

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2016  
4 **AS AMENDED 8-22-16**

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

5 **A BILL**

6 **For an ordinance providing for a moratorium on the approval of site**  
7 **development plans and the amendment of approved site development plans for**  
8 **construction of certain buildings using the Garden Court building form in the**  
9 **Denver Zoning Code for a period of approximately twelve months.**  
10

11 **WHEREAS**, in 2010, the City Council of the City and County of Denver adopted the Denver  
12 Zoning Code (“Code”) which established a context-based approach to zoning within the City and  
13 County of Denver (“City”) to organize the Code by neighborhood contexts and provide a range of  
14 zone districts that set standards for compatible development; and

15 **WHEREAS**, the Code also established a form-based approach to zoning within the City to  
16 explain how buildings relate to their lots, surrounding buildings, and street and alley rights-of-way;  
17 and

18 **WHEREAS**, the Code includes a menu of building forms and their standards for each zone  
19 district, including the Garden Court building form; and

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

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

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

31 **WHEREAS**, increased interest in construction of the Garden Court building form warrants a  
32 re-evaluation of the current Code provisions dealing with building form standards and  
33 supplemental design standards for the Garden Court building form to ensure consistency with the

1 Code's general building form intent statements and achievement of city-wide goals and policies;  
2 and

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

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

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

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

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

30 **Section 3.** The provisions of Section 12.3.3.12 of the Code dealing with inactive  
31 applications shall not apply to site development plan applications that have been submitted to the  
32 City but that have not been approved on or before the effective date of this ordinance ("pending

1 applications”); however, upon expiration of this moratorium the provisions of Section 12.3.3.12  
2 shall apply to pending applications.

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

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

9  
10 COMMITTEE APPROVAL DATE: N/A.

11 MAYOR-COUNCIL DATE: N/A.

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

14 PASSED BY THE COUNCIL: \_\_\_\_\_, 2016

15 \_\_\_\_\_ - PRESIDENT

16 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2016

17 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
18 EX-OFFICIO CLERK OF THE  
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2016; \_\_\_\_\_, 2016

21 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: July 21,  
22 2016

23  
24 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
25 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
26 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
27 § 3.2.6 of the Charter.

28 Denver City Attorney

29 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2016