

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016
AS AMENDED 8-22-16

COUNCIL BILL NO. CB16-0541
COMMITTEE OF REFERENCE:
NEIGHBORHOODS & PLANNING

A BILL

For an ordinance providing for a moratorium on the approval of site development plans and the amendment of approved site development plans for construction of certain buildings using the Garden Court building form in the Denver Zoning Code for a period of approximately twelve 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 Garden Court building form; and

WHEREAS, the Code includes general building form intent statements for all neighborhood contexts; and

WHEREAS, concerns have been raised regarding the construction of buildings using the Garden Court building form and whether such building form is in keeping with the Code’s general building form intent statements, including the following: “Provide a positive relationship to the street through access, orientation and placement consistent with the context” and “Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts”; and

WHEREAS, additional concerns have been raised regarding whether the Garden Court building form should be an allowed building form in certain zone districts and where such zone districts are designated on the City’s official zoning map; and

WHEREAS, increased interest in construction of the Garden Court building form warrants a re-evaluation of the current Code provisions dealing with building form standards and supplemental design standards for the Garden Court building form to ensure consistency with the Code’s general building form intent statements and achievement of city-wide goals and policies; and

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

3 **WHEREAS**, it is appropriate for the City Council to establish an appropriate period of time
4 during which site development plans and amendments to approved site development plans to
5 construct buildings using the Garden Court building form will not be approved, with some
6 exceptions, in order to permit review and evaluation of the Garden Court building form standards,
7 the Zone Districts where the Garden Court building form is allowed, and the location of such zone
8 districts on the City’s official zoning map, which furthers the public health, safety and general
9 welfare.

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

12 **Section 1.** A moratorium is hereby established on the approval of site development plans
13 and the amendment of approved site development plans for construction of buildings using the
14 Garden Court building form under the Code. Notwithstanding the foregoing, applications proposing
15 to use the Garden Court building form may be processed, so long as they comply with all applicable
16 requirements of the Code and meet the following condition: notwithstanding the street-facing
17 ~~courtyard~~ **garden court** width defined in the district specific standards of the Code, the proposed
18 street-facing ~~courtyard~~ **garden court** width is equal to or greater than the maximum height in feet
19 of the **tallest** proposed ~~building(s) abutting the courtyard~~ **building whose façade bounds the**
20 **garden court.**

21 **Section 2.** For purposes of administering Section 1, above, the term Garden Court
22 **building form** shall mean: a Multi Unit Dwelling development where dwelling units **are** arranged
23 side-by-side, and no part of any dwelling unit is constructed vertically above any part of another
24 dwelling unit and each building bounding the ~~courtyard~~ **garden court** shall contain at least one
25 dwelling. A minimum of fifty percent (50%) of the surface of the ~~courtyard~~ **garden court** shall be
26 permeable.

27 **Section 3.** The provisions of Section 12.3.3.12 of the Code dealing with inactive
28 applications shall not apply to site development plan applications that have been submitted to the
29 City but that have not been approved on or before the effective date of this ordinance (“pending
30 applications”); however, upon expiration of this moratorium the provisions of Section 12.3.3.12 shall
31 apply to pending applications.

32 **Section 4.** This moratorium shall expire August 26, 2017.

Section 5. This moratorium shall not apply to complete applications for a mandatory concept review pursuant to Section 12.3.2.2 of the Denver Zoning Code, which are submitted in advance of a required site development plan per Section 12.4.3.3 of the Denver Zoning Code and accepted by Community Planning and Development on or before the effective date of this ordinance.”

COMMITTEE APPROVAL DATE: N/A.

MAYOR-COUNCIL DATE: N/A.

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

10 10

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: Adam C. Hernandez, Assistant City Attorney DATE: July 21, 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