

**Community Planning and Development**

Planning Services

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TO: **Jeanne Robb and Judy Montero, Co-Chairs – Land Use, Transportation and Infrastructure Committee**
FROM: **Tina Axelrad, Principal City Planner; Michelle Pyle, Associate City Planner**
DATE: **October 1, 2010**
RE: **Denver Zoning Code - Amendment 4: Various Text Errata**

Staff Report and Recommendation

Pursuant to Section 12.4.11 (Text Amendment) of the Denver Zoning Code, the Land Use, Transportation and Infrastructure Committee is scheduled to review Amendment 4 to the Denver Zoning Code at its regularly scheduled meeting on October 5, 2010. The Committee will make a determination whether to forward the proposed text amendment to the Denver City Council for its final decision at a public hearing.

Based on the criteria for review stated for text amendments in Section 12.4.11.9 of the Denver Zoning Code, CPD staff recommends that the Land Use, Transportation and Infrastructure Committee forward to the full City Council this Amendment 4 to the Denver Zoning Code, which address various text errata.

I. Summary and Purpose of Proposed Amendment 2

Amendment 4 addresses text errata of the Denver Zoning Code as originally adopted by City Council on June 21, 2010. None of Amendment 4 is substantive in nature, nor contrary to the original intent of the subject code provisions. This amendment will clarify the applicability of detached accessory building form standards.

A summary of the proposed changes is provided below, as well as an attachment of the pages showing the tracked changes for the proposed amendment (underlined text for additions; ~~strikethrough text~~ for deletions), for city council's review and consideration:

1. Add Section heading "District Specific Standards" and re-letter Detached Accessory Building Forms for the following sections of the code:
 - > Article 3, insert section heading 3.3.4.6 District Specific Standards and re-letter subsequent forms
 - > Article 4, insert section heading 4.3.4.6 District Specific Standards and re-letter subsequent forms
 - > Article 5, insert section heading 5.3.4.6 District Specific Standards and re-letter subsequent forms
 - > Article 6, insert section heading 6.3.4.6 District Specific Standards and re-letter subsequent forms
 - > Article 7, insert section heading 7.3.4.6 District Specific Standards and re-letter subsequent forms
 - > Article 9, insert section heading 9.7.4.6 District Specific Standards and re-letter subsequent forms
2. Articles 3-6 and 9, delete the asterisk in the Detached Garage Building Form section heading

II. Criteria for Review and CPD Analysis

The criteria for review of a proposed text amendment are found in Section 12.4.11.9 of the Denver Zoning Code. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed Amendment 4 satisfies each of the criteria.

A. Amendment 4 is Consistent with the City's Adopted Plans

Amendment 4 does not change in any substantive manner the content or intent of the Denver Zoning Code. The City Council recently adopted the code based – in significant part – on a finding that the new code was consistent with and implements the city's adopted plans. Accordingly, Amendment 4, which does not alter the code in substance, does not alter the original Council finding that the Denver Zoning Code is consistent with adopted plans.

B. Amendment 4 Furthers the Public Health, Safety, and General Welfare

Amendment 4 furthers the general welfare of Denver's residents and the local economy by providing further clarity in the rules applicable to all land use and development in the city.

C. The Proposed Text Amendment Results in Regulations that are Uniform within Each Zone District

Amendment 4 does not create new substantive standards or zone districts; consequently, this criterion is not applicable and Council may find that Amendment 4 results in (by not changing them in any way) regulations that are uniform within each zone district.

III. Review Process

Based on the authority provided in Section 12.4.11.5, the manager of Community Planning & Development referred Amendment 4 directly to the Land Use, Transportation and Infrastructure Committee of City Council, without Planning Board review, because the amendment consists solely of revisions necessary to address errata in the text of the Denver Zoning Code.

IV. CPD Staff Recommendation to Blueprint Denver Committee

Based on the criteria for review as described above, CPD Staff recommends that the Land Use, Transportation and Infrastructure Committee forward Amendment 4, which will address various text errata of the Denver Zoning Code, to the full City Council for its deliberation and final decision.

- C. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- D. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 3.3.4.

3.3.4.4 Additional Standards for Detached Accessory Structures in All Zone Districts

A. Gross Floor Area:

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

B. Building Coverage:

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

C. Permitted Number

In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 3.3.4.4.A and B above.

