

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. CB17-0161

SERIES OF 2017

COMMITTEE OF REFERENCE:

**AS AMENDED 3-20-17**

Land Use, Transportation & Infrastructure

**AS AMENDED 04-03-17**

**AS AMENDED 05-01-17**

**A BILL**

**For an ordinance amending the Denver Zoning Code to revise parking exemptions for pre-existing small zone lots.**

**WHEREAS**, the City Council recognizes the challenges of developing pre-existing small zone lots in Mixed Use Commercial Zone Districts when there are mandatory minimum vehicle parking requirements; and

**WHEREAS**, the City Council recognizes that the Denver Zoning Code's pre-existing small zone lot parking exemption encourages maintenance of the traditional small lot pattern of development, and mandating minimum parking requirements on small zone lots may encourage assembly of small zone lots into larger scale developments that are inconsistent with this traditional pattern of development; and

**WHEREAS**, the City Council recognizes that a comprehensive city-wide program is desired to manage demand for vehicle parking and to further city-wide objectives to promote the use of multiple modes of transportation; and

**WHEREAS**, the Department of Public Works, the Department of Community Planning & Development, City Council, and other agencies have expressed a commitment to pursue a comprehensive city-wide program with the purposes of managing demand for vehicle parking and reducing vehicle trip generation.

**WHEREAS**, the City Council desires to amend the Denver Zoning Code to implement additional criteria for parking exemptions for pre-existing small zone lots in the City and County of Denver; and

**WHEREAS**, the City Council has determined on the basis of evidence and testimony presented at the public hearing that amending the Denver Zoning Code as set forth herein is consistent with the City's adopted plans, furthers the public health, safety and general welfare, and will result in regulations and restrictions that are uniform within zone districts that contain pre-existing small zone lots.

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

3 Section 1. Section 10.4.5.1.A of the Denver Zoning Code dealing with vehicle parking  
4 exemptions for pre-existing small zone lots is hereby amended by deleting the language stricken  
5 below and adding the language underlined below to read and be read as follows:

6 **“10.4.5.1 – Vehicle Parking Exemptions**

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

9

10 A. Pre-Existing Small Zone Lots

11 1. Intent

12 Encourage the preservation of pre-existing Small Zone Lots through exempted  
13 vehicle parking requirements to facilitate the reuse of existing buildings and/or  
14 the redevelopment of Small Zone Lots.

15 2. Applicability

16 a. ~~In a All Mixed Use Commercial Zone Districts; and,~~

17 b. Where the subject Zone Lot is currently equal to or smaller than 6,250  
18 square feet and was equal to or smaller than 6,250 square feet on June  
19 25, 2010 (“Small Zone Lot”) buildings on zone lots which are equal to or  
20 smaller than 6,250 square feet in area on June 25, 2010, shall be exempt  
21 from providing parking otherwise required by this Division:

22 3. Exemption Allowed

23 a. Reuse of Existing Buildings on Small Zone Lots

24 i. If a building (1) is located on a Small Zone Lot and (2) existed on  
25 March 23, 2017, then the Gross Floor Area of all uses in such  
26 building including any modifications, alterations, and expansions  
27 shall be exempt from providing vehicle parking.

28 ii. The Gross Floor Area of All uses housed in any additions or  
29 expansions to buildings that existed on March 23, 2017 shall be

~~required to provide vehicle parking for the Gross Floor Area of uses housed in any Stories that exceed the number of Stories exempted from providing vehicle parking under this Section 10.5.4.1.A. Any building located on a Small Zone Lot that is voluntarily demolished shall not be considered an existing building. 'Voluntary demolished' shall have the same meaning as the term 'Demolition, Voluntary' defined in Article 13.~~

b. New Buildings on Small Zone Lots Located within Proximity to Transit Service

~~The Gross Floor Area of All uses housed in the lowest **three two** 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 may 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. New Buildings on All Other Small Zone Lots

~~The Gross Floor Area of All uses housed in the **lowest two Stories first Story that is** entirely above the base plane of a new building constructed on any other Small Zone Lot shall may 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."

1           **Section 2.** Section 10.4.5.3.A.4 of the Denver Zoning Code dealing with vehicle parking  
2 reductions applicable to all vehicle parking reduction allowances is hereby amended by deleting the  
3 language stricken below and adding the language underlined below to read and be read as follows:

4           “4.     Maximum Reduction Allowed

5           a.     The total number of vehicle parking spaces required on a zone lot shall not be  
6 reduced by more than 50% under any one or combination of this subsection’s  
7 permitted reductions, with the following exceptions:

8           i.     ~~except as provided in~~ Vehicle parking reductions for small lots in the C-  
9           CCN zone districts provided in Section 10.4.5.3.C, ~~and except that~~

10          ii.    ~~reduced parking approved as part of a~~ A General Development Plan shall  
11 not result in more than 75% reduction in the required parking for the  
12 entire GDP area.

