

**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**

**A B I L L**

**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.

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

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

4           **“10.4.5.1 – Vehicle Parking Exemptions**

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

7

8           A.     Pre-Existing Small Zone Lots

9                   1.     Intent

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

13                   2.     Applicability

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

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

20                   3.     Exemption Allowed

21                           a.     Reuse of Existing Buildings on Small Zone Lots

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

26                                   ii.    ~~The Gross Floor Area of All uses housed in any additions or~~  
27                                   expansions to buildings that existed on March 23, 2017 shall be  
28                                   required to provide vehicle parking for the Gross Floor Area of  
29                                   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

~~i. 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 ½ mile of the outer boundary of a Rail Transit Station Platform or located within ¼ 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

~~i. 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.”~~

**Section 2.** Section 10.4.5.3.A.4 of the Denver Zoning Code dealing with vehicle parking

1 reductions applicable to all vehicle parking reduction allowances is hereby amended by deleting the  
2 language stricken below and adding the language underlined below to read and be read as follows:

3 “4. Maximum Reduction Allowed

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

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

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

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

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

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

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

3           **“13.1.9.3     Measurement of Distance from a High Frequency Transit Corridor and a Zone**  
4 **Lot**

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

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

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

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

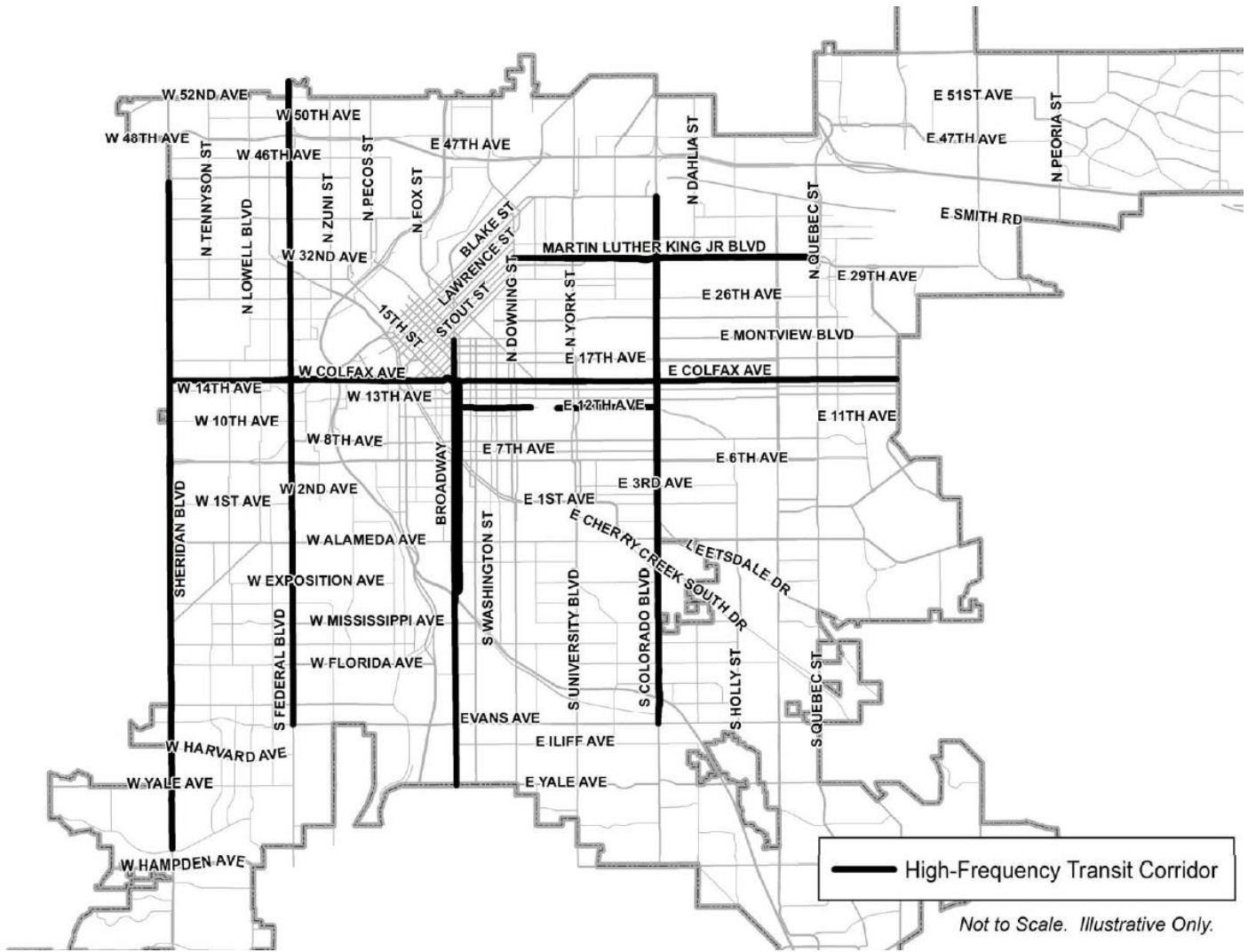
(easternmost point)

8. East 12<sup>th</sup> Avenue from the intersection of North Broadway (westernmost point) to the intersection of the westernmost boundary of Cheesman Park (easternmost point) and East 12<sup>th</sup> Avenue from the intersection of the easternmost boundary of Cheesman Park to North Colorado Boulevard (easternmost point)

Section 5. Section 12.4.2.2 of the Denver Zoning Code dealing with the applicability of Zoning Permit Review with Informational Notice is amended by the addition of a new subsection D that reads as follows:

D. Construction of any new building on a Small Zone Lot that includes a request for a parking exemption in accordance with section 10.4.5.1.A.

Figure 13.3-1



1 COMMITTEE APPROVAL DATE: February 14, 2017  
2 MAYOR-COUNCIL DATE: February 21, 2017  
3 PASSED BY THE COUNCIL: \_\_\_\_\_  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_  
10 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: February 16, 2017  
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 §3.2.6 of the Charter.  
15 Kristin M. Bronson, Denver City Attorney  
16 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_