

# 2021 DZC Text Amendment “Bundle” – Detailed Summary of Changes

Updated 4/14/21

Changes in the 2021 “Bundle” of text amendments to the Denver Zoning Code encompass corrections, clarifications, and minor substantive changes consistent with adopted land use and zoning policy (i.e., major policy changes are not included in the Bundle amendments).

*This document provides a summary of specific changes to each article of the Denver Zoning Code.*

## Article 1 Highlights/Summary of Changes:

- **GENERAL PROVISIONS**
  - Revisions to “conflicting provisions” standards to address internal inconsistencies in DZC (most restrictive standard applies; more specific applies over the more general), and to state the governing rule when DZC conflicts with an applicable city/state/federal regulation that is more restrictive, the more restrictive regulation will apply.
- **ZONE LOTS – DETERMINATION / VERIFICATION OF ZONE LOT STATUS & BOUNDARIES**
  - Clarification that the Zoning Administrator has authority to finally determine zone lots containing existing structures and/or uses
  - Codifies the criteria (based on current business practice) by which the Zoning Administrator determines zone lot status and boundaries for existing structures/uses established after FC59 was adopted in February 1955.
  - Allows Zoning Administrator to rely on Denver County Assessor parcel reconfiguration history and data to determine that a reconfiguration of affected zone lots was intended along with the parcel reconfiguration, even in the absence of a recorded zone lot amendment.
- **ZONE LOTS – FLAG LOTS**
  - Clarification and corrections to all Flag Lot standards. Clarify that provisions apply not only to creation of new flag lots, but also to development on pre-existing flag lots in Denver.
  - Clarify rules of measurement for flag lot width and depth, and total flag lot area.
- **NUMBER OF USES & STRUCTURES ALLOWED PER ZONE LOT**
  - Correction of table entries to clarify that outside of most SU/TU/RH/MU and RO zones, there is no limit on the number of primary structures and uses on a single zone lot.
  - Delete the term of art “Carriage House” from DZC, and replacement with more generic reference and specific use/building form standards for an existing exception to the number of primary structures/uses allowed in SU/TU zone lot, where a pre-1955 building that is taller than 1-story exists on the same zone lot as another house. Such taller, pre-existing building, as allowed since the zoning code was adopted in 1955, may be used as a second, completely independent dwelling unit, in addition to any other primary single-unit dwelling use and structure on the same zone lot.
- **BUILDING FORMS – GENERAL RULES AND PROVISIONS**
  - Bundle adds this new Division 1.4 to house all the general rules and provisions related to building forms.

- New sections state the rules governing the initial assignment of a building form to a new structure or to an existing structure that does not already have a building form assigned to it governing development.
- New section that describes application of building form standards to two or more structures that are connected to each other only by a “Building Connector”. The latter new term of art is defined in Article 13 and regulated here to clarify how the connected structures can remain detached from each other for purposes of applying building form zoning standards. This new “Building Connector” term and rules replace previous code allowances for the limited use of “breezeways” and “tunnels” to attach two or more structures without the Code deeming them one single structure.

## Article 2 Highlights/Summary of Changes

- No changes were made to Article 2 as part of this text amendment bundle.

## Article 3: Suburban (S-) Neighborhood Context Zone Districts

- See amendments described under section “Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts” of this summary, below.
- Add missing home occupation “Online Retail Sales” to the Use and Parking Table in Division 3.4.

## Article 4: Urban Edge (E-) Neighborhood Context Zone Districts

- See amendments described under section “Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts” of this summary, below.
- Street Level Active Uses in the E-MX and E-MS Zone Districts: correct applicability to apply the standards to the Town House building form as well as the Shopfront form (missed during Slot Home ordinance changes).

## Article 5: Urban (U-) Neighborhood Context Zone Districts

- See amendments described under section “Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts” of this summary, below.
- Street Level Active Uses in the U-MX and U-MS Zone Districts: correct applicability to apply the standards to the Town House building form as well as the Shopfront form (missed during Slot Home ordinance changes).

## Article 6: General Urban (G-) Neighborhood Context Zone Districts

- See amendments described under section “Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts” of this summary, below.
- Street Level Active Uses in the G-MX and G-MS Zone Districts: correct applicability to apply the standards to the Town House building form as well as the Shopfront form (missed during Slot Home ordinance changes).
- Make consistent changes to setback exceptions in G- zones to align with general changes that deleted reference to ‘block sensitive’ term.
- Correct error in setback exception for drive or driveways to apply the “any distance” allowance to a drive/driveway in the side interior (not side street) setback.

## Article 7: Urban Center (C-) Neighborhood Context Zone Districts

- See amendments described under section “Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts” of this summary, below.
- Street Level Active Uses in the C-MX and C-MS Zone Districts: correct applicability to apply the standards to the Town House building form as well as the Shopfront form (missed during Slot Home ordinance changes).

## Article 8: Downtown (D-) Neighborhood Context Zone Districts

- See amendments described under section “Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts” of this summary, below.
- Lower Downtown - D-LD Zone District:
  - Clarify applicable rules and standards by referring to DRMC Chapter 30 for new development standards, state that building form standards in DZC do not apply, but that general development standards in Article 10 do apply in the D-LD zone district.