13          iii.   Vehicle parking reductions for Pre-Existing Small Zone Lots provided in  
14                Section 10.4.5.1.A.

15          b.     Vehicle parking spaces provided through the alternative vehicle parking ratios  
16 in Section 10.4.5.2 do not count towards the maximum percentage of vehicle  
17 parking spaces that may be reduced through this subsection’s permitted  
18 reductions.

19          i.     For example, a Zone Lot in a G-MS-5 zone district includes 100  
20 affordable housing units and office Primary Uses. The affordable  
21 housing use applies the alternative minimum vehicle parking ratio of 0.25  
22 vehicle parking spaces per unit for a parking requirement of 25 required  
23 vehicle parking spaces. The alternative minimum vehicle parking ratio  
24 for the affordable housing units is a 75% reduction from the 1 vehicle  
25 parking space per unit requirements in the G-MS-5 zone district, but  
26 alternative minimum vehicle parking ratios do not count towards the  
27 maximum percentage of vehicle parking spaces that may be reduced for  
28 the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the  
29 minimum vehicle parking requirement for the office Primary Use may be  
30 reduced in accordance with the vehicle parking reductions in Section  
31 10.4.5.3, but the alternative minimum vehicle parking requirement for the

1 affordable housing units may not be reduced further.”

2 **Section 3.** Section ~~13.1.9~~ **13.1.10** of the Denver Zoning Code dealing with measurement of  
3 separations or distance is amended by adding a new subsection that reads as follows:

4 ~~“13.1.9.3~~ **13.1.10.4 Measurement of Distance from a High Frequency Transit Corridor and a**  
5 **Zone Lot**

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

9 **Section 4.** A new definition is added to Division 13.3 of the Denver Zoning Code that reads  
10 as follows:

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

- 16 1. North and South Sheridan Boulevard from the intersection of West 44th Avenue  
17 (northernmost point) to the intersection of West Dartmouth Avenue (southernmost  
18 point)
- 19 2. North and South Federal Boulevard from the intersection of the City boundary at North  
20 Columbine Road (northernmost point) to the intersection of West Evans Avenue  
21 (southernmost point)
- 22 3. East and West Colfax Avenue from the intersection of the City boundary (westernmost  
23 point) to the intersection of the City boundary (easternmost point)
- 24 4. North and South Broadway from the intersection of East 20<sup>th</sup> Avenue (northernmost  
25 point) to the intersection of the City boundary (southernmost point)
- 26 5. North and South Lincoln Street from the intersection of East Colfax Avenue  
27 (northernmost point) to the intersection of East Ohio Avenue (southernmost point)
- 28 6. North and South Colorado Boulevard from the intersection of East 40<sup>th</sup> Avenue  
29 (northernmost point) to the intersection of East Evans Avenue (southernmost point)

- 1 7. Westbound East Martin Luther King Boulevard from the intersection of North Downing
- 2 Street (westernmost point) to the intersection of northbound North Quebec Street
- 3 (easternmost point)
- 4 8. East 12<sup>th</sup> Avenue from the intersection of North Broadway (westernmost point) to the
- 5 intersection of the westernmost boundary of Cheesman Park (easternmost point) and
- 6 East 12<sup>th</sup> Avenue from the intersection of the easternmost boundary of Cheesman Park
- 7 to North Colorado Boulevard (easternmost point)

