



**DENVER**  
THE MILE HIGH CITY

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**TO:** Denver City Council  
**FROM:** Tina Axelrad, Principal City Planner  
Michelle Pyle, Senior City Planner  
**DATE:** March 21, 2014  
**RE:** Denver Zoning Code – 2013 Text Amendment Package

**Staff Report and Recommendation**

This amendment to the Denver Zoning Code is sponsored by Community Planning & Development. The Denver City Council will consider this amendment at a public hearing on March 24, 2014, and make a final decision to approve, approve with conditions, or deny the amendment. A redline of the proposed amendment is available on the CPD website (see link below), while a detailed summary of the proposed text changes is attached to this staff report.

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), CPD staff recommends that the City Council approve the 2013 Text Amendment Package.

**I. Summary and Purpose**

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The 2013 Text Amendment package provides necessary clarifications, re-organization, the addition of graphics, and a variety of substantive changes to the Denver Zoning Code. Please see the attached summary for additional detail of the proposed changes and the redlined document (titled “City Council Adoption Draft” and dated February 10, 2014) showing the proposed text amendment changes posted on the CPD website at: [Text Amendment Package 2013](#).

**II. Criteria for Review and CPD Analysis**

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The criteria for review of a proposed text amendment are found in Section 12.4.11.9 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed 2013 Text Amendment Package satisfies each of the criteria.

#### **A. Text Amendment is Consistent with the City's Adopted Plans and Policies**

The Text Amendment is consistent with the city's following adopted plans, strategies, and policies:

##### Denver Comprehensive Plan 2000:

###### Land Use

- Strategy 2-A: (*paraphrased*) [P]roposed revisions should ensure that the Denver Zoning Ordinance will be flexible and accommodating of current and future land use needs...
- Strategy 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood...

###### Denver's Legacies

- Strategy 2-A: Establish development standards to encourage positive change and diversity while protecting Denver's traditional character.
- Strategy 2-C: Identify community design and development issues, and target specific concerns with appropriate controls and incentives.

Taken as a whole, the 2013 Text Amendment package is consistent with the above-adopted plan policies because this update to Denver's zoning regulations responds to new and emerging businesses and industries, responds to evolving trends in residential and commercial development and design, and makes these important rules for development more clear to residents, developer and other code users.

#### **B. Text Amendment Furthers the Public Health, Safety, and General Welfare**

This Text Amendment furthers the general public health, safety, and welfare of Denver residents, land owners, and businesses by providing clarity and predictability in the zoning regulations, by removing regulatory barriers to planned and desired private enterprise and redevelopment, and by overall continuing to implement the city's adopted comprehensive, land use and transportation plans through regulatory changes.

#### **C. The Text Amendment Results in Regulations that are Uniform within Each Zone District**

The 2013 Text Amendment Package results in zoning regulations which are uniform in their application to buildings and land uses within the each zone district. Moreover, the 2013 Text Amendment Package includes improvements to ensure consistency in zoning regulations, all of which will improve the City's ability to administer and enforce the Code uniformly.

### **III. Public Outreach and Comments**

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Below is a summary of the public outreach for this amendment:

- November 18, 2013:* Redline draft of text amendments posted to website for public review  
*November 23, 2013:* CPD attends Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing  
*December 4, 2013:* Planning Board Informational Item  
*December 6, 2013:* CPD staff hosts Office Hours for general public  
*December 10, 2013:* Text amendment package is informational item at LUTI Committee meeting  
*December 12, 2013:* CPD staff hosts Office Hours for general public  
*December 17, 2013:* Text amendment package is informational item at LUTI Committee meeting  
*December 18, 2013:* CPD staff hosts Office Hours for general public  
*January 21, 2014:* Email notice to all Registered Neighborhood Organizations (RNOs) of scheduled Planning Board public hearings, with link to updated draft of redline and updated summary.  
*January 25, 2014:* CPD attends INC Zoning and Planning Committee for briefing  
*January 29, 2014:* Email to all RNOs of staff report available and updated summary.  
*February 4, 2014:* Planning Board Public Hearing  
*February 18, 2014:* LUTI Committee meeting.

As of the date of this staff report, CPD has received public comment on this Text Amendment Package, including but not limited to:

1. Variety of comments/questions regarding the proposed change to the setback approach of minimum one side/minimum combined. CPD has removed this change from the 2013 text amendment package in order to complete additional research and have more conversations with the public.
2. Variety of comments/questions about the proposed change to the calculation of private open space set-aside in General Development Plans to make clear it's based on GDP developable land acreage (i.e., not including land dedicated to existing or planned streets). Most of these public comments have opposed the proposed amendment, preferring a change that would calculate the private open space set-aside percentage based on gross GDP acreage. CPD has removed this change from the 2013 text amendment package in order to complete additional research and have more conversations with the public.

### **IV. Planning Board Public Hearing & Recommendation**

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On February 5, 2014, the Denver Planning Board convened a public hearing on the 2013 Text Amendment Package and unanimously voted to recommended approval with conditions to the City Council. The Planning Board's conditions were to include in the package additional changes recommended by CPD staff in the Planning Board staff report packet, and to make a change to the Article 1 draft, general provisions for flag lots (Group 7), to remove a limitation on the number of flag lots that CPD could approve through the administrative zone lot amendment process. All conditions of the Planning Board's recommendation to approve have been

addressed in the revised “City Council Adoption Draft,” dated February 10, 2014, which is before the City Council for consideration on March 24<sup>th</sup>.