## Article 9: Special Contexts and Districts

- See amendments described under section “Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts” of this summary, below.
- **INDUSTRIAL (I-) CONTEXT ZONE DISTRICTS**
  - Add new Section 9.1.3.4 providing Detached Accessory Building Form standards. Standards are the same as in other contexts.
  - Add new building form for all I zones: “Detached Accessory Structure” building form. Same standards as in other contexts for this building form.
- **CAMPUS (CMP-) CONTEXT ZONE DISTRICTS**
  - Clarify that the “General” building form in the CMP-EI, CMP-EI2, and CMP-ENT zones allow both permitted primary and accessory uses.
- **OVERLAY ZONE DISTRICT**
  - Adult Use Overlay District (UO-1): correct the distance/spacing requirement table to include “sexually oriented commercial enterprises” to the list of adult business uses subject to distance/spacing standards.
- **MASTER PLANNED (M-) CONTEXT ZONE DISTRICTS**
  - Clarify building form standard governing how far an attached garage can project forward of the primary structure to align with revised new term “unenclosed porch”.
  - Correct ‘Detached Accessory Dwelling Unit’ building form standards to add missing “location of structure” standard (requiring it to be sited in rear 35% of the zone lot depth).

## Articles 3-9: Zone District Design Standards – All Contexts/All Zone Districts

- **PRIMARY BUILDING FORM STANDARDS**
  - Clarification and correction of summary building form tables by zone district; add cross-reference to Art 1 zone lot standards.
  - Suburban House, Urban House, Duplex, Tandem House, Row House, Garden Court, Town House, and Apartment Building Forms:
    - Clarify application of height and bulk plane standards to front/rear of zone lot

- Revise terminology and approach to stating primary street setback standards (e.g., remove reference to the term “block-sensitive” in setback standards; instead, refer to ROM in Sec. 13.1.5.9).
    - Revise to simplify and clarify the maximum “Parking and Drive Lot Coverage in Primary Street Setback” standard; for all zone lots, allow max. of a 16-foot wide strip, or 33% of zone lot area, whichever is greater.
    - Clarify “Attached Garage” exception to primary building setbacks to make clear the exception will not apply if the primary structure has taken a permitted height increase for the attached garage portion of the building.
    - For Tandem House form, revise the name of the standard regulating the minimum distance/separation between primary tandem structures to “Horizontal Distance between Closest Above-Grade Portions of each Primary Structure.”
    - In Town House building form tables, add new cross-reference to build-to exceptions.
    - In the Town House and Apartment building forms, add “live-work dwelling” use to the permitted primary uses.
  - All Other Primary Building Forms:
    - Update graphics and correct mis-aligned graphic labels with the correct building form standard.
- **DETACHED ACCESSORY BUILDING FORM STANDARDS**
  - Clarify allowance for change of assigned building form.
  - Clarify that fences and walls used for required screening purposes are regulated by the standards in Division 10.5 instead of the building form standards for detached accessory structures.
  - Clarify the permitted accessory uses for each detached accessory building form.
    - For example, clarify that only those uses accessory to a primary Single-Unit Dwelling use are allowed in the Detached Accessory Dwelling Unit building form (not limited to only an ADU use).
  - Detached Accessory Dwelling Unit (DADU) building form standards:
    - Match minimum side interior setback for the DADU form on zone lots 25 or 30 feet or less in width (varies by context) with the minimum side interior setback for primary building forms on the same lot size – On the narrowest lots, this will reduce the minimum setback from 5’ to the same 3’ minimum allowed for the primary structure. The diagram on page 5 illustrates how this change could allow a DADU to have the same side setback as the larger primary structure on the same lot.
    - Remove requirement for taller DADU forms to be pushed to the southern-most setback line. The diagram on page 6 illustrates how this change would allow a DADU to be placed towards the center of the lot, or to avoid removing trees or other desirable features.
    - Remove the maximum “Habitable Space” standard, which is unnecessary because the remaining Building Footprint standard, Overall Structure Length standard, and the Article 11 limitations on the gross floor area of an ADU use in

Single Unit zones would not permit larger detached accessory dwelling units than are currently allowed.