3.3.4.5 Additional Standards for Detached Structures Accessory to Single Unit Dwellings

A. Required Building Materials

All detached structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

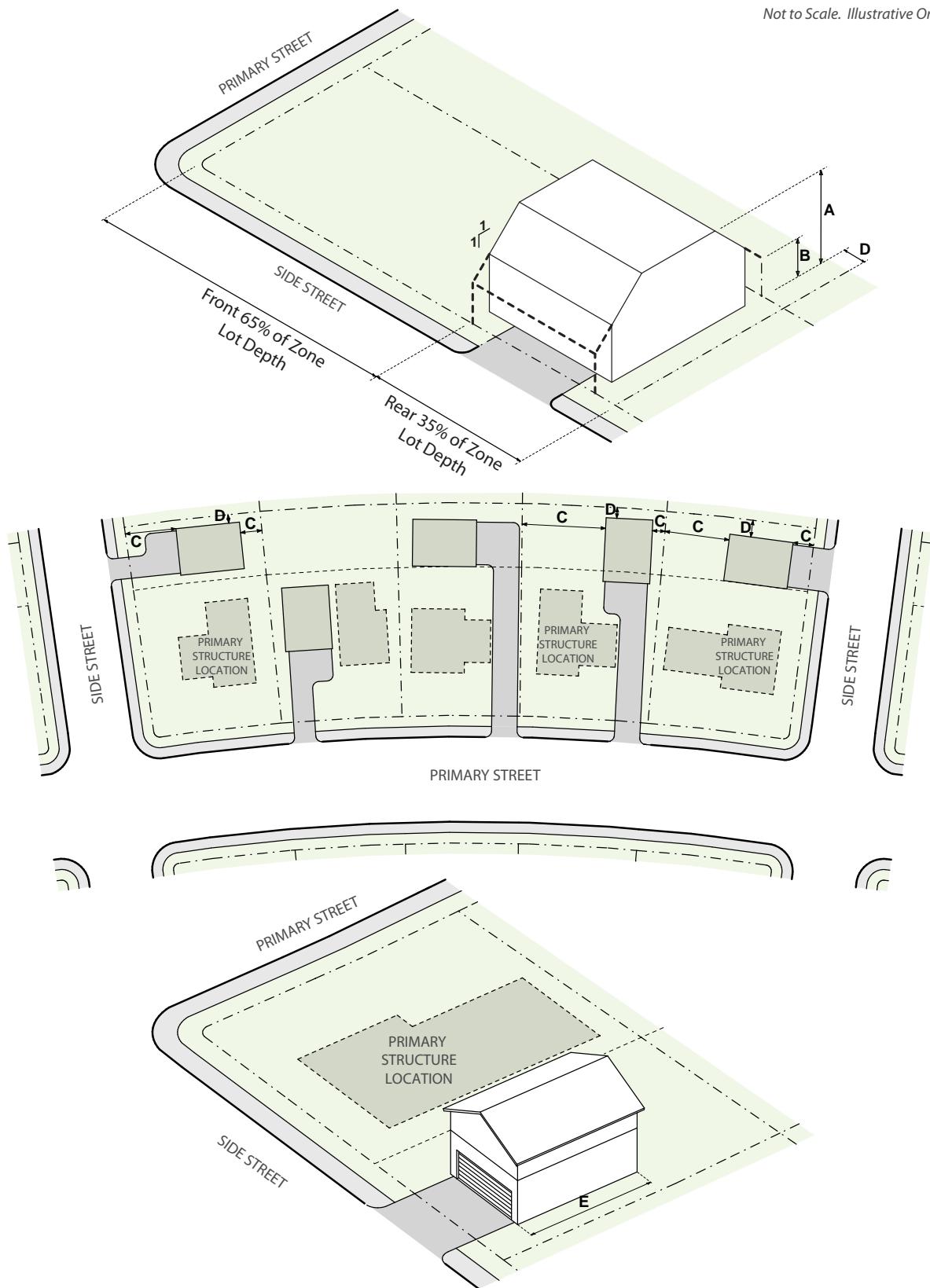
B. Access and Contiguity

Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure.

