

Text Amendment #7 – Clarifications and Substantive Changes

- Improving usability & organization
- Clarifications and substantive changes based on working with the code for 8 months

Public Outreach and Adoption Schedule

- **CPD Public Outreach:**
 - INC February 25th
 - Planning Board Info item March 16th
 - BRWG March 17th
 - INC March 25th
 - LUTI Information Item: March 29th
- **Adoption Process (DZC, Section 12.4.11):**
 - RNO Notice: March 22nd
 - Summary of Changes Website Posting: March 24th
 - Redline Posting: March 30th
 - Planning Board Hearing: April 6th – 9-0 vote recommending approval
 - LUTI Consideration: April 12th
 - City Council Public Hearing (tent): May 23rd

Text Amendment #7

Summary of Redline, Supplemental #1 & #2

- Group 1: Exceptions and Encroachments
- Group 2: Rules of Measurement
- Group 3: General Design Standards
- Group 4: Uses
- Group 5: Procedures
- Group 6: Definitions/Other/Misc

GROUP 1

Exceptions and Encroachments

- **Where?**
 - Articles 3-9, Neighborhood Contexts and Special Context, Design Standard Exceptions and Encroachments

GROUP 1

Exceptions and Encroachments

- **Exceptions**

- In the current code
- Minor elements allowed to exceed the standards, such as height and building coverage
 - E.g. antennas may exceed maximum height

GROUP 1

Exceptions and Encroachments

- **Encroachments**
 - In the current code
 - Minor elements allowed into a required minimum setback space provided they maintain the intent of the setback space - open and unobstructed

GROUP 1

Exceptions and Encroachments

Type	Summary of Changes
Organizational, Usability Improvements	<ol style="list-style-type: none"> 1. Re-organize 2. Add intent statements (Also see supplemental) 3. Add graphics & photos 4. Clarify how build-to range works with parkway setback 5. Clarify that “outside stairways” may include landings but not above grade walkways
Substantive	<ol style="list-style-type: none"> 1. Clarify which exceptions apply to which zone districts 2. Add restriction to “brick and stone veneer” that it is for re-siding of existing structure only 3. Add new encroachments: <ul style="list-style-type: none"> • Projecting Windows (except side interior and with a size limit) • Pedestrian Bridge 4. Minor revisions to canopy encroachment

GROUP 1

Exceptions and Encroachments

3.3.7.4 Setback ~~Permitted~~ Encroachments

Permitted encroachments into required setback areas include:

A. Intent


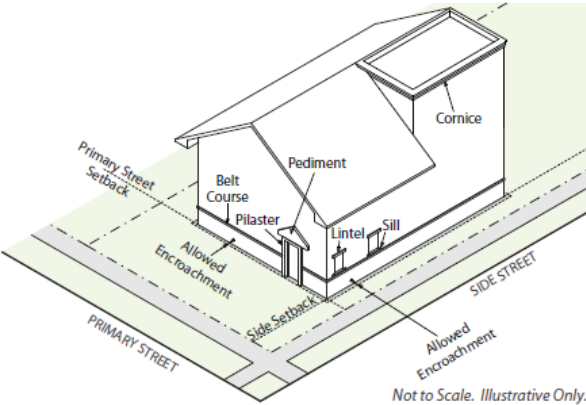
To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

B. Standard

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

1. Architectural Elements

To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

	ZONE DISTRICTS	PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt Courses, sills, lintels, pilasters, <u>pediments</u> and cornices	All Districts	<u>1.5' + 0"</u> Cornices only: 3'	<u>1.5' + 0"</u> Cornices only: 3'	<u>1.5' + 0"</u> Cornices only: 3'; if setback is less than 5': 2'	<u>1.5' + 0"</u> Cornices only: 5'
<u>Intent: To allow common, minor decorative elements which are integral to a building.</u>  					

3.3.7.5 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwall porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	Not allowed	Not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	Not allowed	Not allowed	Not allowed

GROUP 1

Exceptions and Encroachments

Type	Summary of Changes
Organizational, Usability Improvements	<ol style="list-style-type: none"> 1. Re-organize 2. Add intent statements (See supplemental) 3. Add graphics & photos (See supplemental) 4. Clarify how build-to range works with parkway setback 5. Clarify that “outside stairways” may include landings but not above grade walkways
Substantive	<ol style="list-style-type: none"> 1. Clarify which exceptions apply to which zone districts 2. Add restriction to “brick and stone veneer” that it is for re-siding of existing structure only 3. Add new encroachments: <ul style="list-style-type: none"> • Projecting Windows (except side interior and with a size limit) • Pedestrian Bridge 4. Minor revisions to canopy encroachment