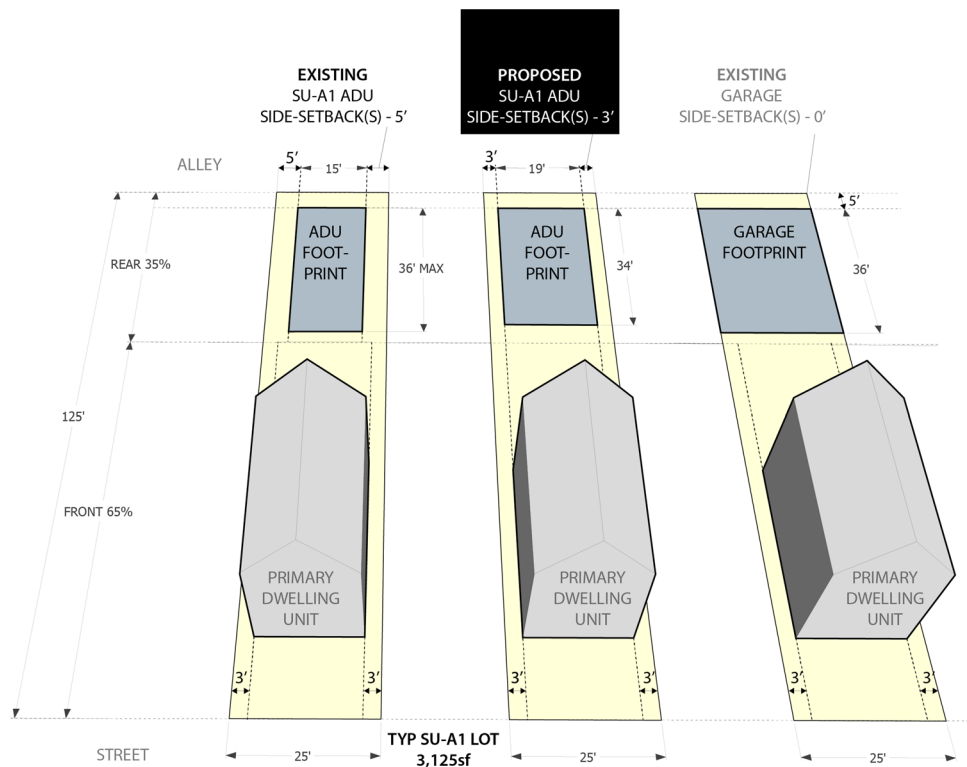
- Move exception from maximum building coverage from building form table to design exceptions section later in Article (e.g., in Article 4, that would be Section 4.3.7.5).
- Detached Garage and all other Detached Accessory Building form standards:
  - Move exception from maximum building coverage from building form table to design exceptions section later in Article (e.g., in Article 4, that would be Section 4.3.7.5).
  - Revise the “Setback from Primary Street Facing Façade of Primary Structure” standard to make clearer the standard’s design intent, which is to ensure the primary structure is sited “predominantly” in the built landscape compared with secondary and incidental accessory buildings. Standard renamed to “Location of Structure” and standard revised from 10 feet, to “Located a minimum of 10’ behind 75% of the total width of the Primary Street-facing Façade(s) of one Primary Structure.” See also new Section 13.1.5.12 stating alternative standard for siting detached accessory structures when there is more than one primary structure on the zone lot, and when there is no primary structure (or primary structure with a primary-street facing façade) on the zone lot.

## Illustration of Proposed Revisions to Detached Accessory Dwelling Unit (DADU) Form Standards

Blueprint Denver (adopted in 2019) directs city staff to work toward removing existing barriers to building and permitting ADUs in Denver. The proposed revisions to the DADU form standards described above begin to address some of these challenges. The diagrams below illustrate DADU forms possible under existing Denver Zoning Code provisions and how outcomes could vary if the DADU form standards are updated as proposed in the 2021 Text Amendment Bundle. The proposed Bundle amendments would not allow for DADU building forms that are larger or taller than currently allowed.

### Matching Minimum Side Setbacks with the Primary Structure on a Narrow Lot

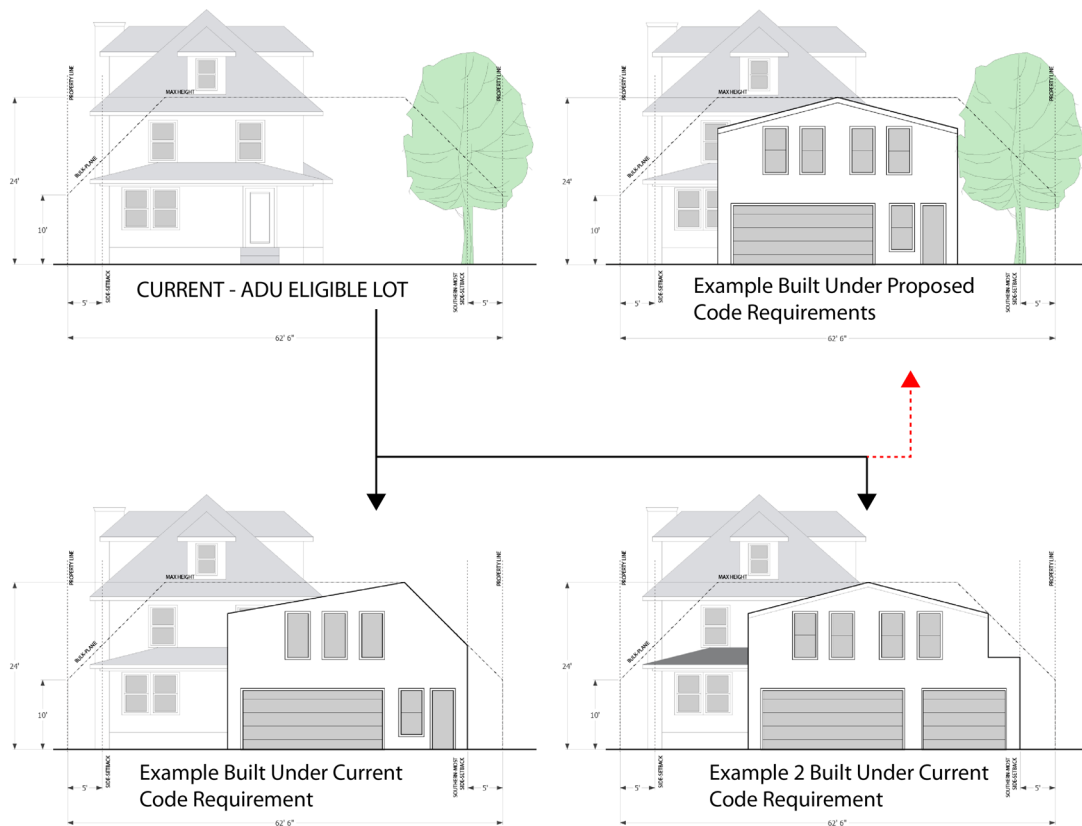
As illustrated below on a typical 25 foot wide lot in an SU-A1 zone district (a zone district allowing narrow lots with a primary structure and an ADU), existing code provisions require a DADU to have a greater side setback than the primary structure ('Existing' on left). The Bundle proposes to allow the primary and accessory structure to have the same side setback ('Proposed' in the center). Note that a detached garage is currently allowed with no side setback ('Garage Footprint' on right).