3.3.4.6 District Specific Standards

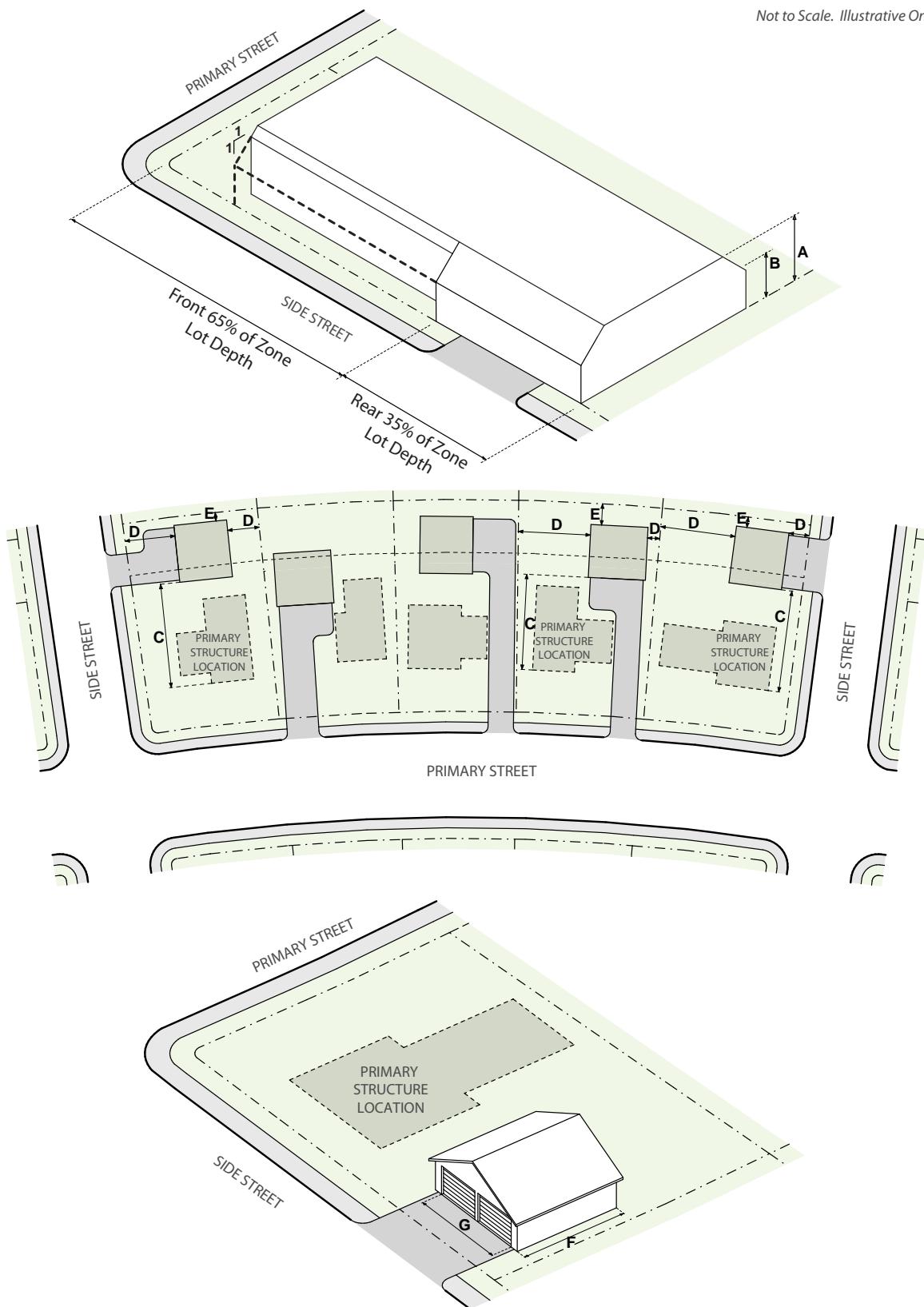
A. ~~C.~~ Detached Accessory Dwelling Unit

Not to Scale. Illustrative Only.