#### **IV. CPD Staff Recommendation**

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Based on the criteria for review as described above, CPD Staff recommends that the City Council **approve** the 2013 Text Amendment Package.



## Denver Zoning Code 2013 Text Amendment Package

### City Council Adoption DRAFT February 10, 2014

This document presents a **summary** of proposed the 2013 Text Amendment Package. Please see the redline drafts for the complete amendment.

#### **Purpose of the 2013 Text Amendment Package:**

1. Continue to improve usability and organization of code.
2. Make clarification and substantive changes based on working with the code for over three years

#### **Summary of Amendments:**

The summary and redline public review draft is organized into the following groups:

Group 1: DESIGN STANDARDS - ARTICLES 3-9 (Excluding uses and parking requirements)

Group 2: GENERAL DESIGN STANDARDS (Article 10)

Group 3: RULES OF MEASUREMENT AND DEFINITIONS (Article 13)

Group 4: USES (Articles 3-9 Use Tables and Article 11)

Group 5: PARKING AMOUNTS ONLY (Arts 3-9, Use Tables-Parking changes only)

Group 6: ZONING PROCEDURES (Article 12)

Group 7: GENERAL PROVISIONS (Article 1: Zone Lots only)

# GROUP 1: ARTICLES 3-9 - DESIGN STANDARDS

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## Articles 3-7

### Substantive – Summary Only

#### **Residential Zone Districts (SU, TU, TH, RH, MU)**

##### ***Primary Building Forms:***

1. S-SU-F1: Tandem House – increase minimum zone lot size from 8,500 to 12,000 sq ft. to assure same density across zone district regardless of building form choice.
2. E-TH, E-MU, U-RH and U-TU-B2 – Garden Court and Town House/Row House building forms – replace upper story stepback with upper story setback and also apply to Side Street, not just Side Interior, for flat roof and clarify that side wall height applies to pitched roofs only and only within 15' of side property lines
3. G-RH-3: All building forms - Revise so that 'Side Wall Height' regulates pitched roofs and 'upper story setbacks' regulate flat roofs – both within 15' of side property lines to continue regulating bulk at the perimeter.

##### ***Detached Accessory Structure Building Forms:***

4. All Zone Districts: Allow attached garages to follow detached garage setbacks for all building forms, not just Urban House and Duplex forms.
5. All TU Zone Districts: Allow Detached Garages a 36' horizontal dimension per unit
6. ALL TH, RH, MU Zone Districts: Increase the allowable building footprint for Detached Garages to 864 ft<sup>2</sup> per unit.

##### ***Design Standard Exceptions:***

7. All Zone Districts: Allow window well encroachment to be 6' rather than 4' for the dimension running parallel to the building façade (remains 3' setback encroachment), clarify language and update graphic.
8. All Zone Districts, setback encroachment - replace the term "Surface Parking" with the defined term "Off-Street Parking Area" to clarify that driveways and drive aisles are included and allow an encroachment into the Side Interior setback in the rear 35% of the zone lot only.
9. All Zone Districts: Allow an exception to alley access by allowing street access for Civic, Public and Institutional uses when Public Works determines additional access is needed.

#### **Commercial Mixed Use Zone Districts (RX, MX, MS):**

1. Eliminate the building footprint and horizontal dimension restriction and add a row for the existing overall 10% coverage except for parking of vehicles for Detached Accessory Structures.
2. Allow Detached Accessory Structure in Commercial Mixed Use Districts a 0' rear setback when there's an alley.
3. Eliminate Row House as a separate building form as it is not necessary since we do not control for 'attached single-family' building type within these zone districts, and Row House types of buildings can be built under other allowed building forms.
4. Eliminate Apartment building form and add the reduced transparency and increased build-to standard for residential buildings to General and Shopfront building forms.
5. Eliminate Courtyard Apartment building form and replace with a new courtyard build-to alternative.
6. Eliminate options within building forms that are more restrictive than the least restrictive building form option available in the same zone district. This will reduce confusion among applicants.

## Usability and Clarifications – Summary Only

1. Add intent statements for each building form and add a “Use” section to all building form tables to help clarify the distinctions between the various forms.
2. Corrections to section references and defined terms.
3. Clarify language throughout by adding text, removing text and rewording text where necessary.
4. Add new graphics to “General” and “Shopfront” building form tables in Articles 3-9.

## Article 8: Downtown

### Substantive, Usability and Clarifications

1. Section 8.3.1.4.B: Correct downtown height area reference “area 3” to “area 1” consistent with graphic, in D-C and D-TD.
2. Section 8.3.1.6.C: Correction to Exposure to the Sky design standard to reinsert text amendment from Ord. 150-2008 inadvertently left out.
3. Section 8.8.1.1: Add Height Exceptions and Setback Exceptions in all D- zone districts, consistent with the approach in other neighborhood contexts.
4. Section 8.8.3 Parking Lot Landscaping
  - o Clarify applicability
  - o For D-GT and D-AS Zone Districts, Section 8.8.3.D:
    - When locating required landscaping in the interior of a parking area utilize standards in Article 10, Division 10.5
    - Delete existing provisions that allow widening of a tree lawn or posts with cable barriers as alternative to live landscaping along interior or edge of surface parking lots
    - Replace option for post and cable screening/barrier between pedestrians and vehicles with the screen device required in 8.8.3.C

## Article 9: Industrial Only

### Substantive, Usability and Clarifications

1. Detached Accessory Structures:
  - I-MX zone districts: consistent with the standards in other zone districts that allow residential uses, remove the limitation that prohibits the gross floor area of detached accessory structures with vehicle access doors (e.g. garages) from exceeding 10% of the area of the zone lot.
  - Convert the text for accessory building form standards into building form graphic and table, consistent with the approach in other contexts.
2. Add the civic use build-to exception as is applicable in other contexts.
3. Setback Encroachments:
  - I-A and I-B zone districts: Allow surface parking to encroach 15’ into Primary Street setback when utilizing the garden wall for perimeter screening/landscaping. (Section 9.1.3.7.D)
  - Allow window well encroachment to be 6’ rather than 4’ for the dimension running parallel to the building façade (remains 3’ setback encroachment)
2. Move landscaping standards into Article 10, Division 10.5 landscaping and eliminate redundant text.
3. Move outdoor storage standards into Article 11 use limitations and eliminate redundant text.

## Article 9: All Other Zone Districts Except Master Planned (M-) Zones Substantive, Usability, Clarifications

### Campus

1. Add new, separate intent statements for the CMP-EI and CMP-EI2 zone districts.
2. Setback encroachment: Allow window well encroachment to be 6' rather than 4' for the dimension running parallel to the building façade (remains 3' setback encroachment)

### Open Space

1. Add height exceptions consistent with other contexts

### CO-2 Curtis Park Conservation Overlay

1. Remove limitation that building footprint shall be no greater than 650 sq ft.
2. For zone lots with historic structures, allow the Detached Accessory Dwelling Unit building form to exceed bulk plane and height up to 2 stories.
3. For zone lots without a historic structure, allow the Detached Accessory Dwelling Unit building form to exceed bulk plane and height up to 2 stories.

### UO-3 Historic Structure Use Overlay (Division 9.4)

1. Clarify that the Article 10 general "historic structure" parking exemption/reduction is not available to office, art studio, or bed and breakfast uses allowed in landmarked structures under the UO-3 overlay zone district standards. The UO-3 overlay already provides for flexibility in the provision and siting of required parking in order to encourage reuse/reinvestment in historic structures.

## Article 9: Master Planned (M-) Context Zones Substantive

1. Overall:
  - a. Eliminate Tandem House, as multiple buildings are allowed on a zone lot in all "M" zones.
  - b. Replace Courtyard Apartment building form with a courtyard build-to alternative.
  - c. Urban House, Duplex, Detached Accessory Dwelling Unit and Garage: Increase building heights and refine setbacks to capture housing types previously approved and built in Denver's master-planned communities.
  - d. Require minimum 20' primary setback for attached garages with doors facing the street when accessory to a single-unit or two-unit dwelling, carrying forward a standard from the Former Chapter 59.
  - e. Restrict General building form to prohibit SU and TU dwelling uses, which are regulated more strictly by following Urban House and Duplex building forms
  - f. Eliminate Drive-thru building forms and allow General building form standards to govern development of buildings with drive-thru facilities.
2. Setback encroachments:
  - a. Allow porches, decks, patios, and balconies to encroach any distance into Primary and Side Street setbacks.
  - b. Increase Side Street setback for "shading devices intended to control light".
  - c. Allow ground mounted air conditioning units to encroach 5' into certain Primary Street setbacks with screening; increase Side Street, Side Interior and Rear from 3' to 5' and remove ZPIN notice requirement.
  - d. Allow evaporative coolers to encroach 5' into certain Primary Street setbacks.
  - e. Allow window well encroachment to be 6' rather than 4' for the dimension running parallel to the building façade (remains 3' setback encroachment).
3. M-RX-5A, M-GMX, M-CC-5
  - a. Revise Suburban House to increase height, eliminate side wall height, decrease minimum lot size, increase building coverage, eliminate limitations on garages in the front of lot, and add reference to overall design criteria.



4. M-CC-5
  - a. Add Suburban House and Duplex to guide single and two-unit dwelling development.
  - b. Eliminate Apartment form and add those standards to General building form standards.
5. M-GMX
  - a. Add height limitation when within 175' of "Protected District" as defined in Code.
6. M-RX-5
  - a. Eliminate unnecessary building forms
  - b. Eliminate Apartment building and move some of those allowances to General building form
  - c. Allow General building form on any zone lot, not just certain corner lots
7. M-MX-5
  - a. Eliminate unnecessary building forms

### **Usability, Clarifications**

1. Revise detached garage building form standards in Master Planned Context (Div. 9.7) to make clear that "rear setback area" means "rear 35% of zone lot."
2. Allow Detached Accessory Structure in Commercial Mixed Use Districts a 0' rear setback when there's an alley
3. In Detached ADU and Detached Garage building forms, require the minimum 15' building separation to be measured according to Article 13 rule of measurement, consistent with previous practice.

## GROUP 2: ARTICLE 10 – GENERAL DESIGN STANDARDS

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### Division 10.1 Reference to Other Standards

Add new cross-references to streetscape manual and city's urban design standards and guidelines.

### Division 10.3 Multiple Buildings

1. Section 10.3.3 – clarify that the exception to meeting build-to, surface parking location and ground story activation applies to zone districts and building forms that have a build-to requirement
2. Minimum spacing between buildings – Remove standard and add reference to building code

### Division 10.4 Parking and Loading

#### Substantive

1. Bicycle Parking:
  - a. Remove allowance for exception for change of use (Section 10.4.2.1.C.2)
  - b. Eliminate certain reductions which were not consistent with bike parking intent (and were originally intended for vehicle parking only)
2. Maximum Vehicle Parking Near TOD: Allow 1 parking space per dwelling unit even if it exceeds the 110% maximum limit.
3. Vehicle Parking Location: Clarify that the provision for locating required parking “off-site” requires the utilization of the “off-site’s” excess parking, not their required parking (which is considered shared parking under the Code and governed by different rules).
4. Vehicle Parking Reduction:
  - a. Reorganize allowed parking reductions into a table format.
  - b. Add reduction in Main Street Zone Districts for senior housing
  - c. Allow reduction when near TOD in Industrial and Master Planned contexts
5. Shared Vehicle Parking,
  - a. Section 10.4.5.3 – clarify that on-street parking spaces are not eligible to be shared spaces, and that parking the spaces used must be allocated or reserved for the use served (e.g. signage).
  - b. Replace allowance that a shared parking entity equates to a single zone lot to allowing the walking distance requirement to be increased
6. Vehicle Parking Design, Section 10.4.6:
  - a. Create section for single and two-unit development and carry forward only those standards that are applicable and add standards that are used through interpretation today, including requiring an increased garage setback when garage doors are facing alleys that are 13' or less in width.
  - b. Re-organize section for greater clarity.
  - c. Correct parking module calculations and update graphic
7. Surface Parking Design, Section 10.4.6.4: Add the interpretation for “equivalent material” allowed for single unit dwellings surface parking materials.
8. Flexible Use of Accessory Parking, Section 10.4.7.3: require a zoning permit, remove reference to and requirement for valet (valet is managed through Public Works), clarify that this allowance cannot be used for another zone lot to meet their required minimum parking.

### **Usability and Clarifications**

1. Significant re-organization of all parts of Article for easier use and navigation.
2. Clarify language, including applicability, by rewording text, removing text and adding text where necessary.
3. Add new graphics.

## **Division 10.5 Landscaping, Fences and Screening**

### **Substantive**

1. Update applicability for landscaping standards: landscaping is only required when constructing surface parking, voluntarily or when required; landscaping of parking areas rules and regulations do not apply.
2. Clarify that the 50% of landscaped areas that is not required to be live plants must meet the non-live material list in the code.
3. Section 10.5.4.5, for surface parking lots 21-100 spaces, remove the 400 sq ft requirement for landscaped islands (keeping the 6' width minimum instead).
4. Section 10.5.4.6, re-organize and update landscaping material standards list
5. Section 10.5.5. Fences:
  - a. Residential Zone Districts
    - i. Allow single-unit and two-unit dwelling development to follow this section.
    - ii. Change to associate maximum fence height with the Primary Street: In front of house facade facing Primary Street, the maximum fence height is 4 feet, and behind the house facade facing the Primary Street the maximum fence height is 6'. Corner lot exception is no longer necessary; update graphics.
    - iii. Allow provision for master planned contexts to build 6' fence along Primary Street when home is facing common open space.

### **Usability and Clarifications**

1. Clarify language, including applicability, throughout by rewording text, removing text and adding text where necessary.
2. Add new graphics.

## **Division 10.6 Site Grading**

1. Clarify that changes of grade allowances apply only in the Primary Street setback area.

## **Division 10.7 Outdoor Lighting**

1. Re-organize outdoor lighting provisions for greater clarity as to which standards apply to which fixture types.

## **Division 10.8 Outdoor Sales, Display, Storage and Waste Disposal**

Moved to Article 11 – See Group 4

## **Division 10.10 Signs**

1. Add new allowance for Projecting Signs in mixed-use commercial zone districts, including limitations on height, location, and overall volume allowed. Based on similar projecting sign allowance adopted 5-6 years ago in the Golden Triangle zone district.
2. Change DRC designation to the Landmark Preservation Commission for design review of signs proposed on historic structures in the D-C and D-TD zone districts.

# GROUP 3: ARTICLE 13 - RULES OF MEASUREMENT AND DEFINITIONS

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## Substantive, Usability and Clarifications

### **Rules of Measurement, Division 13.1**

1. Clarify intent of mezzanine in rule of measurement for building height in stories.
2. Revise determination of zone lot lines to allow a side street zone lot line to abut a private street, as is allowed for primary street.
3. Clarify how to credit the width of recessed pedestrian entries and recessed vehicle garage doors for purposes of the minimum percentage of a Required Build-To.
4. Clarify Building Separation rule of measurement.
5. Clarify how some pervious materials are measured in the Parking and Drive Lot Coverage rule of measurement.
6. Correct error in Floor Area Ratio rule of measurement.
7. Clarify Transparency is measured in linear feet, and total building façade length includes open parking structure entrances.
8. Move Pedestrian Access standards from Articles 3-9 into Article 13 Rules of Measurement, and add graphics.

### **Rules of Interpretation, Division 13.2**

9. In Rules of Interpretation, clarify that the text of the code controls in case of conflict, except that the use and parking standards tables control over any conflict in the text.

### **Definitions, Division 13.3**

10. Add missing definitions:
  - a. Dormer
  - b. Eave
  - c. Gable
  - d. Parking, Accessory
  - e. Parking, Surface
  - f. Roof
11. Clarify definition of “Abut or Abutting” can also apply to a zone district boundary line.
12. Move definition of “Accessory Use” to “Use, Accessory” and clarify definition.
13. Revise name of “Backhaul or Backhaul Network” definition.
14. Remove unused definition of “Basic Manufacture”.
15. Revise definition of “Building Form Standards” to reflect new section in building form standard titled “Uses”.
16. Removed redundant standard in the definition of “carport”; carports are regulated by the applicable building form standards.
17. Revise definition of “Drive or Driveway”.
18. Move definition of “Dwelling Unit” and “Household” to Article 11 use definition of “Household Living.”
19. Corrected floor to ceiling height in definition of Habitable Space to conform to building code.
20. Revised definition of “Owner”, consistent with definition of owner in DRMC Housing Code and DRMC Neglected and Derelict Building Code
21. Clarify definition of Parapet Wall
22. Moved definition of Parking Aisle from Article 10 to Article 13
23. Revise definitions of “Sign, Roof” and “Sign, Wall” to clearly distinguish between the two
24. Clarify definition of “Structure, Compliant”.
25. Add definition of “trailer camp or court” (also known as mobile home park) from Former Chapter 59. Definition is necessary with change in Article 12 addressing termination of nonconforming trailer camp or court uses.

## GROUP 4: USES

### Articles 3-9 (Use Tables and Limitations) and Article 11 (Use Limitations & Definitions)

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## Substantive Amendments

### Primary Uses - Residential

1. *All Use Tables and Limitations:* Delete “Dwelling Unit, Mixed Use” as a specific residential use type from all the use tables and limitations because it does not specify which commercial uses are allowed as part of the dwelling unit or what parking would be. This “use” is actually allowed in all mixed use zones because multiple primary uses are allowed on the same zone lot (e.g. dwelling unit + retail = mixed use)
2. *Use Table - Downtown:* Correct use review procedure for “community corrections facility” – changed to “ZPIN” process where permitted.
3. *Limitation:* For multi-unit dwelling uses allowed in SU and TU zone districts, prohibit reduction in the size of the zone lot containing such multi-unit dwelling uses.
4. *Limitation:* Correct limitations on Community Corrections Facility in Downtown zone districts and Industrial zone districts.
5. *Use Definitions:* Move “dwelling unit” and “household” definitions from Article 13 into Article 11 definition of “Household Living.”

### Primary Uses – Civic, Public, Institutional

1. *Limitation:* Correct use limitations for major impact utilities in the O-1 zone district.
2. *Use Definition:* Distinguish solar generating stations (NAICS 221114) as a specific type of utility and fit into both the definitions of “utility, major impact” and “utility, minor impact”, depending on the total land area occupied by the solar generating station.
3. *Use Definition:* Remove definition of “police station” from “Public Safety Facility” as redundant.
4. *Use Definition:* In the definition of Elementary or Secondary School, remove the sentence defining “secondary school,” and add a new definition of “High School” as a specific use type.
5. *Use Definition:* Revise definition of “religious and public assembly” uses to move “conference center, meeting hall” into “arts, entertainment and recreation, indoor” commercial use category, and clarify definition of “club or lodge.”

### Primary Uses – Commercial Sales, Service and Repair

1. *Use Table - Downtown:* Add “arts, recreation and entertainment services, outdoor” as an allowed use in the D-CV (Downtown Civic Center) zone district. Subject to “ZPIN” use review process. Reflects allowances in portions of civic center area that were previously zoned B-8-G where this use was allowed.
2. *Limitation - “Nonresidential Uses in Existing Business Structures”:* Clarify applicability of this special allowance for existing business structures in residential zones by defining term “business structure” and by restricting major structural modifications to the business structure. Further clarify that “business structure” does not include structures originally constructed/occupied for mixed business-residential occupancy. Further clarify that alternations/modifications/expansions that change the existing structure’s volume or envelope are prohibited.
3. *Limitation - RX Zone District:* Clarify limitation on “Automobile services, light or heavy” in RX Zone District by requiring all such uses be completely enclosed, including gasoline service stations and associated fuel pumps.

4. *Limitation:* Clarify that aircraft maintenance and repair is a sub-type of the use category “Heavy Vehicle/Equipment Sales, Rentals, and Services” and is limited in the I-B zone district.
5. *Use Definition:* Add revised definition of “conference center/event center” to “arts, recreation, and entertainment services, indoor” use category to capture buildings commercially leased to private persons to host events and social occasions.
6. *Use Definition:* Revise definition of the “retail sales, service, and repair” use category to make clear that funeral homes/mortuary service uses can include associated crematory services.
7. *Use Definition:* Clarify in definition of “Retail sales, service and repair – outdoor” that such use does not include sale, service, or repair of vehicle/equipment parts (e.g., tires).