## Illustration of Proposed Revisions to Detached Accessory Dwelling Unit (DADU) Form Standards (continued)

### Remove Requirement for taller DADU building forms to be pushed to the southernmost setback line

As illustrated below, existing code provisions require a DADU over 17 feet in height to be located at the southernmost side interior setback line. The Bundle proposes to remove this requirement because it is difficult to administer, may promote odd roof shapes (example at lower left) and may require removal of trees or other desirable existing features (examples at lower left and lower right). Removing the southernmost setback requirement would allow for a DADU located on the center of a lot or away from existing desirable site features (example at upper right).



- **SUPPLEMENTAL DESIGN STANDARDS**

- Surface Parking Between the Building and the Primary/Side Street: Clarify that surface parking is not allowed between the applicable street and the portion of building façade at issue.
- Rooftop and/or Second Story Decks: To be consistent with prohibition on rooftop and/or Second Story Decks in the SU, TU, RH zones, delete allowance for stairs and landings that connect to a rooftop/2<sup>nd</sup>-story deck to exceed the maximum height/bulk plane within the rear 35% of the zone lot.

- **DESIGN STANDARD EXCEPTIONS**

- Height Exceptions:
  - Add a new standard that states the previously unwritten general rule that no portion of a structure shall project beyond the maximum height in feet or stories, or the specified bulk plane for a structure.
  - Clarify the rule of measurement for height exceptions; add new graphic.
  - Clarify the height exception for “eaves” by restating as an exception for “roof overhangs no more than 3 feet measuring perpendicularly from the Exterior Wall.” Gutters and downspouts attached or part of a Roof Overhang are allowed as part of the 3-foot encroachment.
- Setback Exceptions:
  - Improve navigability by reorganize sections with new subsection headings
  - Clarify text stating the general standard that setbacks must remain open and unobstructed, unless an exception applies.
  - Clarify how multiple setback exceptions are applied to the same structure.
  - Add or correct graphics in setback exception table.
  - Modify encroachment for chimneys and fireplace insert vents to limit applicability to only existing chimneys and not newly constructed chimneys and vents (not exceeding 6 feet in width).
  - Clarify that gutter and roof overhang exception also applies to downspouts.
  - Revise porch exception to be clear that only “Unenclosed Porches” (new term added and defined in Art. 13) can take the setback exception.
  - Clarify exception for architectural elements that are intended to control light entering through windows and doors (previously referred to as “shading devices”); allow horizontal shading devices (awnings, horizontal sunshades, and other shading devices projecting in a horizontal plane) and other shading devices such as vertical sunshades, vertical screens and combination horizontal/vertical sunshades (“eggcrate” sunshades); vertical screens and combination horizontal/vertical sunshades (“eggcrate” sunshades) must be at least 50% open.
  - Revise exception for barrier-free access structures – remove reference to federal ADA or Denver accessibility standards; delete requirement that such structures be “compatible with the character of the building” (very difficult or impossible to comply with latter standard in real life).



- Revise to clarify intent of setback exception for retaining structures for window wells and other below-grade areas:
  - If structure is not used to meet DBC requirements for required egress: Cannot extend more than 6 inches above grade, shall not exceed 6 feet in width. Still allowed to encroach 4 feet into all required setbacks.
  - If structure is used to meet DBC requirements for required egress: can encroach any distance into all setbacks if (1) does not extend more than 6-inches above grade; (2) does not exceed 6-feet in width; (3) does not exceed 4-feet in width; and (4) does not exceed the minimum number of exits or emergency escape and rescue openings required by the Denver Building and Fire Code.
- Add new setback exception (may encroach any distance into all setbacks) for wall-mounted fixtures, wiring, conduit, piping and vents integral to conventional mechanical, electrical, plumbing, and fire protection systems (1) not otherwise identified as an allowed setback encroachment; and (2) serving permitted uses on the zone lot; and (3) projecting no more than 18-inches from the exterior face of the exterior wall.
  - Includes but is not limited to electrical panelboards, controllers, sensors, meters, drains, hose bibs, hydrants, fire department connections, sprinklers, alarms, dryer vents, bathroom vents, furnace vents, radon exhaust fans, lighting fixtures, and similar minor utility features approved by the Zoning Administrator.
- Building Coverage Exception:
  - Revise porch exception to align with intent: only unenclosed porches located between the Primary Street zone lot line and the Primary Street-facing façade of the structure can take the exception, and only if the porch provides access to the primary use in the structure.
  - Revise exception for DADU and Detached Garage building forms to clarify how to measure the 15-foot required openness between the detached accessory structure and primary structure.
- Vehicle Access from Alley – Exceptions:
  - Clarify DOT’s role in reviewing and approving zoning exceptions to allowing access from the street rather than an existing alley.
  - Clarify and correct existing exception that allows existing street access to continue when the project/development scope retains both the primary house structure and an existing garage or carport (i.e., those structures are not demolished as part of project scope).
- **USES AND REQUIRED MINIMUM PARKING**
  - Allow the primary “Community Center” use to be unenclosed. This is necessary to permit privately owned and operated open areas, such as plazas, common greens, and playgrounds, where the unenclosed activity and use is the only primary use on the subject zone lot.
  - Revise the permitted types of home occupations to collapse and consolidate overlapping types. For example, instead of separately listing Beauty Shops/Salons, Custom Dress-making/Tailoring, and Clock/Watch Repair as home businesses allowed in

most zones, a new use called “Limited Retail Services and Repair” was added to the use tables and defined in Article 11 to include all these and other similar home-based retail services.

- Add new “Limited Commercial Sales, Services” as a use accessory to permitted nonresidential primary uses, with limitations (see Article 11 changes), and allowed in all zone districts.

## Article 10: General Design Standards

- **MULTIPLE BUILDINGS ON A SINGLE ZONE LOT**
  - New exception to compliance with required minimum Build-to standards when there are multiple buildings on the zone lot (either all new buildings or new and existing). Provides flexibility for Zoning Administrator to determine that percentage build-to standard may be applied to less than 100% of the relevant zone lot line frontage along a street. Provides criteria for the Zoning Administrator’s decision.
- **PARKING AND LOADING**
  - Based on recent parking studies, update alternative minimum parking ratio for projects containing affordable housing units: “affordable” threshold changed to affordable for persons with 60% (vs. 40%) area median income and below; qualifying projects may use a parking ratio of 0.1 spaces per unit (vs. 0.25).
  - Revise parking reduction for affordable housing projects taking the on-site build option (per linkage fee ordinance) to extend the current reduction (20% reduction) to affordable housing projects in all zone districts (current code excludes MS zones).
  - Clarify that if a public alley is 13 feet or less in width, a new carport (in addition to garage doors) must have its open side (vehicle access side) setback at least 18 feet from the farthest alley ROW boundary line.
- **LANDSCAPING, FENCES, WALLS AND SCREENING**
  - Clarify that fences and walls used for screening purposes are subject to different standards specific for screening instead of general fence/wall standards.
  - Remove the “Informational Notice” requirement from zoning permit review of over-height fences and walls. This change was based on analysis of over-height fence and wall staff approvals/denials from the past 3-5 years, and BOA cases.
  - In general fence provisions, clarify that one-unit and two-unit dwellings in all zone districts (including commercial mixed use and industrial zones) are subject to the residential fence height provisions and general standards.
  - Clarify fence design standards for fences located on top of retaining walls (must be less than or equal to 50% opaque).
  - Clarify applicability of screening requirements; add new general design standards (moved from elsewhere in code and/or based on administrative practice).
- **SITE GRADING STANDARDS**
  - Clarified applicability to all development subject to a minimum primary street setback.
  - Reorganized primary street and side interior setback grading standards to better distinguish between the general rule/standard and exceptions to rule.
  - Clarified the minimum criteria that must be met to qualify for a grading exception.

- **PARKING OF VEHICLES ON PUBLIC RIGHT-OF-WAY ADJACENT TO RESIDENTIAL USES**
  - Deleted this section of zoning code because zoning does not regulate or control use of the public right-of-way (no jurisdiction). This section is duplicative of the prohibitions already found in the City’s right-of-way/street standards part of the D.R.M.C., and the Department of Transportation & Infrastructure (DOTI) already enforces those rules.
- **SIGNS**
  - Add new general provision prohibiting obscene content (prohibition already existed in current signage rules for Downtown and Pena Next development, but not in the generally signage rules governing all parts of the city).
  - Add new severability provision to Article 10 (if any specific provision of sign code is declared invalid/unconstitutional, only the specific provision is affected and not the rest of the sign code).
  - Add “wind signs” to list of allowed temporary commercial signs.
  - Add new general allowance for “menu board” signs along drive-through facilities associated with restaurants. Zoning permit required, but menu board signs do not count against total number of signs allowed for a business/use according to more specific zone district rules.
  - Add new allowance for “gas pump signs” as part of a permitted automobile services use (e.g., gas station). Zoning permit required, but gas pump signs do not count against total number of signs allowed for a business/use according to more specific zone district rules.
  - Add new “canopy” sign type and allow “canopy” signs in all zone districts.

## Article 11: Use Limitations

### Primary Use Limitations

- **Two-Unit and Multi-Unit Dwellings**
  - Clarify that the zone lots containing a legal two-unit dwelling use in a SU zone, or legal multi-unit dwelling uses in a SU or TU zone, cannot be amended in any way (i.e., no reductions/splits or combination with another zone lot).
- **Community Center**
  - Draft new limits for community centers that are operated entirely outdoors (i.e., a plaza or open space that is privately owned but open to the general public for seating, events, and gatherings).
- **Nonresidential Uses in Existing Business Structures in Residential Zones**
  - Clarify that more than one nonresidential use may be allowed in the same existing business structure, and that primary residential uses may be mixed with the nonresidential use in the existing business structure.

### Accessory Use Limitations

- **General Provisions Applicable to All Accessory Uses**
  - Add additional clarification on permitted accessory uses and structures when the primary use is unenclosed.
  - Clarified that certain accessory uses located outdoors are not subject to size or area limitations, provided such accessory uses remain incidental and subordinate to the primary use. For example, drive-through facilities, outdoor eating/serving areas, gardens.
  - Add headings to sub-sections to enhance code navigation and organization.

- Create new table to organize and clarify code’s limits on the size (max. gross floor area) of an accessory use when operating inside the primary structure.
  - Revise standard for an “attached” Accessory Dwelling Unit (ADU) use located inside the primary structure: the ADU use may occupy a maximum 75% of the gross floor area of the primary use, or 864 square feet, whichever is greater.
  - Clarify that there is no size limit on a permitted Short-term Rental accessory use, when operated inside the primary structure (e.g., short-term rental of the entire house is allowed).
  - Add new maximum size limit for the size of vehicle parking use inside the same structure as the primary residential use: in residential zones, a maximum 30% of the primary use GFA, or 1,000 sf, whichever is greater; and no maximum in other zone districts.
- **Accessory Dwelling Units (ADU)**
  - Clarify existing limitations/prohibitions on ADU use:
    - An ADU is **not** allowed if there is more than 1 primary structure on the same zone lot, and each primary structure contains a single-unit dwelling use (e.g., an ADU would not be allowed on a zone lot containing Tandem Houses).
    - Only one ADU use is allowed as accessory to the same primary single-unit dwelling use.
    - Clarify that size limits for ADU uses in a SU zone are limits on the total Gross Floor Area of the ADU use.
  - *See also* related ADU use changes in description of amendments to “General Provisions Applicable to All Accessory Uses” above, and related changes to the Detached Accessory Dwelling Unit building form in the description of amendments to Articles 3-9 above.
- **Short-Term Rentals (STR)**
  - Add new provision to align with current STR licensing ordinance: a short-term rental accessory use must be operated in a “dwelling unit” as defined in the zoning code, except that such unit may contain a “partial kitchen” instead of a “full kitchen” (see Article 13, Division 13.3 for definitions of key terms).
    - This means STRs are not allowed in a shed or garage that is not a legally permitted dwelling unit (i.e., must have a kitchen, bathroom, and sleeping area).
  - Clarify that a STR may be operated in a legally permitted ADU on the property.
  - Clarify that a STR cannot be operated by a person(s) maintaining their “primary residence” in an Accessory Dwelling Unit located on the property.
  - Provide additional clarification of the existing prohibition on a STR licensee hosting more than one rental contract at the same time.
- **Home Occupations - Animal Care Services**
  - Clarify that maximum number of animals allowed in the home business includes animals owned by residents of the home.
  - Add new provision that defines allowed maximum hours of operation: 6:00 am to 8 pm only; no overnight boarding allowed.
- **Home Occupations – Limited Retail Services and Repairs**
  - New home occupation use type that combines several home occupations previously listed as distinct home businesses, such as beauty shops/salons, craft work, clock/watch repair, tailor/dressmaking.
  - Limitations include: all services by appointment only; in-person retail/wholesale sales prohibited; limit to 6 students being tutored at one time as part of home business

- **Accessory Limited Commercial Sales and Services**
  - New accessory use that allows limited commercial sales/services as accessory to primary hospital, lodging, office, transit station, university/college, library, or museum uses. Allowed sales/services include banking/financial services, retail sales/repair/services, food/drink sales, and office uses.
  - Intended to explicitly allow and regulate convenience uses such as gift shops, coffee kiosks or shops, restaurants, convenience stores often found inside office buildings, hospitals, or museums across the city.
  - New limits are intended to keep such sales and services incidental and secondary to the primary use (if not, the sales/service use may be permitted as an additional primary use and provide requisite parking, etc.), includes: sales/service use is located entirely indoors; no outdoor signage; no separate exterior entrance; not visually evident from any street; limited to 1,000 sf of gross floor area and no more than 20% of the primary use's GFA.

### Temporary Use Limitations

- Clarify that a temporary use may occupy required off-street parking spaces, unless the applicable use limitations specifically prohibit it.
- **Temporary Tiny Home Village:**
  - Clarify that 4-year duration of zoning permit approval begins and is counted from the issue date of the village's certificate of occupancy.

### Use Definitions

- Add new accessory use definition of "Limited Commercial Sales and Services".
- Add new home occupation definition of "Limited Retail Service and Repair".

## Article 12: Zoning Procedures & Enforcement

- **Lapse of Approval Provisions/Extension of Approval Periods**
  - Reorganize Extension of Approval Period provisions to clarify procedure and review criteria applicable to extension requests.
  - Revise to allow requests for extension to be made at any time prior to expiration date (vs. 30 days in advance).
  - Clarify that an extension, if granted, counts from the expiration date of the original permit/plan approval.
- **Modification or Amendment of Applications, Plans and Permits**
  - Clarify that the zoning and procedural standards in effect at the time the modification/amendment decision is made are the standards that will be applied to review the modification/amendment.
- **Zoning Permit Review**
  - Revise the applicability provisions to make clear when alterations to an existing structure (vs. new construction) require a zoning permit. Make clear that alterations to an existing fence/wall generally do not require a zoning permit.
  - Clarify that, when applicable, landmark preservation approval must be obtained before a zoning permit for new development can be finally approved.