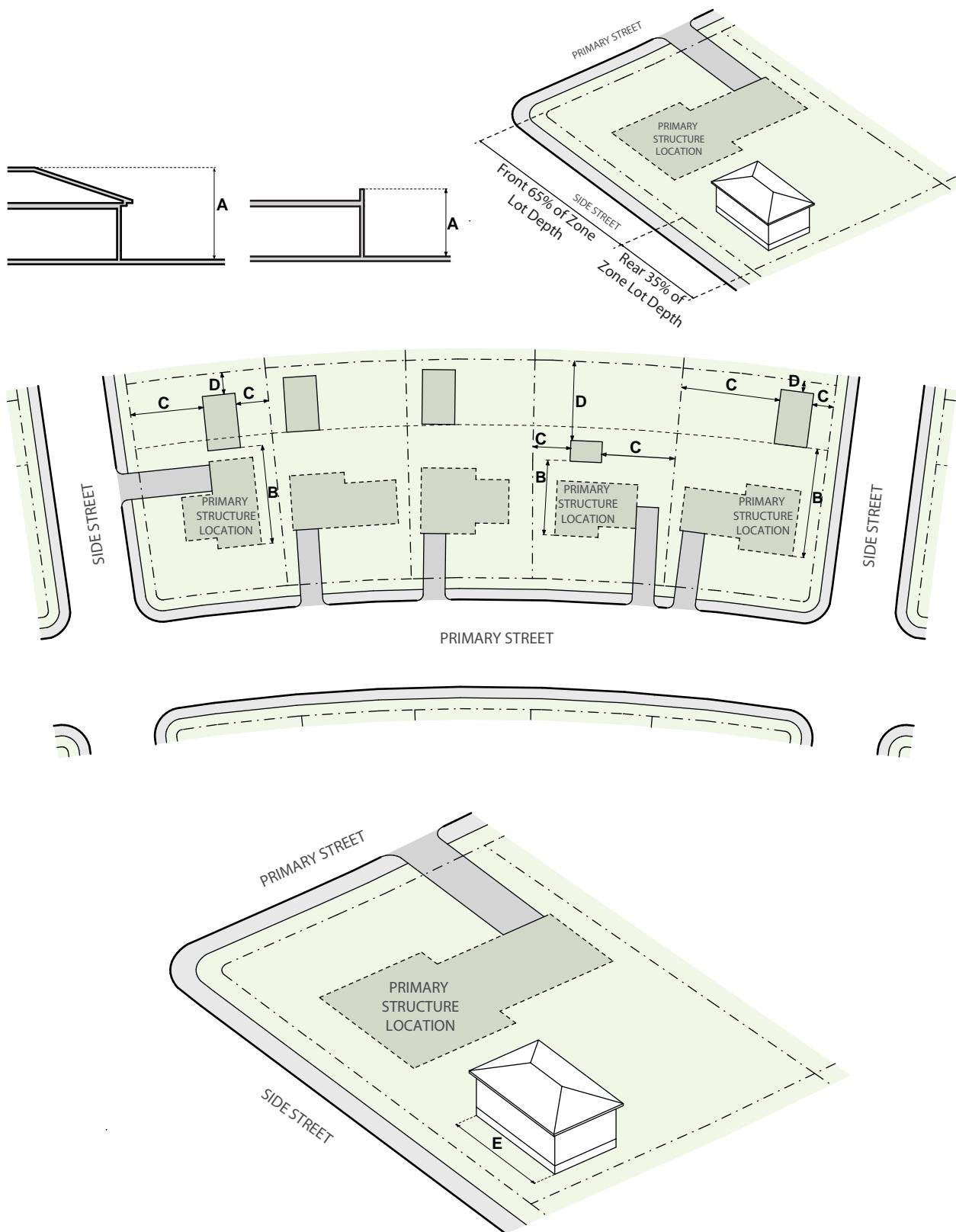
B. D-Detached Garage*

Not to Scale. Illustrative Only.