### **Primary Uses – Industrial, Manufacturing and Wholesale**

1. *Use Tables, Limitations & Use Definitions:* Incorporate breweries, wineries and distilleries as specific manufacturing use types and add several new use limitations:
  - a. *Use Definitions:* Revise definition of “Manufacturing, fabrication & assembly, Custom” and “Manufacturing, fabrication & assembly, General” to include smaller-scale, limited-impact brewery, winery, and distillery uses.
  - b. *Limitations:* Prohibit on-site manufacturing of malted barley and outdoor (unenclosed) storage in all zones except in the I-B zone district.
  - c. *Limitations:* Add new limitations on operation of “custom” breweries, wineries, and distilleries in lower-intensity mixed use zone districts to mitigate potential impacts on adjacent properties.
  - d. *Limitations:* Allow outdoor tasting/seating areas as accessory to breweries, wineries, and distilleries, provided the outdoor areas meet the same limits as for outdoor eating/serving areas accessory to restaurants and bars (Note: these limits do not apply in the I-A and I-B zones).
  - e. *Use Tables:*
    - i. Change allowances in all use tables for “manufacturing, fabrication & assembly, Custom” from “P” to “L” to reference new limits on brewery, winery, and distillery uses.
    - ii. Correct allowance in RX zones for “manufacturing, fabrication & assembly, Custom” from “-ZP” to “-ZPIN” to have consistent requirement for informational notice when this use seeks to establish in a residential mixed-use zone.
    - iii. Correct allowance for “manufacturing, fabrication & assembly, General” from allowed to not permitted (NP) in E-MX/MS-2x, -2A, and -2 zones to be consistent with prohibition in other similar neighborhood context zone districts.
    - iv. Correct allowance for “manufacturing, fabrication & assembly, General” uses in Article 8 (Downtown) to add “ZPSE” review.
2. *Use Table – Suburban, Urban Edge, Urban, General Urban Zone Districts:* Allow “Laboratory, Research, Development, and Technological Services” as primary use in all Main Street (MS) of 3-stories and greater. Same land use is already allowed in similar -CC and -MX zone districts, and staff finds that this land use has similar impacts as larger-scale offices and data/call centers already allowed in the same MS zones.
3. *Limitations:* Add exemption for CMP-H and CMP-H2 zones from 1,000 foot separation between helipads and residential zone districts (carry forward from Former Chapter 59)
4. *Limitations:* Clarify 500-foot separation/distance requirement for heavy manufacturing, fabrication, & assembly land uses near residential zone districts.

5. *Limitations:* Revise use limitations in the Industrial zone districts for “Automobile Parts Recycling Business” use to include screening requirements and limitations that applied under Former Chapter 59.
6. *Use Definition:* Add “above-grade, ground-mounted solar power energy systems” (NAICS 221114) to definition of “utility, minor impact” definition.
7. *Use Definition:* Clarify definition of “railroad right-of-way” to include both public and private ROW for rail travel and associated rail elements.

### **Primary Uses – Agricultural Uses**

1. *Limitation:* Clarify 500-foot separation/distance requirement for commercial “plant nursery” uses in the Industrial, Open Space, and Master Planned context zone districts and in the O-1 Zone District applies only if the primary use is unenclosed.

### **Accessory Uses – Accessory to Residential**

1. *All Use Tables and Limitations:* Delete “Unlisted Accessory Use” from all use tables and delete Section 11.8.1 regarding Zoning Administrator obligation to determine all unlisted accessory uses through a formal process. This provision is overly restrictive as a substantial number of common uses and activities accessory to primary residential uses are not listed in the table, and the provision added an unnecessary procedural barrier (e.g., play areas, outdoor eating areas).
2. *Use Table - Downtown:* Correct the section reference of the Garden, Urban, limitation in the use table.
3. *Limitation:* Clarify that only 1 ADU use is allowed on the same zone lot as the primary single-unit dwelling use.
4. *Limitation:* Allow a driveway to serve an ADU separate from the driveway serving the primary use if the new driveway is necessary to provide access from an alley.
5. *Limitation and Use Definition:* Related to “Domestic Employee”:
  - a. Exclude domestic employees from definition of “household” so that domestic employees do not count toward maximum number of unrelated persons per household.
  - b. Add missing definition of “domestic employee” from Former Chapter 59.
6. *Use Definition:* Add new definitions of allowed accessory uses “vehicle storage, repair and maintenance” and “wind energy conversion system.”

### **Accessory Uses – Home Occupations**

1. *Limitation and Use Definition:* Add new home occupation to allow limited, in-home commercial “Food Preparation” (no sales from dwelling allowed).
2. *Limitation:* Move use standard from definition and into limitation section for “Adult Care Home” and add the same standard as a new use limitation for “Rooming and/or Boarding” home occupation (limiting choice between having accessory foster family care, rooming and/or boarding, or adult care home to only one per single-unit dwelling use).
3. *Limitation:* Remove requirement for Denver Human Services approval prior to zoning permit for a foster family care home occupation use. Not necessary; appropriate city agencies are already involved in licensing/approving these uses outside zoning.
4. *Limitation:* Clarify that if unlisted in use tables, an accessory home occupation is prohibited unless Zoning Administrator approves it through “unlisted home occupations” review procedures and criteria.

## **Accessory Uses – Accessory to Nonresidential**

1. *Use Tables, Limitation, and Use Definitions - Outdoor Storage:*
  - a. Add and define two new use types: “Outdoor Storage, Limited” and “Outdoor Storage, General” to all use tables; allow these accessory uses in certain nonresidential zone districts subject to limitations in Article 11 (substance of these limitations was moved from existing provisions in Article 10).
  - b. Move definitions of “outdoor storage and waste disposal” from Article 10 to Article 11 use definitions (under uses accessory to primary nonresidential uses)
2. *Limitation:* Clarify that if unlisted in use tables, an accessory use is prohibited unless Zoning Administrator approves it through “unlisted accessory use” review procedures and criteria.
3. *Limitations - “Outdoor Eating and Serving Areas Accessory to Eating/Drinking Establishment”:*
  - a. Clarify applicability and reorganize use limitations (no substantive changes to use limitations).
  - b. Add new allowance for temporary or permanent structures that cover such outdoor areas as long as the covering is 50% open.
4. *Limitations and Use Definition:* Move use new limitations for “Outdoor Retail Sale and Display” from Article 10 into Article 11, and revise definition.