- **Site Development Plan Review**
  - Revise the applicability provisions to clarify when SDP review is required and when it is not required (SDP review is **not** required for development of one primary structure, on one zone lot, for establishment of a one-unit or two-unit dwelling use).
  - Add new trigger for SDP review for all zone lot amendments resulting in the creation of more than 2 new zone lots (codify current business practice).
  - Allow flexibility to “release” projects that otherwise require SDP review if, after completion of the concept plan review step, the Zoning Administrator determines that review under a different procedure (e.g., zoning permit review or zone lot amendment review) would be sufficient.
  - Remove obsolete code provisions.
- **Zone Lot Amendments**
  - Add new/more clear applicability provision.
  - Allow a limited number of zone lot amendments to be recognized or completed by the Zoning Administrator, without need for an owner-initiated application, including zone lot changes resulting from a governmental act such as condemnation, acquisition, or dedication for right-of-way.
  - Clarify that a zone lot amendment is required to include land transferred to private ownership after right-of-way vacation.
- **Administrative Adjustments**
  - Revise allowance for administrative adjustments needed to provide a reasonable accommodation under the Federal Fair Housing Act to allow adjustments to a definition as well as a standard in the Code.
- **Zoning Permit with Special Exception Review**
  - Clarify that all public notification requirements must adhere the Board of Adjustment rules and policies.
- **Official Map Amendments (Rezoning)**
  - Revise provisions to clarify when and how a member of City Council may initiate a rezoning, and who may initiate an application to rezone property to a PUD zone district or zone district with waivers or conditions (only owners of the subject property may initiate a PUD or waivers/conditions rezoning, and not a City Council member or the full council).
- **Compliant Structures**
  - Clarify provisions allowing and limiting additions to a Compliant Structure to encroach into a required side setback.
  - Clarify provisions related to Voluntary Demolition by adding Intent and Applicability provisions. Allow Zoning Administrator to determine whether actions at issue are necessary to maintain the compliant structure in good repair, versus voluntary demolition.
- **Nonconforming Uses**
  - Add new provision allowing new signage for nonconforming uses located in an Industrial zone district (similar allowances exist for nonconforming uses located in all other zones).
- **Nonconforming Structures**
  - Clarify provisions related to Voluntary Demolition by adding Intent and Applicability provisions. Allow Zoning Administrator to determine whether actions at issue are

necessary to maintain the compliant structure in good repair, versus voluntary demolition.

- **Nonconforming Signs**
  - Revise definition to reference signs that were legal prior to June 2010 effective date of the Denver Zoning Code, but which became nonconforming after such date.
- **Nonconforming Zone Lots**
  - Revise applicability provisions to make clear how use and development standards apply to pre-zoning “Carriage Lots” (land located in the center of blocks, surrounded on all sides by public alleys). See more detail below.
  - Gives the Zoning Administrator final decision authority to determine the zone lot lines of a nonconforming zone lot.
  - Clarify which specific building form standards are allowed to be developed on a nonconforming zone lot located in a residential zone district: the building form must be allowed in the subject zone district; and only the suburban house or urban house building form is allowed if the nonconforming zone lot’s area and/or width is less than the minimum required for any other building form allowed in the zone.
  - Revise the standards for development and uses on **Carriage Lots** to codify previous written code interpretations issued by the Zoning Administrator:
    - Add intent statement.
    - Clarify relationship between “zone lot” and “Carriage Lot”.
    - Clarify requirement that Carriage Lot owner must have a “primary residence” on the same block.
    - Clarify which specific accessory uses are allowed, which specific accessory building forms are allowed, and what the limitations are on each. Allow unenclosed accessory Garden use on a Carriage Lot.
    - When a new ADU use is established on a Carriage Lot, clarify how the general use limitations for ADUs stated in Article 11 of the Code apply, and to what extent a structure housing the ADU use must comply with the zone district building form standards for that structure.
    - Clarify how many detached structures are allowed on a Carriage Lot.
    - Clarify how minimum zone lot size standards apply to development on a Carriage Lot.
    - Clarify how building coverage standards are applied to development on a Carriage Lot.
    - Authorize CPD to require the permittee to execute an agreement listing the terms and conditions fixed by the Zoning Administrator prior to receipt of a zoning permit; such agreement must be recorded.

## Article 13: Rules of Measurement & Definitions

### Rules of Measurement – General

- Consolidate multiple standards governing how “street-facing” building elements are measured/determined into one new rule of measurement for determining a “street-facing” building element. Ensures consistency.

### Rules of Measurement – Building Height and Other Height Rules

- Clarify use of a base plane to measure building height in front and rear of a zone lot and authorize Zoning Administrator to set rear base plane elevations in cases where a side interior zone lot line does not intersect with a rear zone lot line.
- Clarify how to measure height in stories and rules for recognizing a half story.
- Clarify rules for defining a “mezzanine” for purposes of an exception to height in stories.
- Clarify rules for determining zone lot depth on Flag Lots (tied to height restrictions in rear of zone lot depth).
- Clarify intent of Side Wall height standard and clarify rules for side wall height measurement when structure has low-slope vs. pitched roof.

