

1 **BY AUTHORITY**

2 ORDINANCE NO.  
3 SERIES OF 2009

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

5 **A BILL**

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

11  
12 **Whereas**, City Council finds that the moratorium areas described below are designated by Blueprint  
13 Denver, Denver’s comprehensive land use and transportation plan, for “single unit” uses; and

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

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

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

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

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

24 **Section 1.** That a development moratorium, the details of which are described in Sections  
25 2 and 3 of this ordinance, shall be placed on all properties currently zoned R-2 in the areas in the  
26 City and County of Denver included within the following boundaries and elsewhere in this ordinance  
27 referred to as the “moratorium areas”:

28 **Area 1:** Beginning at a point being the intersection of the centerlines of Tennyson Street  
29 and West 46<sup>th</sup> Avenue;

30 Thence east along the centerline of West 46<sup>th</sup> Avenue to the centerline of Lowell  
31 Boulevard;

32 Thence south along the centerline of Lowell Boulevard to the centerline of West 44<sup>th</sup>  
33 Avenue;

34 Thence west along the centerline of West 44<sup>th</sup> Avenue to the prolongation of the  
35 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 41<sup>st</sup> Avenue;  
3 Thence west along the centerline of West 41<sup>st</sup> Avenue to the centerline of Perry Street;  
4 Thence south along the centerline of Perry Street to the centerline of West 41<sup>st</sup> Avenue;  
5 Thence west along the centerline of West 41<sup>st</sup> 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 32<sup>nd</sup> Avenue;

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

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

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

16 Thence west along the centerline of West 33<sup>rd</sup> 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 32<sup>nd</sup> Avenue;

20 Thence west along the centerline of West 32<sup>nd</sup> 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 38<sup>th</sup> Avenue:

24 Thence east along the centerline of West 38<sup>th</sup> 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 construction  
19 in the moratorium area which have not been submitted to the City in substantially complete form,  
20 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 \_\_\_\_\_ 2009

24 \_\_\_\_\_ - PRESIDENT

25 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2009

26 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
27 EX-OFFICIO CLERK OF THE  
28 CITY AND COUNTY OF DENVER

29 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2009; \_\_\_\_\_ 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.

35  
36 David R. Fine, City Attorney:

1 BY: \_\_\_\_\_, Assistant City Attorney DATE: