



---

# **Proposed Denver Zoning Code Text Amendment to Correct Detached ADU Max. Footprint Error in E-SU-Zone Districts**

**Land Use and Infrastructure Committee of the Denver City Council**  
**November 9, 2021**

# Purpose of Text Amendment

- Correct an error introduced in the 2021 Bundle of Denver Zoning Code Text Amendments that inadvertently reduced the maximum building footprint for detached accessory dwelling units on zone lots greater than 6,000 square feet in size in the following zone districts:
  - E-SU-B1
  - E-SU-D1
  - E-SU-D1x
  - E-SU-G1
- The proposed amendment would have no impact on any other zone district or building form

# Adoption Process to Correct an Error or Mistake of Fact in Code Language

- This proposed text amendment is beginning the adoption process at City Council committee (LUTI) using the process flexibility outlined in Denver Zoning Code Section 12.4.11.3.D.2 for correction of an error or mistake in fact in code language
- The Denver Planning Board has not considered or made a recommendation on this proposed text amendment

# Text Amendment Background

## DZC Article 4 Detached ADU Form Table Prior to Drafting Error

DESIGN ELEMENTS	E-SU-B1, E-SU-D1, E-SU-D1x, E-SU-G1 By Zone Lot Size			E-TU-B, E-TU-C, E-RH-2.5, E-MU-2.5
	6,000 sf or Less	Greater than 6,000 sf and up to 7,000 sf	Greater than 7,000 sf	
<b>BUILDING CONFIGURATION</b>				
Building Footprint (max)	650 sf	864 sf	1,000 sf	1,000 sf
Habitable Space (max)	650 sf	864 sf	1,000 sf	na
<b>E Overall Structure Length (max)</b>	36'	36'	36'	36'
Rooftop and/or Second Story Decks	Not allowed - See Section 4.3.5.2			
<b>USES</b>	E-SU-B1; E-SU-D1, -D1x; E-SU-G1; E-TU-B, -C; E-RH-2.5; E-MU-2.5			
	Accessory Uses Only Accessory to a Primary Single Unit Dwelling Use, including accessory dwelling unit where permitted.			
	See Division 4.4 for permitted Accessory Uses			

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

864 sf allowed on lots > 6,000 up to 7,000 sf.

1,000 sf allowed on lots > 7,000 sf.

This is consistent with other detached accessory dwelling unit form tables in the code.

# Text Amendment Background

DZC Article 4 Detached ADU Form Table in 2021 Text Amendment Bundle Public Review Draft (02/26/21)

	E-SU-B1, E-SU-D1, E-SU-D1x, E-SU-G1 By Zone Lot Size			E-TU-B, E-TU-C, E-RH-2.5, E-MU-2.5
	6,000 sf or Less	Greater than 6,000 sf and up to 7,000 sf	Greater than 7,000 sf	
<b>DESIGN ELEMENTS</b>				
<b>BUILDING CONFIGURATION</b>				
Building Footprint (max)	650 sf	650 sf	864 sf	1,000 sf
Habitable Space (max)	650 sf	650 sf	864 sf	na
Overall Structure Length (max)	36'	36'	36'	36'
Rooftop and/or Second Story Decks	Not allowed - See Section 4.3.5.2			
<b>USES</b>	E-SU-B1; E-SU-D1, -D1x; E-SU-G1; E-TU-B, -C; E-RH-2.5; E-MU-2.5			
	<del>Accessory Uses Accessory to Primary Residential Uses Only Accessory to a Primary Single-Unit Dwelling Use, including accessory dwelling unit where permitted. See Division 4.4 for permitted Accessory Uses Accessory to Primary Residential Uses</del>			

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

864650 sf allowed on lots > 6,000 up to 7,000 sf.

~~1,000~~864 sf allowed on lots > 7,000 sf.

This is a change that is not shown in markup and is inconsistent with other detached accessory building form tables in the code.