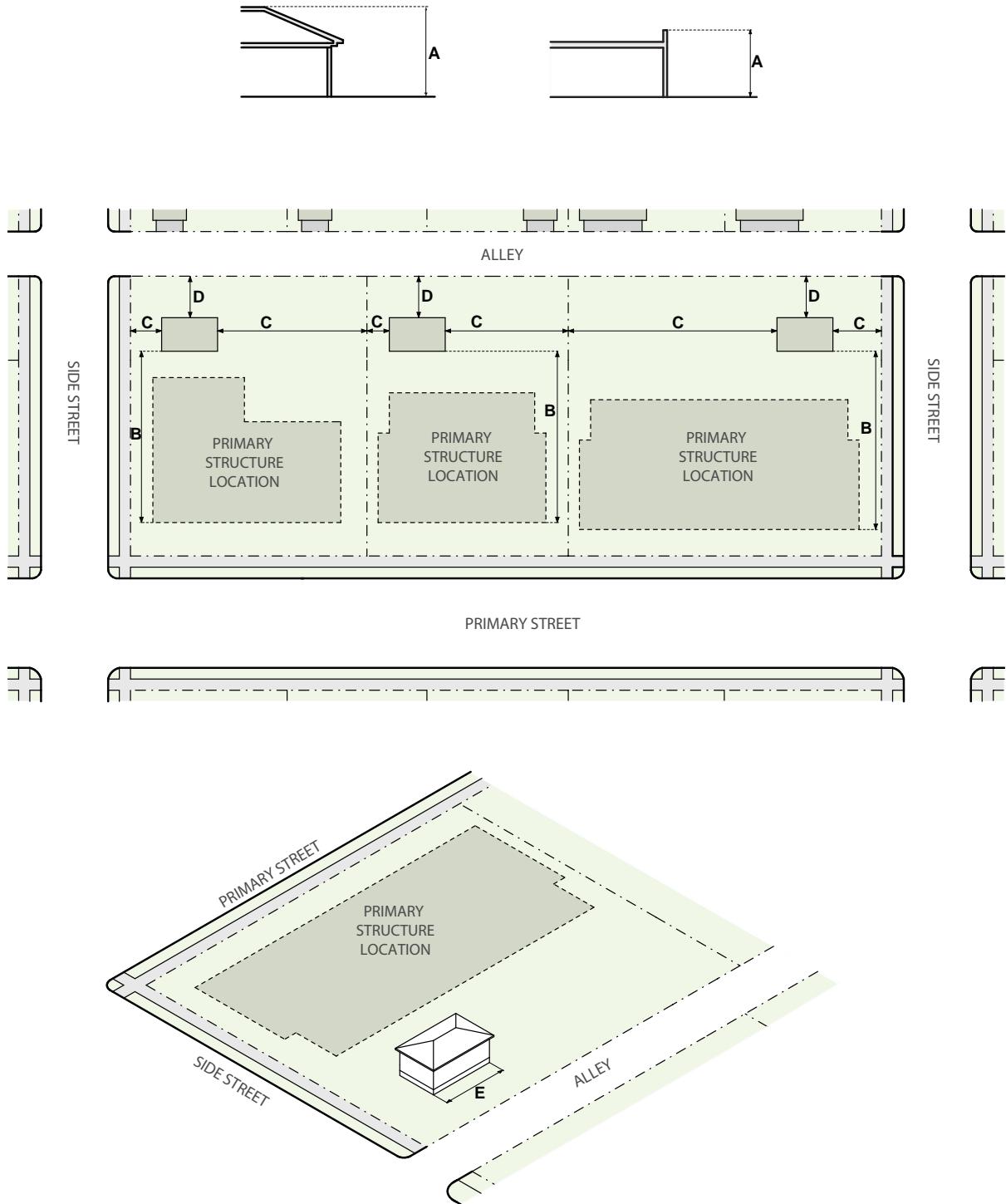
C. **E.** Detached Utility Building

Not to Scale. Illustrative Only.



D. **F.** Detached Accessory Structures

Not to Scale. Illustrative Only.



- C. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- D. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 4.3.4.

4.3.4.4 Additional Standards for Detached Accessory Structures in All Zone Districts

A. Gross Floor Area:

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

B. Building Coverage:

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

C. Permitted Number

In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 4.3.4.4.A and B above.