Group 1

Exceptions and Encroachments

Projecting Windows

- Not allowed in Side Interior
- Limited in size



GROUP 2

Rules of Measurement

- **Where?**
 - Article 13 Rules of Measurement
- **What?**
 - In the current code
 - How to measure or determine compliance with a required standard contained within the code

GROUP 2

Rules of Measurement

Type	Item
Clarifications Usability Improvements	<ol style="list-style-type: none"> 1. Re-organize 2. Update/Add Graphics 3. Add Intent Statements 4. Language Improvements 5. Add, update, clarify related definitions
Substantive	<ol style="list-style-type: none"> 1. Add rules of measurement –e.g.: <ul style="list-style-type: none"> – Mezzanine – Measuring percentage of zone lot depth 2. Allow the short side of a block to be the Primary Street for certain corner zone lots – ZA 9 Month Authority 3. Changes to rules of measurement – e.g. Block Sensitive Setback: <ul style="list-style-type: none"> – Clarify how to establish the predominant pattern – Remove the maximum setback

13.1.5.2 Ground Story Activation

A. Transparency, Primary Street and Side Street

1. **Intent**
~~To provide visual interest to building facades, to activate the street, and to provide a safe pedestrian realm.~~
2. **Rule of Measurement**
Ground story transparency, primary or side street, is measured as the total amount of transparency provided on a street-facing building facade ~~within the Zone of Transparency (including permitted alternatives to the use of windows and transparent glass),~~ divided by the total length of that same street-facing building facade.
 - a. A building facade is "street-facing" if it faces a name or numbered street, which shall be determined by extending a line the width of the facade and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a name or numbered street at the zone lot boundary, then said facade is "street-facing." See Figure 13.1-57
 - b. Zone of Transparency ~~is~~ the area between 2 feet and 9 feet above the finished ground floor height across the entire ground floor building facade ~~shall be called-~~ ~~"the zone of transparency," as shown in~~ See Figure 13.1-58 ~~13-28 below.~~
 - c. The required amount of transparency shall be provided within the zone of transparency for the subject building, unless an exception or alternative is allowed by this Code.
3. **Minimum Window Transparency Requirements**
~~All windows used to satisfy the transparency requirement shall comply with the following:~~
 - a. ~~Within the zone of transparency, All windows used to satisfy the transparency requirement shall~~ be a minimum of 5 feet in vertical dimension ~~within the zone of transparency, and-~~
 - b. Window glazing ~~used to comply with a transparency standard shall~~ be clear and shall transmit at least 65 percent of the visible daylight (visible transmittance shall be 0.65 or greater). ~~and-~~
 - c. No interior or exterior modifications, including temporary and permanent signage, window tinting, furnishings, fixtures, equipment or stored items within 3 feet of the windows will be allowed to reduce the effective minimum transparency standards by more than 25%. Open display of individual merchandise is permitted.
4. **Changes to Existing Buildings**
No existing building shall be altered in such a way that the amount of glazing in the zone of transparency is reduced below the required amount, and if the amount of glazing in the zone of transparency is already below the required amount, it shall not be further reduced.

Figure 13.1-57

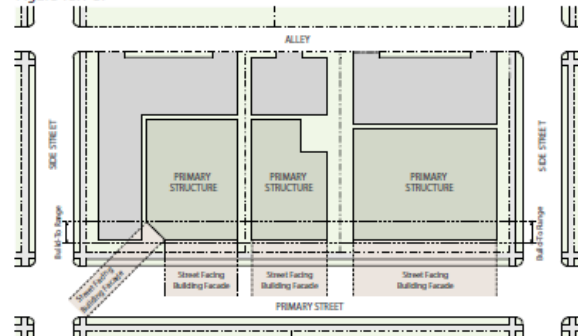
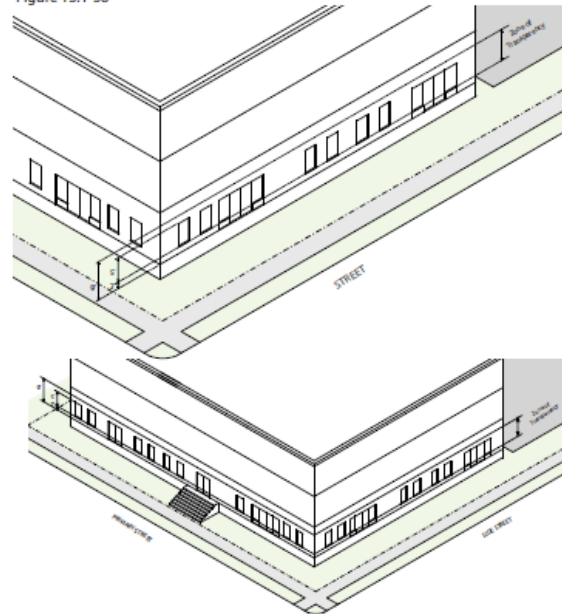