# Text Amendment Background

DZC Article 4 Detached ADU Form Table After Adoption of the 2021 Text Amendment Bundle (07/01/21)

DESIGN ELEMENTS	E-SU-B1, E-SU-D1, E-SU-D1x, E-SU-G1 By Zone Lot Size			E-TU-B, E-TU-C, E-RH-2.5, E-MU-2.5
	6,000 sf or Less	Greater than 6,000 sf and up to 7,000 sf	Greater than 7,000 sf	
<b>BUILDING CONFIGURATION</b>				
Building Footprint (max)	650 sf	650 sf	864 sf	1,000 sf
Overall Structure Length (max)	36'	36'	36'	36'
Rooftop and/or Second Story Decks	Not allowed - See Section 4.3.5.2			
<b>USES</b>	E-SU-B1; E-SU-D1, -D1x; E-SU-G1; E-TU-B, -C; E-RH-2.5; E-MU-2.5			
	Uses Accessory to Primary Residential Uses Only See Division 4.4 for permitted Uses Accessory to Primary Residential Uses			

With Bundle adoption on 6/28/21 (effective 7/1/21), the building footprint error was adopted into the code.

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

# Proposed Text Amendment

## DZC Article 4 Detached ADU Form Table Marked Up With Proposed Text Amendment

	E-SU-B1, E-SU-D1, E-SU-D1x, E-SU-G1 By Zone Lot Size			E-TU-B, E-TU-C, E-RH-2.5, E-MU-2.5
	6,000 sf or Less	Greater than 6,000 sf and up to 7,000 sf	Greater than 7,000 sf	
<b>DESIGN ELEMENTS</b>				
<b>BUILDING CONFIGURATION</b>				
Building Footprint (max)	650 sf	<del>650</del> 864 sf	<del>864</del> 1,000 sf	1,000 sf
Overall Structure Length (max)	36'	36'	36'	36'
Rooftop and/or Second Story Decks	Not allowed - See Section 4.3.5.2			
<b>USES</b>	E-SU-B1; E-SU-D1, -D1x; E-SU-G1; E-TU-B, -C; E-RH-2.5; E-MU-2.5 Uses Accessory to Primary Residential Uses Only See Division 4.4 for permitted Uses Accessory to Primary Residential Uses			

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

This proposed text amendment corrects maximum the building footprint to the pre-drafting error allowance.

This will make the maximum building footprint consistent with other detached accessory dwelling unit building form tables in the code.

# Review Criteria (DZC Sec. 12.4.11)

1. Consistency with Adopted Plans
  - Comprehensive Plan 2040 (2019)
  - Blueprint Denver (2019)
2. Public Health, Safety and Welfare
3. Uniformity of District Regulations and Restrictions



# Denver Comprehensive Plan 2040



The proposed text amendment promotes Comprehensive Plan 2040's goals, including:

- Land Use Goal 2-A: Proposed revisions should ensure that the Denver Zoning Ordinance will be flexible and accommodating of current and future land use needs...
- Land Use Goal 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood...
- Neighborhood Goal 1-E: Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles.

# Blueprint Denver

The proposed text amendment promotes the following Blueprint Denver recommendations and concepts:

- Land Use and Built Form General Recommendation 03: Ensure the code continues to respond to the needs of the city, while remaining modern and flexible. (pg. 73)
- Land Use and Built Form Housing Recommendation 05: Remove barriers to constructing ADUs and create (pg. 84)



# Blueprint Denver

This proposed text amendment to correct a zoning code error will have a neutral or positive or positive impact on Blueprint Denver's three equity concepts:



- Improving Access to Opportunity
- Reducing Vulnerability to Displacement
- Expanding Housing and Jobs Diversity

# Review Criteria (DZC Sec. 12.4.11)

## 2. Furthers Public Health, Safety and Welfare

- Furthers public health safety and welfare by providing clarity and predictability in the zoning regulations, by removing regulatory barriers and by ensuring consistent application of adopted plans

## 3. Results in Uniformity of District Regulations and Restrictions

- Corrects an error to ensure that zoning regulations remain uniform in their application to buildings and land uses within each zone district

# CPD Recommendation

Staff recommends LUTI advance this text amendment to the full Denver City Council for consideration and final action.