4.3.4.5 Additional Standards for Detached Structures Accessory to Single Unit Dwellings

A. Required Building Materials

All detached structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

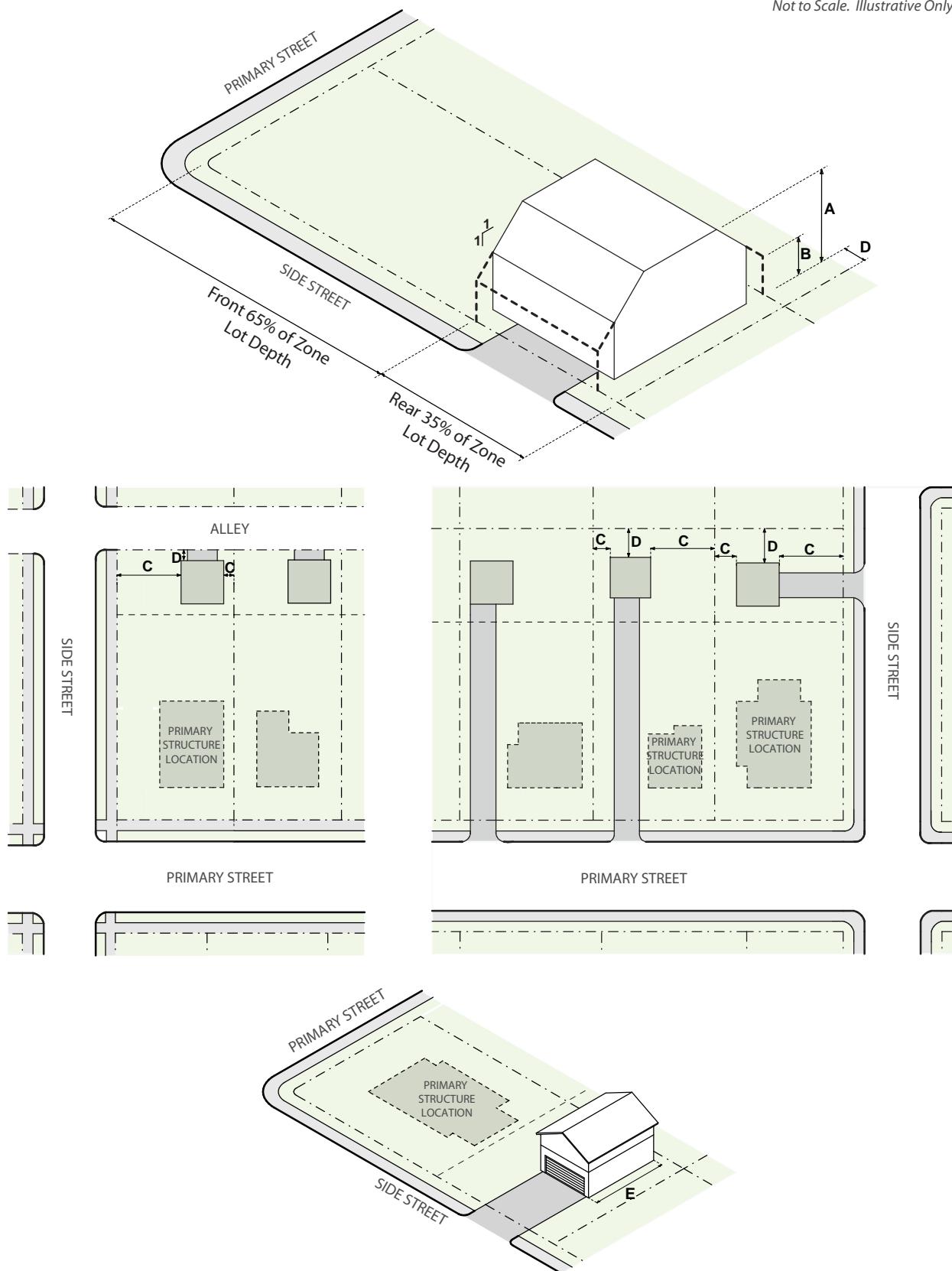
B. Access and Contiguity

Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure.