### Rules of Measurement – Siting Form Standards

- Clarify zone lot width rules of measurement as applied to a Flag Lot.
- Clarify rules when zone lot area or width will be determined referencing historic Record documents (e.g., recorded plats) vs. actual, surveyed measurements.
- Clarify applicability of and various zone lot line determination rules, including what criteria the Zoning Administrator must use in deciding.
- Revise intent and rules for measuring all setbacks; clarify to more clearly distinguish the general rule of measurement and exceptions to the rule.
- Clarify how setbacks should be measured when a zone lot line is irregular or jogs (setback is a line or curve offset from and following along the respective zone lot line).
- Clarify rules of measurement for setbacks that are expressed as “min one side/min combined.”
- Revise intent and rules for determining the Primary Street setback using Reference Lots (formerly referred to as “Block-Sensitive” primary street setback); clarify to more clearly distinguish the general rule of measurement and exceptions to the rule.
- Add new rules of measurement for determining the locating of detached accessory structures, sited in relationship to the primary street-facing façade of the primary structure.
- Add new rule of measurement for “building footprint” (used in measuring building coverage). Revise building coverage rule of measurement accordingly.
- Revise Floor Area Ratio to allow inclusion of zone lot area required by DOTI to be dedicated for public purpose as part of the subject development project.

### Rules of Measurement – Building Design Standards

- Revise rule of measurement for attached garage design to make clearer.
- Add new rule of measurement for standards governing location of detached accessory structures relative to the primary structure’s street-facing façade.
- Clarify rule of measurement for “dwelling unit oriented to the street”.
- Revise transparency requirements to allow window signs using letters or logos with backing on windows used to meet transparency standard.
- Revise Permanent Public Art rules (as alternative to transparency/windows) to add criteria requiring staff to find that the Public Art will not have any adverse effects on abutting zone lots or public ROW, and will not harm the public health, safety, or welfare.
- Revise and clarify “Entry Feature” rules to promote better pedestrian-oriented design, including clarification that a walkway connecting the public street to the entry feature is required.



## Rules of Measurement – Fence and Wall Height

- Clarify how height is measured when a fence/wall is placed on top of a retaining wall.
- Allow minor deviations in height for as-built fences and walls to account for changes in finished grade, but not to exceed 6 inches.

## Rules of Measurement – Voluntary Demolition

- Add new rule for determining the “voluntary demolition” of a structure’s exterior walls assemblies.

## General Rules of Code Interpretation

- Delete rule related to Fractions.
- Clarify rule that states text of code controls over graphics and figures.

## Definitions of Words, Terms & Phrases

- Clarify “alley” definition and add new definition of “private alley”.
- Add new “awning” definition.
- Revise “balcony, exterior” definition.
- Delete “breezeway” definition (replaced by new “building connector” term).
- Add new “building connector” definition.
- Add new “cantilevered building element” definition.
- Delete “carriage house” definition (substantive parts of definition moved to Article 1)
- Revise “carriage lot” definition.
- Delete “eave” definition (replaced by revised “roof overhang” term).
- Add new “exterior wall” definition.
- Add new “fascia” definition.
- Revise “fence and wall” definition.
- Delete “floor area, habitable” definition.
- Delete “front porch” definition.
- Revise “gross floor area” definition.
- Delete “habitable room space”, “habitable space”, and “habitable story” definitions.
- Revise “kitchen” definition.
- Delete “landing” definition.
- Revise “manager” definition.
- Add new “obscene” definition (used in prohibition on signs with obscene content).
- Add new “party wall” definition (same definition for “common wall”).
- Add new “patently offensive” definition (used in prohibition on signs with obscene content).
- Add new “porch, unenclosed” definition (takes the place of “front porch” term).
- Add new “primary residence” definition (used with limits on ADUs and STRs).
- Add new “prurient interest” definition (used in prohibition on signs with obscene content).
- Revise “residential occupancy or residential use” definition.
- Add new “residential only structure or residential only building” definition.
- Revise “roof, pitched” definition.
- Revise “rooftop and/or second story deck” definition.
- Revise “roof overhang” definition.

- Revise “room” definition.
- Delete “setback space or area” definition.
- Add new “sign, awning” definition.
- Add new “sign, canopy” definition.
- Delete “sign, marquee” definition.
- Revise “sign, roof” definition.
- Revise “sign, wall” definition.
- Delete “story, habitable” definition.
- Revise “structure, completely enclosed” definition.
- Revise “structure, partially enclosed” definition.
- Revise “structure, open” definition.
- Revise “structure, compliant” definition.
- Revise “structure, nonconforming” definition (includes illegally constructed structures, and structures that have a nonconformity and elements that are “compliant”).
- Revise “structure, detached” definition.
- Delete “tunnel/breezeway” definition (replaced by new “building connector” term).
- Revise “voluntary demolition” definition (clarifies which specific parts of an exterior wall assembly must be removed to constitute “removal of a structure’s exterior walls”).
- Revise “zone lot, area of” and “zone lot size” definitions.
- Revise “zone lot, flag” definition.
- Revise “zone lot, nonconforming” zone lot to clarify that a zone lot is nonconforming if it fails to meet the minimum zone lot area/size or width standards of all building form standards allowed in the subject zone lot.
- Add new “zone lot, reference” definition.