



Denver Zoning Code Text Amendment #11  
Pre-Existing Small Zone Lots Parking Exemption Amendment  
[CITY COUNCIL REVIEW DRAFT 2/16/2017](#)

This document contains the redlined draft for the proposed text amendment to amend the Pre-Existing Small Zone Lots Parking Exemption.

1. Text in red underline is proposed new language.
2. Text in ~~red strikethrough~~ is proposed deleted language.
3. While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a redlined draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.

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ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE  
PUBLIC HEARING BEFORE CITY COUNCIL.

## SECTION 10.4.5 VEHICLE PARKING EXCEPTIONS

### 10.4.5.1 Vehicle Parking Exemptions

The following uses and circumstances are exempt from providing the minimum amount of vehicle parking otherwise required by this Code, but only to the extent specified in this Section.

#### A. Pre-Existing Small Zone Lots

1. Intent  
Encourage the preservation of pre-existing Small Zone Lots through exempted vehicle parking requirements to facilitate the reuse of existing buildings and/or the redevelopment of Small Zone Lots.
2. Applicability
  - a. ~~In a~~ All Mixed Use Commercial Zone Districts; and;
  - b. Where the subject Zone Lot is currently equal to or smaller than 6,250 square feet and was equal to or smaller than 6,250 square feet on June 25, 2010 ("Small Zone Lot") buildings on zone lots which are equal to or smaller than 6,250 square feet in area on June 25, 2010, shall be exempt from providing parking otherwise required by this Division.
3. Exemption Allowed
  - a. Reuse of Existing Buildings on Small Zone Lots
    - i. If a building (1) is located on a Small Zone Lot and (2) existed on [date of adoption], then the Gross Floor Area of all uses in such building shall be exempt from providing vehicle parking.
    - ii. The Gross Floor Area of uses housed in any additions or expansions to buildings that existed on [date of adoption] shall be required to provide vehicle parking for the Gross Floor Area of any Stories that exceed the number of Stories exempted from providing vehicle parking under this Section 10.4.5.1.A.
  - b. Small Zone Lots Located within Proximity to Transit Service
    - i. The Gross Floor Area of uses housed in the lowest three Stories entirely above the base plane of a new building constructed on a Small Zone Lot located within 1/2 mile of the outer boundary of a Rail Transit Station Platform or located within 1/4 mile from a High-Frequency Transit Corridor shall be exempt from providing vehicle parking. The Zoning Administrator shall determine whether a Small Zone Lot is within proximity to transit service as specified in Section 13.1.9.
  - c. All Other Small Zone Lots
    - i. The Gross Floor Area of uses housed in the lowest two Stories entirely above the base plane of a new building constructed on any other Small Zone Lot shall be exempt from providing vehicle parking.
  - d. Vehicle Parking Exceptions for Required Vehicle Parking on Small Zone Lots
    - i. All exceptions to minimum vehicle parking requirements set forth in Section 10.4.5 are available to any required minimum vehicle parking not exempted as described in this Section 10.4.5.1.A.
    - ii. The total number of vehicle parking spaces required may be reduced by up to 100% under any one or combination of the vehicle parking reductions provided in accordance with Section 10.4.5.3.

**4. Maximum Reduction Allowed**

- a. The total number of vehicle parking spaces required on a zone lot shall not be reduced by more than 50% under any one or combination of this subsection's permitted reductions, with the following exceptions:
  - i. ~~except as provided in Vehicle parking reductions for small lots in the C-CCN zone districts provided in Section 10.4.5.3.C, and except that~~
  - ii. ~~reduced parking approved as part of a~~ General Development Plan shall not result in more than a 75% reduction in the required parking for the entire GDP area~~.~~
  - iii. Vehicle parking reductions for Pre-Existing Small Zone Lots provided in Section 10.4.5.1.A.
- b. Vehicle parking spaces provided through the alternative vehicle parking ratios in Section 10.4.5.2 do not count towards the maximum percentage of vehicle parking spaces that may be reduced through this subsection's permitted reductions.
  - i. For example, a Zone Lot in a G-MS-5 zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The alternative minimum vehicle parking ratio for the affordable housing units is a 75% reduction from the 1 vehicle parking space per unit requirement in the G-MS-5 zone district, but alternative minimum vehicle parking ratios do not count towards the maximum percentage of vehicle parking spaces that may be reduced for the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the minimum vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

**5. Informational Notice Required for Certain Reduction Requests**

A request for greater than a 25% reduction in the required amount of parking shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, with the following exceptions:

- a. Vehicle parking reductions requested as part of a General Development Plan
- b. Alternative vehicle parking ratios
- c. Vehicle parking reductions for small lots in the C-CCN zone districts under Section 10.4.5.3.C.