4.3.4.6 District Specific Standards

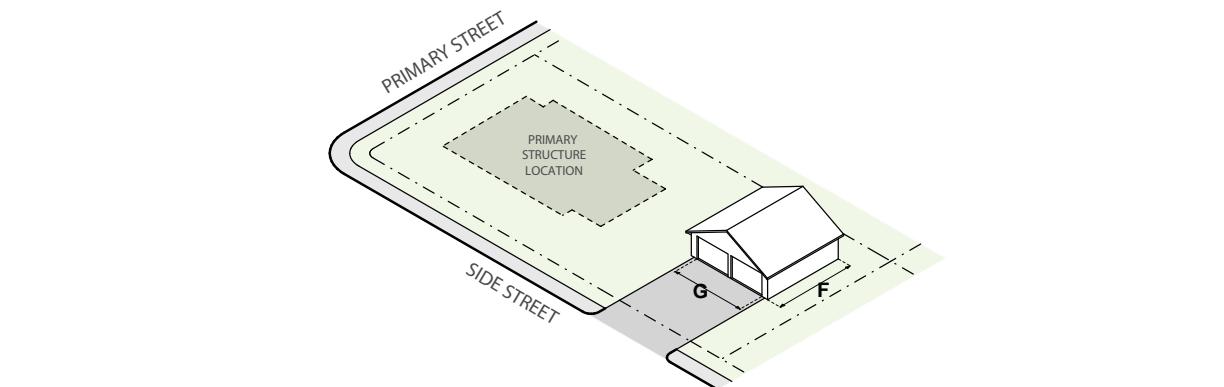
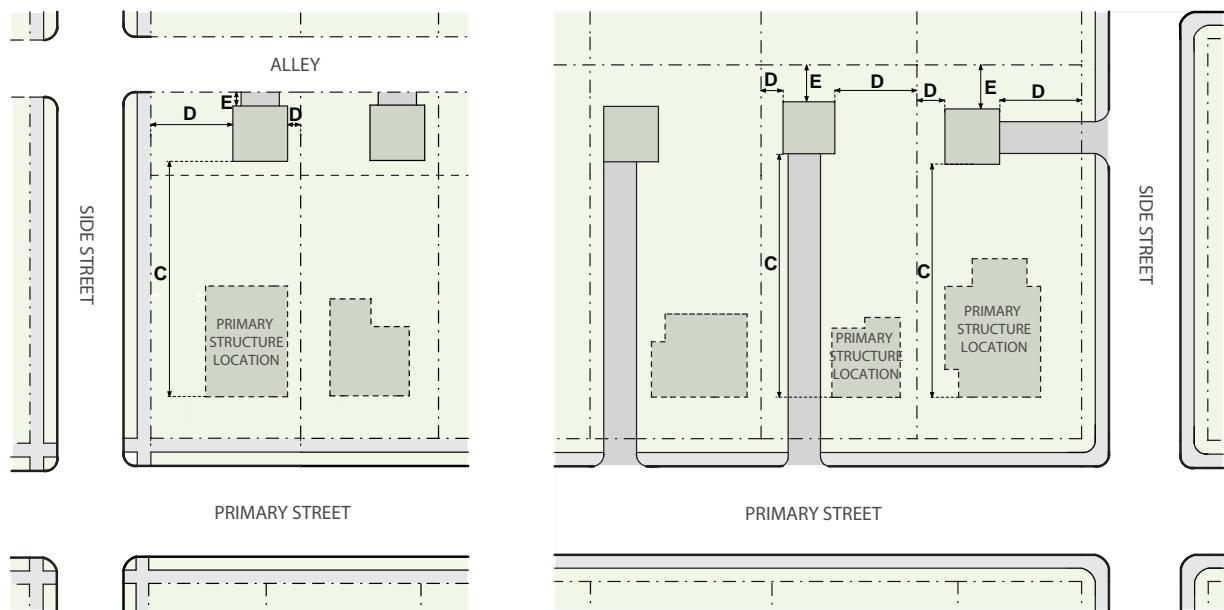
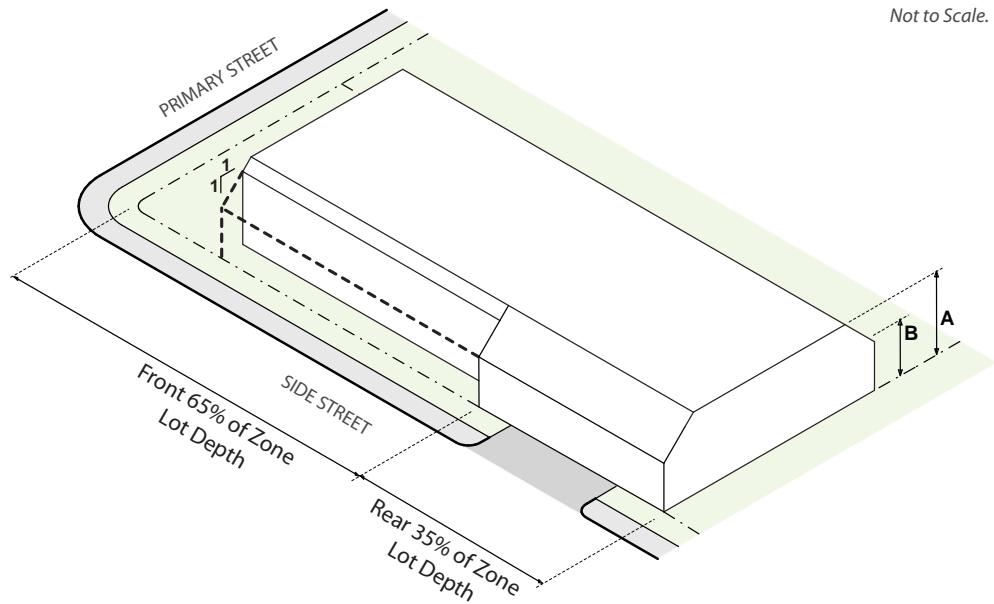
A. C. Detached Accessory Dwelling Unit

Not to Scale. Illustrative Only.



