

BY AUTHORITY

ORDINANCE NO. 602
SERIES OF 2009

COUNCIL BILL NO. 586
COMMITTEE OF REFERENCE:
Blueprint Denver Committee

A BILL

For an ordinance placing a moratorium on certain development on properties currently zoned R-2 in three areas of North West Denver currently bounded by approximately: 1) Tennyson Street, 46th Avenue, Lowell Boulevard and 41st Avenue; 2) Tennyson Street, 35th Avenue, Lowell Boulevard and 32nd Avenue; and 3) Irving Street, 38th Avenue, Federal Boulevard and Highland Park Place.

Whereas, City Council finds that the moratorium areas described below are designated by Blueprint Denver, Denver’s comprehensive land use and transportation plan, for “single unit” uses; and

Whereas, the moratorium areas are currently zoned R-2: this zoning may allow for more than two dwelling units on a zone lot; and

Whereas, current development in these areas threatens to change the character of the neighborhood from single unit/duplex to one of more density; and

Whereas, the City is currently engaged in an effort to re-write the zoning code and re-zone these areas to single unit and two unit zone districts to effectuate Blueprint Denver; and

Whereas, the residential zone districts will have been re-written and the land re-zoned within one year;

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

Section 1. That a development moratorium, the details of which are described in Sections 2 and 3 of this ordinance, shall be placed on all properties currently zoned R-2 in the areas in the City and County of Denver included within the following boundaries and elsewhere in this ordinance referred to as the “moratorium areas”:

Area 1: Beginning at a point being the intersection of the centerlines of Tennyson Street and West 46th Avenue;

Thence east along the centerline of West 46th Avenue to the centerline of Lowell Boulevard;

Thence south along the centerline of Lowell Boulevard to the centerline of West 44th Avenue;

Thence west along the centerline of West 44th Avenue to the prolongation of the centerline of the alley between Newton Street and Osceola Street;

1 Thence south along the centerline of the alleys between Newton Street and Osceola
2 Street and said centerline extended to the centerline of West 41st Avenue;
3 Thence west along the centerline of West 41st Avenue to the centerline of Perry Street;
4 Thence south along the centerline of Perry Street to the centerline of West 41st Avenue;
5 Thence west along the centerline of West 41st Avenue to the centerline of Tennyson
6 Street;
7 Thence north along the centerline of Tennyson Street to the point of beginning.

8 **Area 2:** Beginning at a point being the intersection of the centerline of Tennyson Street
9 and West 32nd Avenue;

10 Thence north along the centerline of Tennyson Street to the centerline of West 35th
11 Avenue:

12 Thence east along the centerline of West 35th Avenue to the centerline of Lowell
13 Boulevard:

14 Thence south along the centerline of Lowell Boulevard to the centerline of West 33rd
15 Avenue;

16 Thence west along the centerline of West 33rd Avenue to the prolongation of the
17 centerline of the alley between Lowell Boulevard and Meade Street;

18 Thence south along the centerline of the alleys between Lowell Boulevard and Meade
19 Street and said centerline extended to the centerline of West 32nd Avenue;

20 Thence west along the centerline of West 32nd Avenue to the point of beginning.

21 **Area 3:** Beginning at a point being the intersection of the centerline of Highland Park
22 Place and Irving Street;

23 Thence north along the centerline of Irving Street to the centerline of West 38th Avenue:

24 Thence east along the centerline of West 38th Avenue to the centerline of Federal
25 Boulevard:

26 Thence south along the centerline of Federal Boulevard to the centerline of Highland
27 Park Place;

28 Thence northwesterly along the centerline of Highland Park Place to the point of
29 beginning.

30 **Section 2.** Development on all R-2 zoned property in the moratorium areas shall be and
31 hereby is limited by the following moratorium:

- 32 (a) The moratorium shall be in effect beginning January 1, 2010;
- 33 (b) The moratorium shall end the earlier of:

- 1 1. December 31, 2010, or
- 2 2. The effective date that said property is re-zoned to a zone district other than R-2
- 3 and such re-zoning is fully effective with no further development applications being
- 4 accepted under R-2 zoning; provided, however, that if any R-2 zoned property in the
- 5 moratorium areas is re-zoned to a two unit (TU), row house (RH) or multi-unit (MU)
- 6 zone district the moratorium shall end on that property immediately upon the effective
- 7 date of said re-zoning.

8 (c) During the period of the moratorium no permit shall be issued which would allow any
9 structure to be built if the structure would contain more than one dwelling unit, nor shall a permit be
10 issued which would increase the total number of dwelling units in any structure to more than one,
11 provided however, that if a two or more dwelling unit structure is demolished a two dwelling unit
12 structure may be built in its place if all the requirements of the R-2 zone district are met without
13 adding any land area to the existing zone lot upon which the existing two or more dwelling unit
14 structure was built.

15 (d) During the period of the moratorium no permit or approval shall be issued under the
16 provisions of Article VIII, Chapter 59, Denver Revised Municipal Code for a Planned Building Group
17 in any of the moratorium areas.

18 **Section 3.** This moratorium shall apply to all applications for zoning permits for
19 construction in the moratorium area which have not been submitted to the City in substantially
20 complete form, with any required fees paid, prior to January 1, 2010.

21 COMMITTEE APPROVAL DATE: 9/23/2009

22 MAYOR-COUNCIL DATE: 10/13/2009

23 PASSED BY THE COUNCIL October 26 2009

24 Jeanne Robb - PRESIDENT

25 APPROVED: Ken Buck - MAYOR October 27 2009

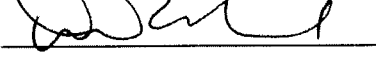
26 ATTEST: Stephanie G. O'Malley - CLERK AND RECORDER,
27 Shay EX-OFFICIO CLERK OF THE
28 CITY AND COUNTY OF DENVER

29 NOTICE PUBLISHED IN THE DAILY JOURNAL Oct. 23, 2009; Oct - 30, 2009

30 PREPARED BY: KERRY A BUCKEY, ASSISTANT CITY ATTORNEY, August 26, 2009

31 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
34 § 3.2.6 of the Charter.

1 David R. Fine, City Attorney:

2 BY: , Assistant City Attorney

DATE: Oct 15 2009

