU-3, G-MU-5		
		Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential uses. See Division 6.4 Uses and Parking		

See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

## SECTION 6.3.5 SUPPLEMENTAL DESIGN STANDARDS

### 6.3.5.1 Garden Court

- A. The Garden Court shall include all of the following characteristics:
  - 1. Located at natural grade;
  - 2. Visually and physically accessible from the primary street; may be secured for private use;
  - 3. Open to the sky; and
  - 4. Bounded on not less than 3 sides with related building facades on the same parcel.
- B. The Garden Court area may be used for any of the following:
  - 1. Single or multiple entries, or access to single or multiple entries, to uses within the buildings; or
  - 2. Public or private landscaped area; may also include entries.
- C. Vehicular access is not permitted through the Garden Court area.

### 6.3.5.2 Street Level Active Uses in the G-MX and G-MS Zone Districts

#### A. Intent

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

#### B. Applicability

This Section 6.3.5.2 applies to the General building form in the G-MX zone districts and the Shopfront building form in the G-MS zone districts.

#### C. Street Level Active Uses

- 1. Street Level active uses include all permitted primary uses except the following:
  - a. Mini-storage Facility; or
  - b. Wholesale Trade or Storage, Light.
- 2. Street Level active uses include all permitted accessory uses except the following:
  - a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
  - b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
- 3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
- 4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
- 5. The length of any build-to alternatives permitted by Section 6.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.



**Denver Zoning Code**  
**Garden Court (GC) Building Form Analysis**

**Analysis Introduction:** In the table below are all of the zoning code articles and residential zone districts which have the **specific intent for the garden court form listed for applicable residential zone districts**; whether the **garden court building form is indicated as an allowed form without limitations**; whether the **apartment form is allowed with the garden court form**; whether **garden court criteria are defined for applicable zone districts**; and whether **supplemental design standards are listed for applicable zone districts**. There may be additional zone districts that **allow the apartment form but not the garden court form**. As an example and as shown in the attached Article 6, 6.3-5 page of the Zoning Code, there are four (4) residential zone districts listed with **three of the four indicating that the apartment form is allowed but not allowed for one of the zone districts (G-RH-3)**. Building forms defined in applicable code article form tables for residential are suburban house, urban house, detached dwelling unit, duplex, tandem house, townhouse, garden court, rowhouse, courtyard apartment, apartment, and general. From a practical development view, **the garden court form only applies to town house, row house, apartment and multi unit building forms - either on a for sale or rental basis.**

Code Article	Neighborhood Context	Zone District	Building Form	Page Reference	Specific Intent	Page Reference	Garden Court Allowed in Building Form Table	Apartment Form Allowed in Building Form Table	Defined Garden Court Criteria	District Specific/ Supplemental Design Standards
3	Suburban Neighborhood	S-MU-3,5,8,12,20	Multi-Unit	3.2-3	Yes	3.3-4	No	Yes	Not Defined	No
4	Urban Edge Neighborhood	E-TH-2.5	Town House	4.2-2	No	4.3-5	Yes	No	Defined	Yes
		E-MU-2.5	Multi-Unit	4.2-3	Yes	4.3-5	Yes	Yes	Defined	Yes
5	Urban Neighborhood	U-RH-2.5	Row House	5.2-3	No	5.3-5	Yes	No	Defined	Yes
		U-RH-3A	Row House	5.2-3	No	5.3-5	Yes	Yes	Defined	Yes
6	General Urban Neighborhood	G-RH-3	Row House	6.2-1	No	6.3-5	Yes	No	Defined	Yes
		G-MU-3,5	Multi-Unit	6.2-2	Yes	6.3-5	Yes	Yes	Defined	Yes
7	Urban Center Neighborhood	All Districts	All Forms	7.2-2	No	7.3-5	No	No	Not Defined	No
8	Downtown Neighborhood	All Districts	All Forms		N/A		N/A	Yes	N/A	No
9	Master Planned Neighborhood	M-RH-3	Row House	9.7-2	No	9.7-7	Yes	No	Defined	Yes
		M-RX-5	Residential Mixed Use	9.7-2	No	9.7-7	Yes	No	Defined	Yes
		M-RX-5A	Residential Mixed Use	9.7-2	No	9.7-7	Yes	Yes	Defined	Yes
		M-GMX	General Mixed Use	9.7-3	No	9.7-7	Yes	Yes	Defined	Yes

**Code Articles NOT Applicable to the Garden Court Building Form Analysis**

Code Article	Article Titles	Special Zoned Contexts and Districts
1	General Provisions	Purpose, Intent, Zone Lots, Zoning Map
2	Using the Code	Code Approach, Organization, Use, Establishment of Zone Districts
9	Special Contexts and Districts	Industrial, Campus, Open Space, Overlay, DIA, PUD
10	General Design Standards	General Site Design, Multi Building on Lot, Parking, Landscaping, Site Grading, Outdoor Lighting, Vehicle Storage, Signs, External Effects
11	Use Limitations & Definitions	12 Divisions of Uses
12	Zoning Procedures & Enforcement	Requirements, Procedures, Compliant Uses, Non-Conforming, Enforcement
13	Rules of Measurement & Definitions	Measurements, Rules, and Definitions

**Existing Garden Court Form, 58-60-62-64-66 S. Garfield Street, Cherry Creek East**



**Intended Form**

**Existing Garden Court, Garfield Street, Cherry Creek East**



**Intended Form**

**Existing Garden Court, Garfield Street, Cherry Creek East**



**Intended Form**

**Garden Court Under Construction, 101 N. Harrison Street (12 Units)  
Cherry Creek North**

15' Garden Court Width



**Implemented Form**

**Garden Court Under Construction, Harrison Street, Cherry Creek North**



**Implemented Form**

**Garden Court Under Construction, Harrison Street, Cherry Creek North**

Middle Building Façade – Minor Wall to Garage Stairs



**Implemented Form**