



**DENVER ZONING CODE**  
**SUMMARY OF PROPOSED TEXT AMENDMENT 5**  
**Updated for the Land Use, Transportation and Infrastructure Council Committee**  
**November 19, 2010**

This document contains a summary of proposed text amendments to the Denver Zoning Code. This summary lists the major substantive and organizational changes proposed; there will be additional minor corrections of errata, terminology (e.g. replace “floor” with “story”), and organization which, while not included in this summary, will be part of the final Amendment 5 ordinance presented to City Council.

- Group 1: Article 1, General Provisions and Articles 3-9
- Group 2: Articles 3-7
- Group 3: Article 9, Special Contexts and Districts
- Group 4: Article 10, General Design Standards
- Group 5: Uses in Article 3 - 9 and Article 11, Use Limitations and Definitions
- Group 6: Article 12, Zoning Procedures and Enforcement
- Group 7: Article 13, Definitions

# Group 1

**Where?** Article 1, General Provisions; Articles 3-9, Neighborhood Contexts and Special Context, Applicability and General Standards

**Why?** Improve way-finding to other parts of the code, describe how the pieces work together and clarify which standards have to be followed based on feedback from customers; bring forward provision from Former Chapter 59.

Type	Item	Articles
<b>Organizational, Clarifications, Cross-References</b>	<ol style="list-style-type: none"> <li>1. Replace “effective date” with “June 25, 2010”</li> <li>2. Move number of structures allowed per zone lot from Articles 3-9 to Article 1</li> <li>3. Re-organize and add section headings</li> <li>4. Add cross-references, such as number of structures allowed per zone lot</li> <li>5. Add Detached Accessory Structures building form summary table</li> <li>6. Delete encroachment and height exceptions as covered in other section of articles</li> </ol>	Art 1 Art 1 Art 3-9 Art 3-9 Art 3-7 Art 3-7
<b>Carry Forward Former Chapter 59</b>	<ol style="list-style-type: none"> <li>1. Add number of uses allowed per zone lot, carrying forward Former Chapter 59</li> </ol>	Art 3-9
<b>Substantive</b>	na	na

## Group 2

**Where?** Articles 3-7, 9 Neighborhood Contexts, Building Form and Design Standards

**Why?** Clarify standards based on feedback from customers, add cross-references, use consistent terminology; bring forward provisions from Former Chapter 59.

Type	Item	Articles
<b>Clarifications, Cross-References, Terminology</b>	1. Collapse table rows for Stories and Feet (blue text indicates the text was moved from a formally separate row)	Art 3-6
	2. Clarify attached garage standards by replacing “front” with primary street” and “dwelling” with “primary structure” and re-word the standard for garage projections	Art 3-6
	3. Add “Residential” for the “Dwelling Units per Primary Structure” requirement such that churches and other civic and public uses allowed in residential zone districts do not have to meet a minimum dwelling unit requirement.	Art 3-6, 9
	4. Add additional cross-references in form tables to improve user-friendliness	
	5. Consistent terminology for “zone lot depth”	
	6. Rename Detached Utility Building to “Other Detached Accessory Structures”	Art 3-7
	7. Required Build-To Alternatives: Clarify the maximum a combination of build-to alternatives may count toward meeting the minimum build-to and clarify the garden wall is an alternative to build-to minimum percentage standard.	Art 3-7, 9 Art 3-7, 9
<b>Carry Forward Former Chapter 59</b>	1. Add provisions for maximum 1-story in rear 35% or 20% of zone lot depth in all E-SU, -TU, -TH, -MU2.5, U-SU, -TU, -RH, and G-RH-3 zone districts to carry forward former Chapter 59	Art 4-6
	2. Clarify attached garage standards to make more clear that can follow the Detached Garage building form standards for side and rear setbacks, to carry forward Former Chapter 59	Art 3-6
	3. Setbacks for detached accessory structures: allow side interior of 0’ if entirely in rear 35% and rear, no alley of 5’	
	4. Add prohibition on rooftop and/or second story decks in rear 35% of zone lot depth in all SU, TU, TH U-RH and E-MU-2.5 zone districts to carry forward Former Chapter 59	Art 3-5
<b>Substantive</b>	na	