## **Temporary Uses**

1. *Limitation – Unlisted Temporary Use:* Clarify that if unlisted in use tables, a temporary use is prohibited unless Zoning Administrator approves it through “unlisted temporary use” review procedures and criteria.
2. *Limitation - Temporary or Building Yard for Construction Materials:* Allow temporary parking for construction and parking displaced temporarily for construction.
3. *Limitations – Parking Lot Designated for Special Event:*
  - a. Clarify that parking area used for the special event must be “Accessory Parking” (new term defined in Article 13).
  - b. Clarify surfacing requirements for temporary off-street special events parking areas.
4. *Limitation - Temporary Construction Office:* Change the permitted duration to match the permitted duration for a temporary Building or Yard for Construction Materials.
5. *Use Definitions:* Add missing definitions of the following temporary uses – “Amusement/Entertainment Uses,” “Bazaar” and “Outdoor Retail Sales – Pedestrian/Transit Mall.”

## **Usability and Clarification Changes**

1. Make consistent use of the defined term “permitted use” in place of the term “use by right.”
2. Correct spelling errors and incorrect section references
3. Move use definitions from Article 13 into Article 11
4. Move use limitations from definitions to the appropriate, specific limitation
5. Move use limitations out of Article 9 regarding manufacturing into Article 11
6. Correct and add SIC codes
7. Correct SIC number for commercial “food preparation” specific use type.



## GROUP 5: PARKING STANDARDS

### Articles 3-9 (Use and Parking Tables)

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#### Substantive Amendments

1. Revise parking requirements for “elementary or secondary school” in Suburban, Urban Edge, Urban Neighborhood, and Industrial Contexts so that the higher parking requirements apply to High Schools, not to all secondary schools (which included middle schools).
2. Reduced minimum parking requirements for “artist studios” as a specific type of permitted “arts, recreation and entertainment, indoor” use. The parking requirements for artist studios were inadvertently and substantially increased when artist studio use was re-categorized in the Denver Zoning Code in 2010.
3. Reduce bicycle parking requirement for “lodging accommodation” uses in the Campus context zones based on experience with recent hotel development on college campuses.
4. Add missing minimum parking requirements to O-1 district, based on the Suburban Neighborhood Context districts and the Industrial Neighborhood Context for industrial uses.

#### Usability and Clarification Changes

1. Correct minimum parking requirement for “eating/drinking establishments” in Urban Edge context zones (typo).
2. Clarify parking requirements (renumber outline level) in UO-1 zone district (Adult Use Overlay District).
3. Clarify relationship between parking reductions allowed for changes to use of historic structures stated in Article 10 to parking requirements for uses allowed through the special use provisions of the UO-3 overlay district (Historic Structure Use Overlay District).

# GROUP 6: ZONING PROCEDURES

## Article 12

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### Substantive Amendments & Usability and Clarification Changes

#### Throughout Article 12

##### Usability and Clarification:

1. Change term based on common usage from “pre-application conference” to “pre-application meeting.”
2. Reorganize so that all review steps of a zoning procedure are organized under a subsection entitled “Review Process.”
3. Reorganize all post-approval steps into a new subsection entitled “Requirements and Limitations after Zoning Permit Issuance.”

#### Requirements Common to All Zoning Procedures (Division 12.3)

##### Usability and Clarification:

1. Clarify that informational notice of receipt of application for rezonings is given no later than after first round of staff/internal city review.
2. Clarify range of minor modifications Zoning Administrator can approve to an approved plan/permit is broader than just minor changes to location of structure.

#### All Zoning Permit Types (ZP, ZPIN and ZPSE Reviews)

##### Usability and Clarification:

1. Clarify timing/precedence for zoning permits, as relates to previously approved site development plans, regulating plans, or general development plans.
2. Clarify that a zoning permit issued prior to or concurrent with an approved site development plan expires at the same time as the approved SDP.
3. Clarify ZPIN and ZPSE review applies to expansion or enlargement of a use that – when originally established – required a ZPIN or ZPSE review.
4. Clarify review procedures for ZPSE review based on practice and interplay with BOA procedures/criteria; clarify that CPD will issue a zoning permit following the BOA hearing and action, based on BOA’s findings.

#### Site Development Plan Review

##### Substantive, Usability and Clarification:

1. Clarify that a SDP is a prerequisite (where mandatory) for a zoning permit, and approval of a SDP allows city issuance of zoning permits and building permits.
2. Add new “Appeal” section for site development plans. Appeal of DRC action on SDPs may be appealed to the Board of Adjustment.

#### Administrative Adjustments

##### Substantive:

1. Clarify that administrative adjustments to Historic Structures justified on neighborhood compatibility will defer to the Landmark Preservation Commission’s findings as basis for grant of the adjustment.
2. Add allowance for Zoning Administrator to adjust the required minimum width of parking aisles for unusually small or narrow lots.
3. Add allowance for Zoning Administrator to adjust side interior setbacks on zone lots between 31 feet and 40 feet in lot width, based on a finding of greater neighborhood compatibility. The adjustment cannot result in a side interior setback of less than 3 feet.