Figure 13.1-58



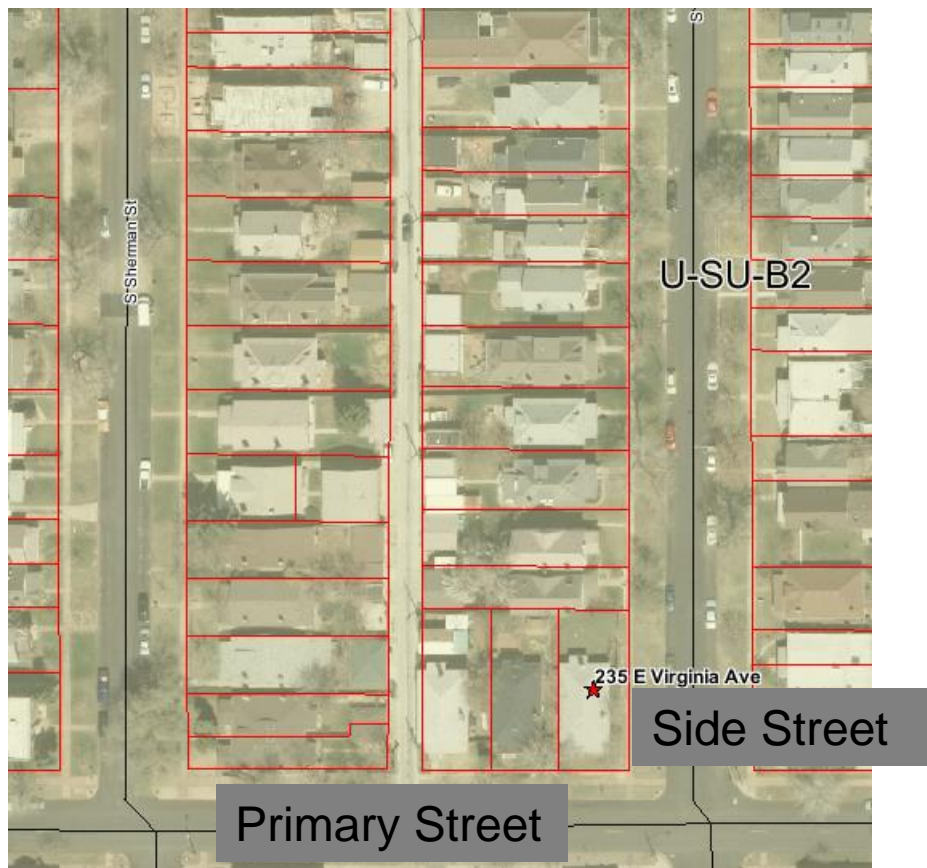
GROUP 2

Rules of Measurement

Type	Item
Clarifications Usability Improvements	<ol style="list-style-type: none"> 1. Re-organize 2. Update/Add Graphics 3. Add Intent Statements (See supplemental) 4. Language Improvements 5. Add, update, clarify related definitions
Substantive	<ol style="list-style-type: none"> 1. Add rules of measurement: <ul style="list-style-type: none"> – Mezzanine – Measuring percentage of zone lot depth 2. Allow the short side of a block to be the Primary Street for certain corner zone lots – ZA 9 Month Authority 3. Changes to rules of measurement – e.g. Block Sensitive Setback: <ul style="list-style-type: none"> – Clarify how to establish the predominant pattern – Remove the maximum setback

GROUP 2

Rules of Measurement



- Allow short side of oblong block to be the Primary Street
- Only where three or more existing zone lots and subject zone lot is oriented toward short side