## Group 3

**Where?** Article 9 Special Contexts and Districts

**Why?**

- Clarify how screening requirements in Article 9 and Article 10 work together
- Carry forward Chapter 59 provisions

Type	Item	Articles
<b>Clarifications, Cross-References, Terminology</b>	1. Clarify applicability of landscaping and screening requirements	Industrial
<b>Carry Forward Former Chapter 59</b>	1. Allow 10' primary street setback encroachment for surface parking to carry forward Former Chapter 59 2. Revise the Office, All Others parking ratio from 2.5 to 2 per 1,000sf in I-A and I-B Zone Districts to carry forward Former Chapter 59 3. Clarify applicability of DO-1 Uptown Design Overlay for properties not rezoned under new code as done for Use Overlays	Industrial  Industrial  Overlay
<b>Substantive</b>	na	

## Group 4

**Where?** Article 10 General Design Standards

**Why?**

- Clarify applicability; improve cross references and terminology; and improve organization for ease of use
- Carry forward Chapter 59
- Change minimum landscape island width to address technical feedback on appropriate width for tree planting
- Apply sign standards for new Master Planned Context Zone Districts

Type	Item	Division
<b>Clarifications, Cross-References, Terminology</b>	1. Address various errata in cross references and terminology	10.4
	2. Add “M” zone districts to perimeter parking lot landscaping requirements	10.5
	3. Clarify applicability of landscaping requirements	10.5
	4. Revise text to make more clear maximum fence height limits	10.5
	5. Reorganize fence and wall standards for greater ease of use.	10.5
	6. Reorganize sign standards for greater ease of use	10.10
	7. Move applicability provision up in billboard standards to make it clearer that billboards are allowed only in the Billboard Overlay Use Zone District.	10.10
<b>Carry Forward Former Chapter 59</b>	1. Add fence and wall design standards applicable in mixed-use commercial zones	10.5
	2. Clarify that development in I-MX zone is subject to standards for fences and walls in industrial zones	10.5
	3. Revise chain link/wire mesh fence material standards to allow without landscaping	10.5
	4. In residential fence standards, delete requirement for open-style fences adjacent to south side of public sidewalks.	10.5
	5. Allow parking of automobile trailers less than 22 feet in length and, detached camper units in the front half of a residential zone lot when there is no alley abutting the rear half of the lot	10.9
	6. Apply comparable sign standards in G-RO-3, G-RO-5, CMP-H2, CMP-EI2, CMP-ENT, S-CC-3x, S-CC5x, and E-CC-5x.	10.10
	7. Apply comparable sign standards in Downtown zone districts (D-LD, D-AS, D-CV)	10.10
<b>Substantive</b>	1. Change minimum parking island width from 6ft to 8ft to provide adequate space for planted trees	10.5
	2. Apply sign standards to New Master planned Context Zone Districts: M-RX-5A, M-GMX and M-CC-5	10.10

## Group 5

**Where?** Articles 3-9: All Use Tables; Article 11: Use Limitations

**Why?** Clarity and corrections based on staff review and code user/customer feedback

Type	Item
<b>Errata, Clarifications</b>	<ol style="list-style-type: none"><li>1. Various Errata Corrections to “P” vs. “L” in Use Tables to Accurately Capture Whether Limits Apply<ol style="list-style-type: none"><li>a. Arts 3-8: Food market, liquor stores, retail sales – all others, helipad</li><li>b. Industrial Zone District uses (Art 9): Animal sales, food market, retail sales – all others, general manufacturing</li><li>c. Master Planned Zone Districts (Art 9): Public safety facilities, helipads</li></ol></li><li>2. Garden as Accessory Use Revise definition to remove embedded standards that were contrary to use limitations applicable to this use in residential zones.</li><li>3. Greenhouse as Accessory Use Revise definition to remove embedded standards that were contrary to use limitations applicable to this use in residential zones.</li><li>4. Railroad Facilities Correct limitation to remove redundant exclusion of RR tracks (definition already excludes these).</li><li>5. Railway ROW Revise definition to make clear this use includes rail tracks, guideways, and overhead power lines.</li></ol>

## Group 5, continued

Type	Item
<p><b>Carry Forward Former Chapter 59</b></p>	<ol style="list-style-type: none"> <li>1. Animal Husbandry Revise limits in I-B and OS-B and prohibit use in O-1</li>   <li>2. Animal Keeping Accessory to Primary Residential Uses Change from “L-ZP” to “L-ZPIN” and make all animal exceptions (keeping of animals not specifically listed in Sec. 11.8.6) subject to informational notice requirements.</li>   <li>3. Arts, Entertainment, Recreations, Indoors Prohibit use in G-MU and add limits in the G-RO zone districts to align with “professional studio” allowance</li>   <li>4. Body Art Establishments Correct limit of ‘no more than 1’ to ‘no more than 2’ body art establishments locating within 1,000 feet of each other</li>   <li>5. Day Care Center Allow as “L-ZP” in SU and TU residential zone districts (vs. L-ZPIN)</li>   <li>6. Eating and Drinking Establishments Correct use table entries in MX/MS-2x zone districts to state “L-ZPIN” review type for “business use exception.”</li>   <li>7. Home Occupations               <ol style="list-style-type: none"> <li>a. Add purpose and intent statement</li> <li>b. Add limitation making all permits personal to applicant</li> <li>c. Revise limits for large day care homes</li> <li>d. Allow large day care homes in as L-ZPIN in S-SU-Fx and S-SU-Ix zones</li> <li>e. Add use table row for “Unlisted Home Occupations” type and allow as “L-ZPIN” making all Zoning Administrator determinations of similar (unlisted) home occupations subject to informational notice</li> <li>f. Reorganize Division 11.9 for greater ease of use.</li> <li>g. Revise to allow up to 2 roomers/boarders with single-dwelling unit uses in zone districts other than SU districts</li> <li>h. Revise definition to delete incorrect references to “commercial use” and “retail sales”; replace words “commercial use” with “business use.”</li> </ol> </li>   <li>8. Junkyard, Recycling Center, and Recycling Plant/Scrap Processor Clarify applicability of screening requirement in Industrial Zone Districts and correct relevant section references</li>   <li>9. Junkyard Change use allowance in I-A from “L-ZP” to “NP” in the I-1 zone district</li>   <li>10. Manufacturing, General Change use allowance in I-MX zone from “P-ZP” to “L-ZP”</li> </ol>

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|  | <p>11. Nonresidential Uses in Existing Structures in Residential Zone Districts<br/>Revise to make clear that customary and incidental accessory uses are allowed with this primary use</p> <p>12. Residential Care Uses<br/>Add limit making all permits personal to applicant/operator</p> <p>13. Temporary Outdoor Seasonal Sales (Including Farmers Markets and Flea Markets)</p> <ul style="list-style-type: none"><li>a. Revise cell entries to delete ZPIN review (CC/MX/MS-3 and more intense districts).</li><li>b. Revise limitations to make clear that ZPIN review process only applies in the least intensive mixed-use zones (MX/MS-2, - 2x, -2A zones).</li><li>c. Revise use table entries for this use to correct level of review</li></ul> <p>14. Wholesale Trade or Storage, Light</p> <ul style="list-style-type: none"><li>a. Prohibit use in the RX district</li><li>b. Apply ZPSE review only in D-AS, and D-GT zone districts and not in all CC/MX/MX zones</li><li>c. Apply ZPIN review (rather than ZPSE) when this use is established on zone lots fronting 56<sup>th</sup> Avenue, Tower Road or Pena Road from “ZPSE.” to “ZPIN”</li><li>d. Delete limitation requiring an accessory office use in the RX, CC, MS, and MX zone districts, which unintentionally introduced a new limitation on both existing and new storage service uses in Denver if retained</li></ul> |
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## Group 5, continued

