

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. 16-0498
COMMITTEE OF REFERENCE:
Neighborhoods & Planning

A BILL

For an ordinance providing for a moratorium prohibiting the use of the Denver Zoning Code’s pre-existing small zone lot parking exemption for certain projects for a period of approximately seven months.

WHEREAS, in 2010, the City Council of the City and County of Denver (“City”) adopted the Denver Zoning Code wherein the City expressed an intention in Division 10.4 to balance the provision of adequate off-street parking to meet demand with the city-wide objectives to encourage pedestrian-friendly environments and the use of multiple modes of transportation to reduce vehicle parking demand and to promote the development of small zone lots that would otherwise not experience development; and

WHEREAS, the City implemented these intentions with the adoption of Section 10.4.5.1.A, Denver Zoning Code, which states: “In all Mixed Use Commercial Zone Districts, buildings on zone lots which are equal to or smaller than 6,250 square feet in area on June 25, 2010, shall be exempt from providing parking otherwise required by this Division.”; and

WHEREAS, concerns have been expressed by property owners within the City and County of Denver, regarding the potential for small zone lots (i.e. equal to or smaller than 6,250 square feet in area) in all mixed use commercial zone districts within the City and County of Denver (“small zone lots”) to experience unanticipated maximized developments because of certain parking exemptions provided in the Denver Zoning Code; and

WHEREAS, increased interest in maximizing the development capacity of these small zone lots warrants a re-evaluation of the current Denver Zoning Code provisions, including Section 10.4.5.1.A, to ensure achievement of city-wide goals and policies; and

WHEREAS, the City regularly engages in efforts to evaluate the Denver Zoning Code to ensure that it addresses issues, and increases efficiency and comprehensiveness of administering the Denver Zoning Code; and

WHEREAS, it is appropriate for the City Council to establish an appropriate period of time during which zoning permits to develop small zone lots seeking to use the provisions of Section 10.4.5.1.A will not be issued or approved in order to permit review and evaluation of parking

1 exemptions for certain developments on small zone lots, which furthers the public health, safety
2 and general welfare.

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

5 **Section 1.** A moratorium is hereby established prohibiting the issuance or approval of
6 applications for zoning permits for construction or change in use submitted on or after the effective
7 date of this ordinance if such applications seek to use the Pre-Existing Small Zone Lot Parking
8 Exemption (“Parking Exemption”) provided in Section 10.4.5.1.A of the Denver Zoning Code.
9 Notwithstanding the foregoing, applications for the following may continue to include the Parking
10 Exemption as such developments using the Parking Exemption has minimal parking impacts:

- 11 a. Residential development of ten or fewer dwelling units; or
- 12 b. Non-residential development that does not exceed two stories or 35 feet in
13 maximum building height; or
- 14 c. A mix of residential and nonresidential development, which does not exceed the
15 limits in paragraphs a. and b. of this Section 1.

16 **Section 2.** This moratorium shall not apply to complete applications for a mandatory
17 concept review pursuant to Section 12.3.2.2 of the Denver Zoning Code, which are submitted in
18 advance of a required site development plan per Section 12.4.3.3 of the Denver Zoning Code and
19 accepted by Community Planning and Development on or before the effective date of this
20 ordinance.

21 **Section 3.** Nothing contained herein shall extend an applicant’s time to submit a
22 complete zoning application pursuant to Section 12.3.2.4 of the Denver Zoning Code.

23 **Section 4.** This moratorium shall expire the earlier of:

- 24 a. March 31, 2017, or
- 25 b. The effective date of any text amendment to Section 10.4.5.1.A of the Denver
26 Zoning Code.

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COMMITTEE APPROVAL DATE: _____, 2016.

MAYOR-COUNCIL DATE: _____, 2016.

INITIATED BY _____

PASSED BY THE COUNCIL: _____, 2016

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2016

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: _____, 2016

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

Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____, 2016