**6. Withdrawal from Participation in Plans or Programs**

Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.3, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division 10.4 and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.

## SECTION 13.1.7 FENCE AND WALL HEIGHT MEASUREMENT

Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, to the topmost point of the fence or wall.

## SECTION 13.1.8 MEASUREMENT OF MOTOR VEHICLE OR TRAILER LENGTH

When measuring the permitted length of a motor vehicle, including but not limited to recreational vehicles, trailers, buses, or trucks, the following rule of measurement shall apply: The distance measured from the front-most to the rear-most portion of the vehicle (e.g., to the front and rear bumper), except, however, when extensions or projections are added beyond the front-most or rear-most portion of the vehicle, then the measurement shall include such extensions or projections.

## SECTION 13.1.9 MEASUREMENT OF SEPARATION OR DISTANCE

### 13.1.9.1 Measurement of Separation or Distance Between Uses

- A. When measuring a required separation between uses, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.
- B. Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.

### 13.1.9.2 Measurement of Separation or Distance Between a Use and Zone District

- A. When measuring a required separation between a use and a zone district, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.
- B. Only when a significant part of the primary use requiring separation is operated outside of a completely enclosed structure shall the separation be measured from the nearest point of the zone lot occupied by the primary use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.
- C. In the case of an outdoor accessory use requiring separation from a zone district (for example, an accessory outdoor eating or serving area), distance shall be measured from the nearest point of the outdoor accessory use to the nearest point of the zone district boundary from which the separation is to be effected or established.

### 13.1.9.3 Measurement of Distance from a High Frequency Transit Corridor and a Zone Lot

- A. When measuring distance between a High Frequency Transit Corridor and a Zone Lot for which Section 10.4 applies, distance shall be determined from the centerline of the right of way of the High Frequency Transit Corridor to the nearest point of the Zone Lot.

# H

**Habitable Room:** A room in a dwelling unit designed to be used for living, sleeping, eating or cooking, excluding bathrooms, toilet compartments, closets, halls, storage and similar space.

**Habitable Space:** A story that has at least 4 feet between the ground level and the ceiling joists and which has enough area to provide a room with net floor-to-ceiling distance of 7 feet over half the area of the room. A “habitable space” may or may not constitute a habitable room.