Type	Item	Articles
<b>Substantive</b>	<ol style="list-style-type: none"> <li data-bbox="443 352 1271 682"> <p>1. Live/WorkDwelling  Allow live/work dwelling uses in I-A and I-B zones, with new limits: (i) “work” part of use limited to “artist studio” only; (ii) “live” part of use limited in number of unrelated persons who may reside on site; and (iii) “live” part of use will not be treated as “residential use” (to protect Industrial zone district intent).  Revise “art, entertainment, and recreation, indoor” use in I-A and I-B to remove these same three limits – the use is still allowed in the I-A and I-B zones, but cannot include a dwelling unit.</p> </li> <li data-bbox="443 720 1271 1224"> <p>2. Outdoor Eating/Serving Areas Accessory to Eating/Drinking Establishments</p> <ol style="list-style-type: none"> <li data-bbox="516 787 1271 982">a. Revise limitations to carry forward Former Chapter 59 limits on operating hours (10pm/11pm) for use between 50 and 100 feet from Protected Zone Districts (outdoor areas less than 50 feet away from a protected zone district are already subject to BOA special exception review in the subject zones).</li> <li data-bbox="516 989 1271 1119">b. Revise limitations to carry forward Former Chapter 59 direction to the BOA for review of outdoor eating/seating areas less than 50 feet from a Protected Zone District in certain zones.</li> <li data-bbox="516 1125 1271 1224">c. Revise use table entries for this use to correct application of limitations and type of use review to carry forward former Chapter 59 to maximum extent possible.</li> </ol> </li> <li data-bbox="443 1255 1271 1354"> <p>3. Residence for Older Adults  Add limit on number of dwelling units per zone lot occupied by this use.</p> </li> </ol>	

## Group 6

**Where?** Article 12, Procedures and Enforcement

**Why?** Clarity and corrections based on staff review and code user/customer feedback

Type	Item
<b>Clarifications</b>	<ol style="list-style-type: none"> <li>1. Revise “Compliant Structure” Definition to add “Pedestrian Access, Primary Street” to list of building form standards triggering compliant structure status.</li> <li>2. Revise the Effect of Approval General Standards to make clear that concurrent approvals or permits are subject, in combination, to the longest expiration period applicable.</li> </ol>
<b>Carry Forward Former Chapter 59</b>	<ol style="list-style-type: none"> <li>3. Revise ‘Standards Applicable to Compliant Structures’ by adding standard clearly allowing expansion or enlargement of a compliant structure, provided the expansion or enlargement does not increase the degree of existing noncompliance or create a new area of noncompliance or nonconformity.</li> <li>4. Revisions to “Compliant Uses” Standards:               <ol style="list-style-type: none"> <li>a. Add new standards giving Zoning Administrator limited authority to approve expansions of a compliant use (same allowance as for nonconforming use).</li> <li>b. Add new standards giving the Board of Adjustment variance authority to approve all other expansions of a compliant use (same allowance as for nonconforming use).</li> <li>c. Add standards specifying when destruction, damage, or structural obsolescence leads to termination of a compliant use. The parameters are the same as the termination standards that apply to nonconforming uses.</li> </ol> </li> <li>5. Revisions to “Nonconforming Structure” Standards by correcting the citation to and description of the 1994 ordinances applicable to the D-C and D-TD zones districts, wherein noncompliance with such ordinances will not prevent reconstruction of a nonconforming structure that is accidentally destroyed or damaged.</li> </ol>
<b>Substantive</b>	na

## Group 7

**Where?** Article 13, Definitions

**Why?** Clarity and corrections based on staff review/comments and code user feedback

Type	Item
<b>Clarifications</b>	<ol style="list-style-type: none"> <li>1. Copy use definitions changed in Article 11, from Group 5 into Article 13, Definitions</li> <li>2. Errata Corrections in Definitions of Terms for Clarification               <ol style="list-style-type: none"> <li>a. Former Chapter 59</li> <li>b. Mixed Use Commercial Zone Districts (add M-CC and M-GMX)</li> <li>c. New Construction or Development</li> <li>d. Protected District (missing E-SU-B zone)</li> <li>e. Structure, Compliant</li> </ol> </li> </ol>
<b>Carry Forward Former Chapter 59</b>	na
<b>Substantive</b>	<ol style="list-style-type: none"> <li>1. Revisions to Definitions of Terms Related to Other Amendment 5 Changes               <ol style="list-style-type: none"> <li>a. Accessory Structure</li> <li>b. Façade and Front Facade</li> <li>c. Rooftop and/or Second Story Decks</li> <li>d. Truck tractors</li> </ol> </li> </ol>