### Usability and Clarification:

1. Clarify differences in parameters and criteria for administrative adjustments in height and bulk plane standards for (1) non-historic structures vs. (2) historic structures.
2. Clarify authority to adjust the determination of the Primary Street zone lot line of a corner lot on an oblong or square block to allow the possibility of Zoning Administrator designating both street-side zone lines as Primary Street zone lot lines.

### **Code Interpretations and Use Determinations**

#### Substantive

1. Require Zoning Administrator to determine applicable zoning procedure as part of a code interpretation, as applicable, and use determination.
2. Add new review criteria regarding plan consistency and consistency with zone district context and intent.

#### Usability and Clarification:

1. Clarify purpose/intent of Section 12.4.6, Code Interpretations and Determination of Unlisted Uses; reorganize to make more clear distinction between general rules of interpretation versus review criteria to apply to a specific request.

### **Variances**

#### Usability and Clarification:

1. Clarify what “existing neighborhood” means as applied to different types of variance requests.

### **Official Map Amendments (Rezoning)**

#### Substantive:

1. Revise provisions to allow an individual city council member to initiate a rezoning (in addition to allowing initiation by entire city council by resolution).
2. Eliminate minimum area requirement for all rezonings from a Former Chapter 59 zone to any DZC zone. Also, reduce or eliminate minimum area requirements for rezonings to the following DZC districts:
  - a. TH/RH/MU/RO zone district in any context;
  - b. I-MX zone;
  - c. -CC, -MX, -IMX, or -GMX zone district in the Master Planned context; and
  - d. DIA zone.

Changes are based primarily on rezoning case manager experience in not being able to process some plan-consistent rezonings brought by owners, and aligning standards better with intent/purpose of minimum area requirements.

3. Based on city attorney advice, delete requirement that rezonings with waivers and conditions be filed with the Denver County Clerk and Recorder after approval. Not necessary for public notice.

#### Usability and Clarification:

1. Clarify that for rezonings, exemption from minimum area requirements for “abutting” properties is intended to include properties that are across a street or public alley from each other.
2. Clarify formula for calculating number of owners that have to sign a protest petition to a rezoning.

## **General Development Plans**

### Substantive:

1. Delete requirement for a regulating plan if an approved GDP does not include designation of primary streets.
2. Correct execution provisions to make clear that when City is an applicant, the approved GDP is executed by all applicants and not necessarily all owners of the subject properties (consistent with Former Chapter 59).

## **Regulating Plan**

### Substantive:

1. Clarify Manager's final decision-making authority and allow attachment of conditions to an approval (similar to all other zoning procedures in code).

### Usability and Clarification:

1. Correct zoning terminology in regulating plan section to be consistent with use of terms in remainder of code.
2. Clarify language describing who may initiate a regulating plan application.
3. Clarify submittal requirements.
4. Clarify allowance for owner withdrawal of approved regulating plans.

## **Compliant Uses**

### Usability and Clarification:

1. Add new intent statement
2. Clarify limitations on expansion of compliant uses.

## **Compliant Structures**

### Substantive:

1. Delete ZPIN review for expansions of a compliant side setback in a residential zone district, provided all the conditions in Section 12.6.3.2.F. are met.

### Usability and Clarification:

1. Add new intent statement
2. Clarify allowance for expansions/enlargements of compliant structures.
3. Clarify the right to reconstruction of compliant structures after voluntary demolition in certain zones (carry forward of past allowances under Denver zoning law).

## **Nonconforming Uses, Structures, Signs and Zone Lots**

### Substantive:

1. Based on past zoning code interpretations and practice, add new provision limiting the continuance of nonconforming trailer camp or court (mobile home park) uses. Such nonconforming uses shall be terminated if (a) there's an increase in the number of individual trailers in the park; (b) there's a reduction in the spacing between trailers; (c) older-model trailers are replaced with HUD-approved manufactured/factory homes; and (d) replacement of an individual trailer with a new trailer/mobile home that is placed on a permanent foundation.

### Usability and Clarification:

1. Add new intent statements
2. Clarify applicability statements.

## **GROUP 7: GENERAL PROVISIONS – ZONE LOTS**

### **Article 1 – Division 1.2: Zone Lots**

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#### **Substantive Amendments**

1. Revise Intent for creation of new “flag zone lots” to make clear that the allowance is limited particularly to accommodate underlying historic subdivision patterns that resulted in zone lots that are especially deep and have narrow street frontage.
2. Add new requirement that the zone lot being amended to create a new flag zone lot must be at least 160 feet deep.
3. Require that remainder zone lot (the zone lot remaining after the new flag zone lot is created) must comply with the minimum zone lot size (area) and width standards of the applicable zone district.
4. Require the Zoning Administrator to determine the primary street, side interior, side street, and rear zone lot lines for the newly created flag zone lot to make site development parameters clear to owner/developer.
5. Clarify that, after the approved zone lot amendment, the resulting zone lots are considered “conforming zone lots.”

#### **Usability and Clarification Changes**

1. Clarify that under general requirement for “contiguous land area,” standard does not allow a zone lot to cross a public street or alley unless the Code expressly allows it.