GROUP 2

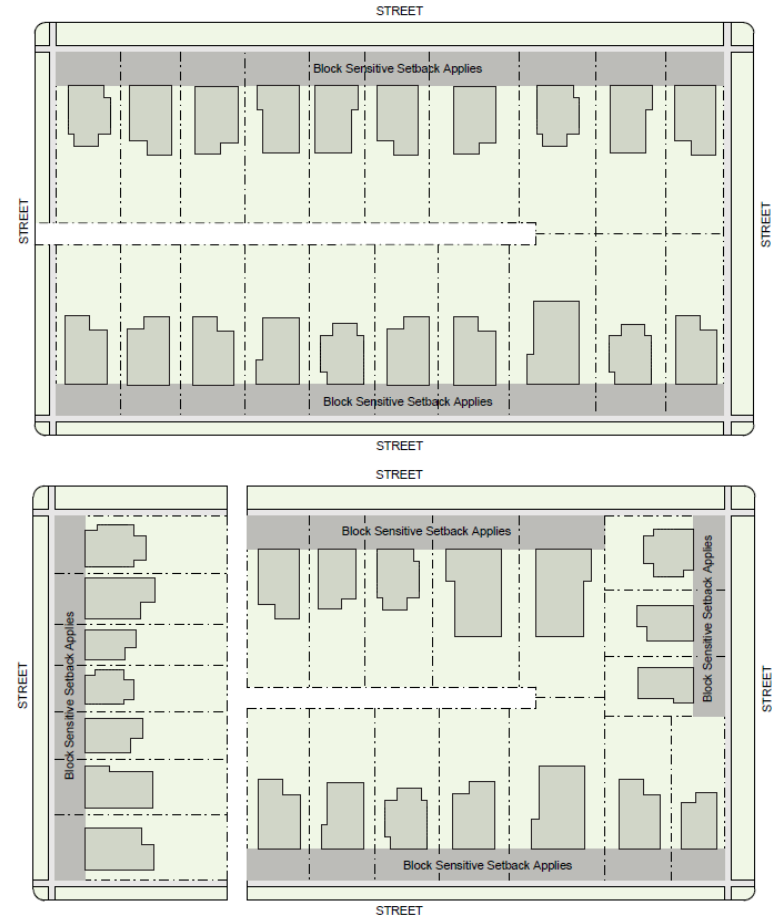
Rules of Measurement

Type	Item
Clarifications Usability Improvements	<ol style="list-style-type: none"> 1. Re-organize 2. Update/Add Graphics 3. Add Intent Statements (See supplemental) 4. Language Improvements 5. Add, update, clarify related definitions
Substantive	<ol style="list-style-type: none"> 1. Add rules of measurement –e.g.: <ul style="list-style-type: none"> – Mezzanine – Measuring percentage of zone lot depth 2. Allow the short side of a block to be the Primary Street for certain corner zone lots – ZA 9 Month Authority 3. Remove the maximum setback in the Primary Street, Block Sensitive Setback

GROUP 2

Rules of Measurement

- Primary Street, Block Sensitive Setback uses existing zone lots to establish setback



GROUP 2

Rules of Measurement

- Setback as a minimum rather than a range, ensure sense of openness along street, not a build-to



GROUP 3

General Design Standards

- **Where?**
 - Article 10 General Design Standards
 - Multiple Buildings on Zone Lot
 - Accessible Parking
 - Surface Parking Lots
 - Landscaping, Fences, Walls & Screening

GROUP 3

General Design Standards

Type	Summary of Changes
Clarifications, Usability Improvements	<ol style="list-style-type: none">1. Add cross-references to standards outside the DZC2. Clarify applicability of parking area design standards to surface parking lots3. Remove duplicative allowance for vehicle-parking on a different zone lot
Substantive	<ol style="list-style-type: none">1. Allow surface parking on side street when multiple buildings in MS zone district – ZA 9 month Authority2. Extend allowance for landscaping exceptions based on excessive improvement costs when landscaping is triggered by a change in use of an existing building



GROUP 4

Uses

- **Where?**
 - Articles 3-9 (Use Tables)
 - Article 6 (Use Restriction – Building Forms in RX Zone District)
 - Articles 9 and 11 (Use Limitations)

GROUP 4

Uses

Type	Summary of Changes – Articles 3-9 and 11
Clarifications and Corrections	<ol style="list-style-type: none">1. Changes to treat the same use similarly across same zone districts and neighborhood contexts<ul style="list-style-type: none">• <i>Example:</i> Allow “Museum” as “P-ZP” in E-MX-3 because allowed in all other MX-3 zones in all contexts2. Changes to use table or Article 11 Use Limitations as needed to accurately link the use regulation<ul style="list-style-type: none">• <i>Example:</i> Change “University and College” use to “L-ZP” from “P-ZP” in the E-CC, E-MX-2+ and E-MS because limitations apply3. Changes to align use table references (e.g. ZP, ZPIN, ZPSE) to process required in the limitations text

GROUP 4

Uses

Type	Summary of Changes – Articles 3-9 and 11 – Uses
Clarifications and Corrections	<p>4. Correct and clarify use limitations for administration and enforcement</p> <ul style="list-style-type: none">• <i>Example:</i> Clarify an ADU use is not allowed on the same zone lot as a Tandem House <p>5. Clarify primary and accessory Agricultural uses to distinguish between them</p> <ul style="list-style-type: none">• <i>Example:</i> Greenhouse and plant nursery merged <p>6. Add the following uses or add use limitations (and revise definitions accordingly):</p> <ul style="list-style-type: none">– Rooming and Boarding House– Commercial Vehicle Storage– Accessory Auto Rental Services