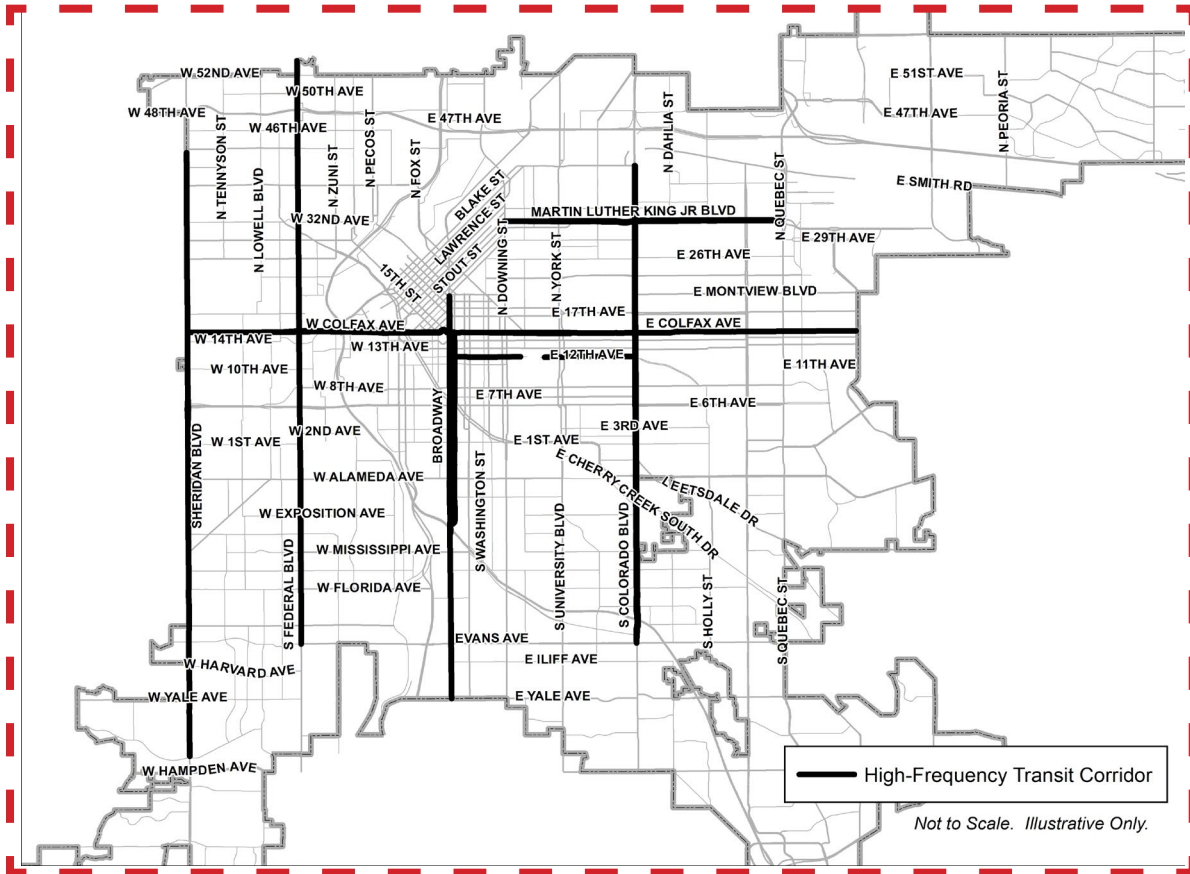
**Habitable Story:** See definition of “Story, Habitable,” below.

**Hazardous Materials:** See definition of “Toxic and/or Hazardous Materials” below.

**High-Frequency Transit Corridor:** Corridors with high-frequency bus service defined by the centerline of the right of way for named or numbered Streets specified below. For purposes of this Code, the lengths of High-Frequency Transit Corridors terminate at the point of intersection with the centerline of the right of way of the intersecting named or numbered Streets defined below, the City boundary, or a City Park, as applicable. See Figure 13.3-1

1. North and South Sheridan Boulevard from the intersection of West 44th Avenue (northernmost point) to the intersection of West Dartmouth Avenue (southernmost point)
2. North and South Federal Boulevard from the intersection of the City boundary at North Columbine Road (northernmost point) to the intersection of West Evans Avenue (southernmost point)
3. East and West Colfax Avenue from the intersection of the City boundary (westernmost point) to the intersection of the City boundary (easternmost point)
4. North and South Broadway from the intersection of East 20th Avenue (northernmost point) to the intersection of the City boundary (southernmost point)
5. North and South Lincoln Street from the intersection of East Colfax Avenue (northernmost point) to the intersection of East Ohio Avenue (southernmost point)
6. North and South Colorado Boulevard from the intersection of East 40th Avenue (northernmost point) to the intersection of East Evans Avenue (southernmost point)
7. Westbound East Martin Luther King Boulevard from the intersection of North Downing Street (westernmost point) to the intersection of northbound North Quebec Street (easternmost point)
8. East 12th Avenue from the intersection of North Broadway (westernmost point) to the intersection of the westernmost boundary of Cheesman Park (easternmost point) and East 12th Avenue from the intersection of the easternmost boundary of Cheesman Park to North Colorado Boulevard (easternmost point)

Figure 13.3-1



**High-Rise Building:** Any building or structure having any portion of a story used for human occupancy more than 75 feet above the lowest level of fire department vehicle access.

**Historic Structure:** Designated structures for preservation or contributing structures in districts designated for preservation under the provisions of D.R.M.C., Chapter 30.