8 Section 5. Section 12.4.2.2 of the Denver Zoning Code dealing with the applicability of

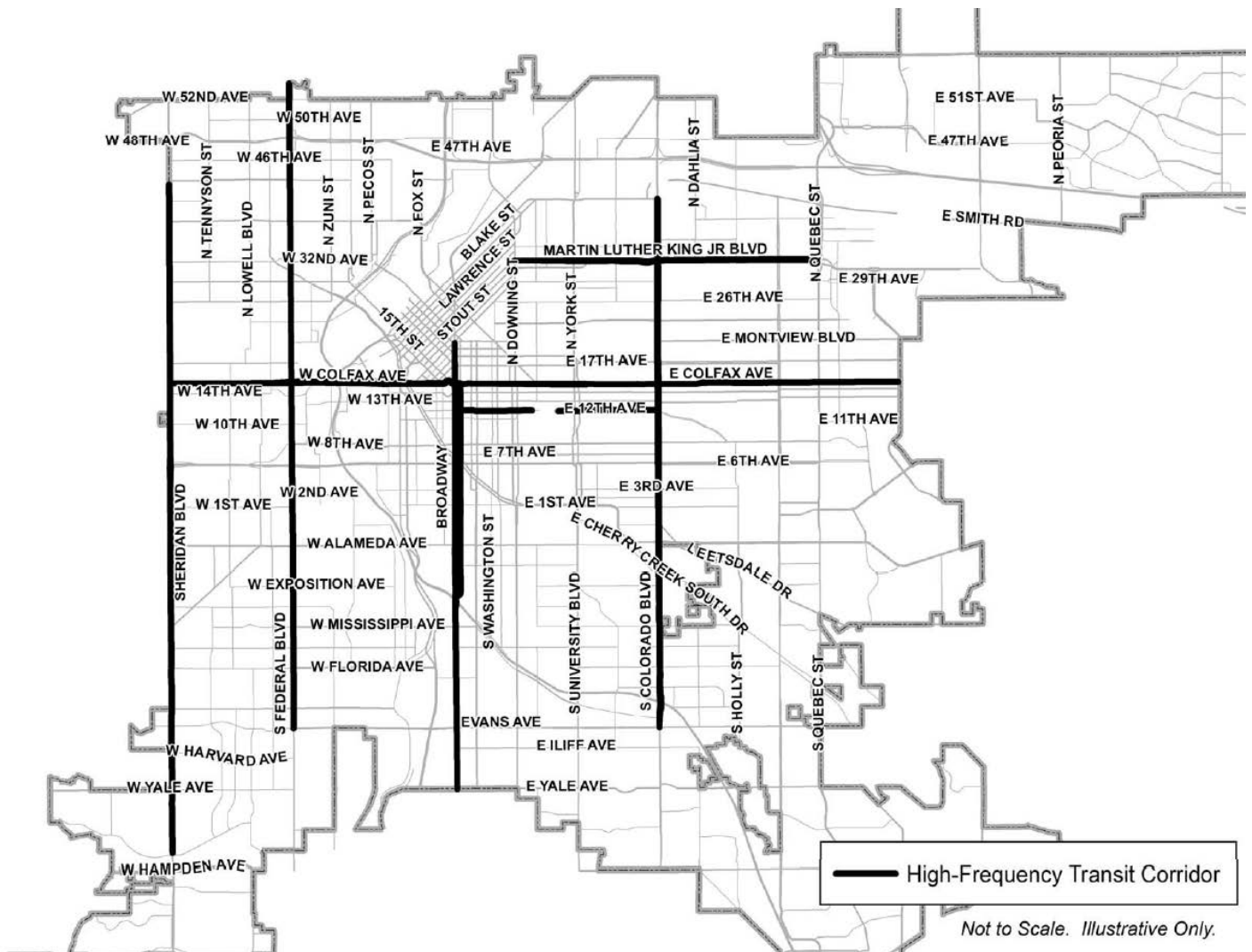
9 Zoning Permit Review with Informational Notice is amended by the addition of a new subsection D

10 that reads as follows:

11 D. Construction of any new building on a Small Zone Lot that includes a request for a

12 parking exemption in accordance with section 10.4.5.1.A.

13 Figure 13.3-1



1 **Section 6. (a) Except as otherwise provided in Section 6(b) of this ordinance with**  
2 **respect to certain site development plan applications, the amendments to the Denver**  
3 **Zoning Code adopted by this ordinance shall take effect on May 5, 2017.**

4  
5 **(b) Notwithstanding Section 6(a) of this ordinance, if requested by an applicant,**  
6 **a pending formal site development plan application may be processed under the provisions**  
7 **of the Denver Zoning Code concerning the small lot parking exemption prior to the adoption**  
8 **of this ordinance (the “Prior Small Lot Parking Exemption”), if CPD received a complete**  
9 **application for a mandatory concept review pursuant to Section 12.3.2.2 of the Denver**  
10 **Zoning Code, which was submitted in advance of a required site development plan per**  
11 **Section 12.4.3.3, on or before August 26, 2016, and such application sought to use the Prior**  
12 **Small Lot Parking Exemption.**

13  
14 COMMITTEE APPROVAL DATE: February 14, 2017  
15 MAYOR-COUNCIL DATE: February 21, 2017  
16 PASSED BY THE COUNCIL: \_\_\_\_\_

17 \_\_\_\_\_ - PRESIDENT  
18 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
19 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
20 EX-OFFICIO CLERK OF THE  
21 CITY AND COUNTY OF DENVER

22 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_  
23 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: February 16, 2017

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 Kristin M. Bronson, Denver City Attorney

29 BY: DRH, Assistant City Attorney DATE: May 1, 2017