GROUP 4

Uses

Type	Summary of Changes – Articles 3-9 and 11 – Uses
Clarifications and Corrections	<p>7. Clarify treatment of accessory nonresidential uses in zones that allow the same use as a primary use by adding new use table entry: “Not applicable – See Allowed Primary Uses.”</p> <p>8. Clarify distinctions between specific types of temporary outdoor retail sales and correct limitations and definitions, accordingly. Reorganize for clarity; correct definitions.</p> <ul style="list-style-type: none">• <i>Example: Christmas Tree Sales</i> <p>9. Clarify or correct use definitions</p>

GROUP 4: Uses

Type	Summary of Changes – Articles 3-9 and 11 – Uses
Substantive	<ol style="list-style-type: none"><li data-bbox="459 379 1818 558">1. In SU districts, eliminate ability to use tandem house building form to reestablish a pre-existing two-unit or multi-unit dwelling uses.<li data-bbox="459 579 1804 758">2. In TU districts, eliminate choice of using the rowhouse building form to reestablish a pre-existing multi-unit dwelling use.<li data-bbox="459 779 1812 958">3. Allow large-scale retail sales (not liquor sales) in the I-B districts subject to limitations (carries forward former allowance)

GROUP 4: Uses

Type	Summary of Changes – Articles 3-9 and 11 – Uses
Substantive	<ul style="list-style-type: none">4. Allow General Manufacturing/Production uses (e.g. assembly of window treatments) in all CC/MX/MS-3+ zone districts subject to limitations5. Change ZPIN to ZPSE process for review of telecommunication towers in or adjacent to Residential Zone Districts or within 500 feet of another tower.6. Update RX Zone district purpose, revise allowed uses, and revise use restrictions applicable to building forms in the RX Zone District to underscore zone district intent that this is primarily a residential zone district

GROUP 5

Procedures

- **Where?**
 - Article 12
 - Nonconforming Uses
 - Code Interpretations
 - Zoning Permit Requirements for Fences and Walls
 - Compliant Uses

GROUP 5

Procedures

Type	Summary of Changes – Art 12 - Procedures
Organization & Clarifications	<ol style="list-style-type: none">1. Clarify option for owner to provide a mitigation plan if a zoning violation occurs on property containing a nonconforming use.2. Clarify that code interpretation process applies to any, including but not limited to determinations of unlisted uses.3. Clarify applicability of minimum land area standards for Official Map Amendments.
Substantive	<ol style="list-style-type: none">1. Exempts fences and walls 4 ft or less in height from zoning permit review, unless the fence/wall is on property that (A) abuts a designated Parkway; or (B) contains a Historic Structure or in a Landmark District2. Revise the Compliant Use provisions to address whether and how a compliant use is terminated upon violation of the Denver Zoning Code (same treatment as a nonconforming use)





GROUP 6

Definitions / Other Misc

- **Where?**
 - Articles 3-9 (Building Form Standards)
 - Article 13 (Definitions)

Group 6 – Definitions / Other Misc

Type	Item
Clarifications, Usability Improvements	<ol style="list-style-type: none">1. Correct summary table of primary building forms in Article 4, Urban Edge2. Clarify applicability of build-to standards in Downtown zone districts3. Correct definition of “Residential Zone District” to capture residential zone districts under Former Chapter 594. Delete use definitions from Article 13 (definitions are in Article 11, which provides better road map to interpreting allowed uses)
Substantive	<ol style="list-style-type: none">1. Detached Accessory Structures – allow 3’ side interior setback on zone lots 30’ and less in width (consistent with primary structure allowance)2. Allow upper story setback of 15’ rather than 20’ for C-MS-8+, when building is placed at 0’3. Vehicle access for Rowhouse form determined at Site Plan

Building Placement	Standard: Upper Story Setback of 20'	Alternative: Upper Story Setback of 15'
At 0'	20' offset 	15' offset 
At 5'	15' offset 	10' offset therefore, alternative not allowed 

Building at 0'; 20' Setback



Building at 0'; Alternative 15' Setback



Building at 5'; 20' Setback



Building at 5'; Alternative 15' Setback Not Allowed



CPD Recommendation

CPD Recommends Approval of Amendment 7 as presented – based on:

- Consistency with adopted plans and policies
- Furthers public health, safety and general welfare
- Results in uniform regulations