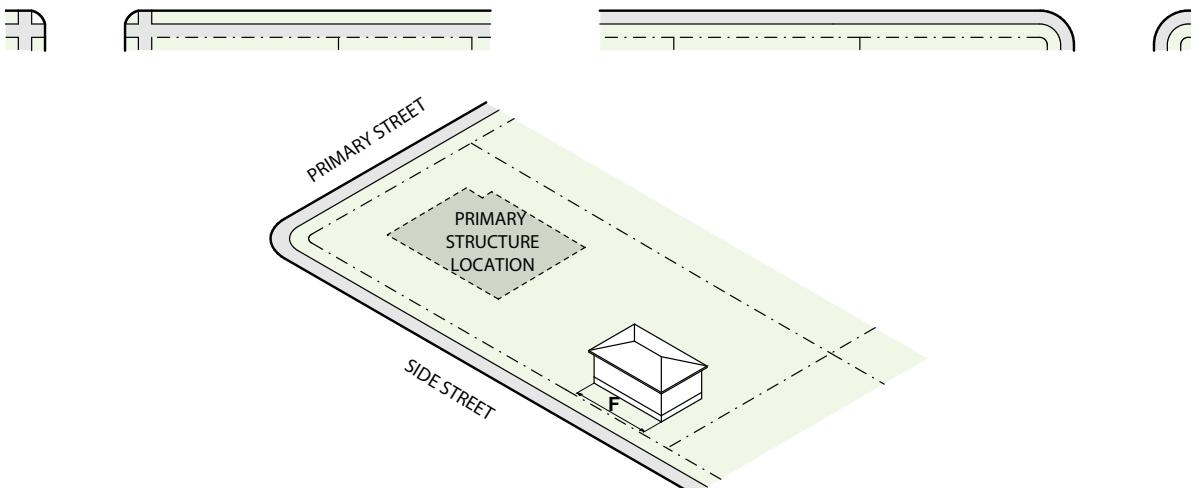
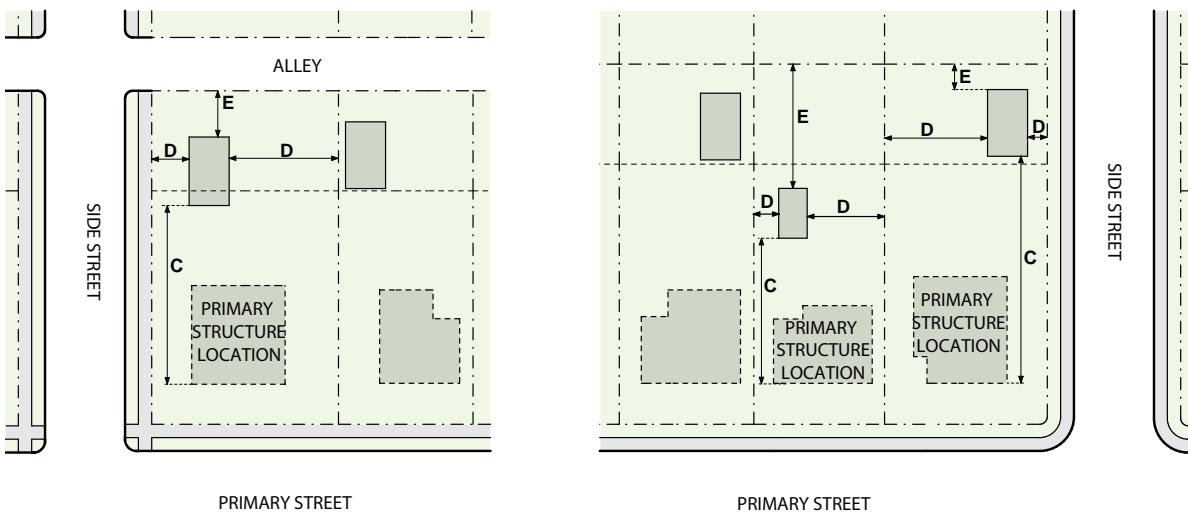
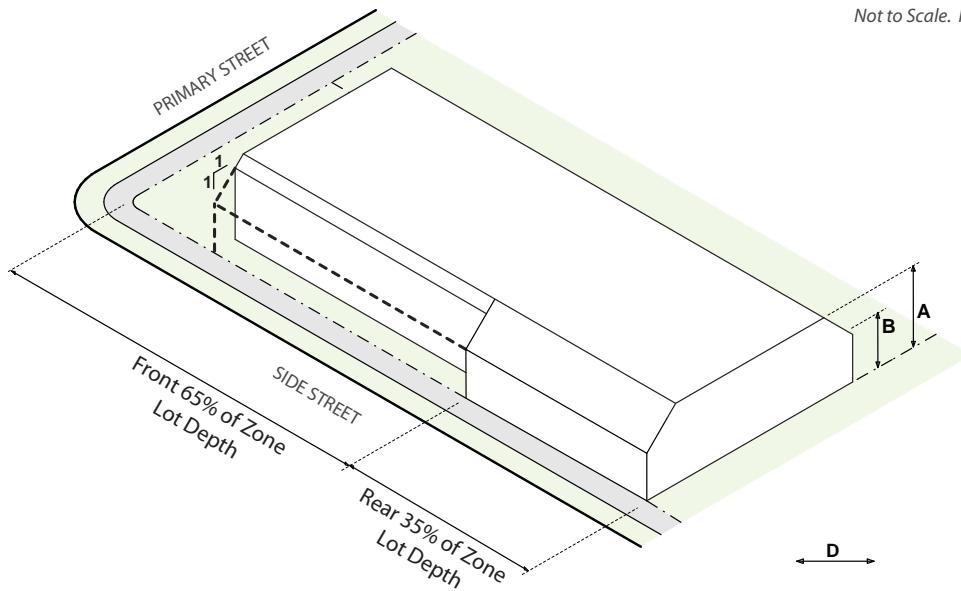
B. D-Detached Garage*

Not to Scale. Illustrative Only.



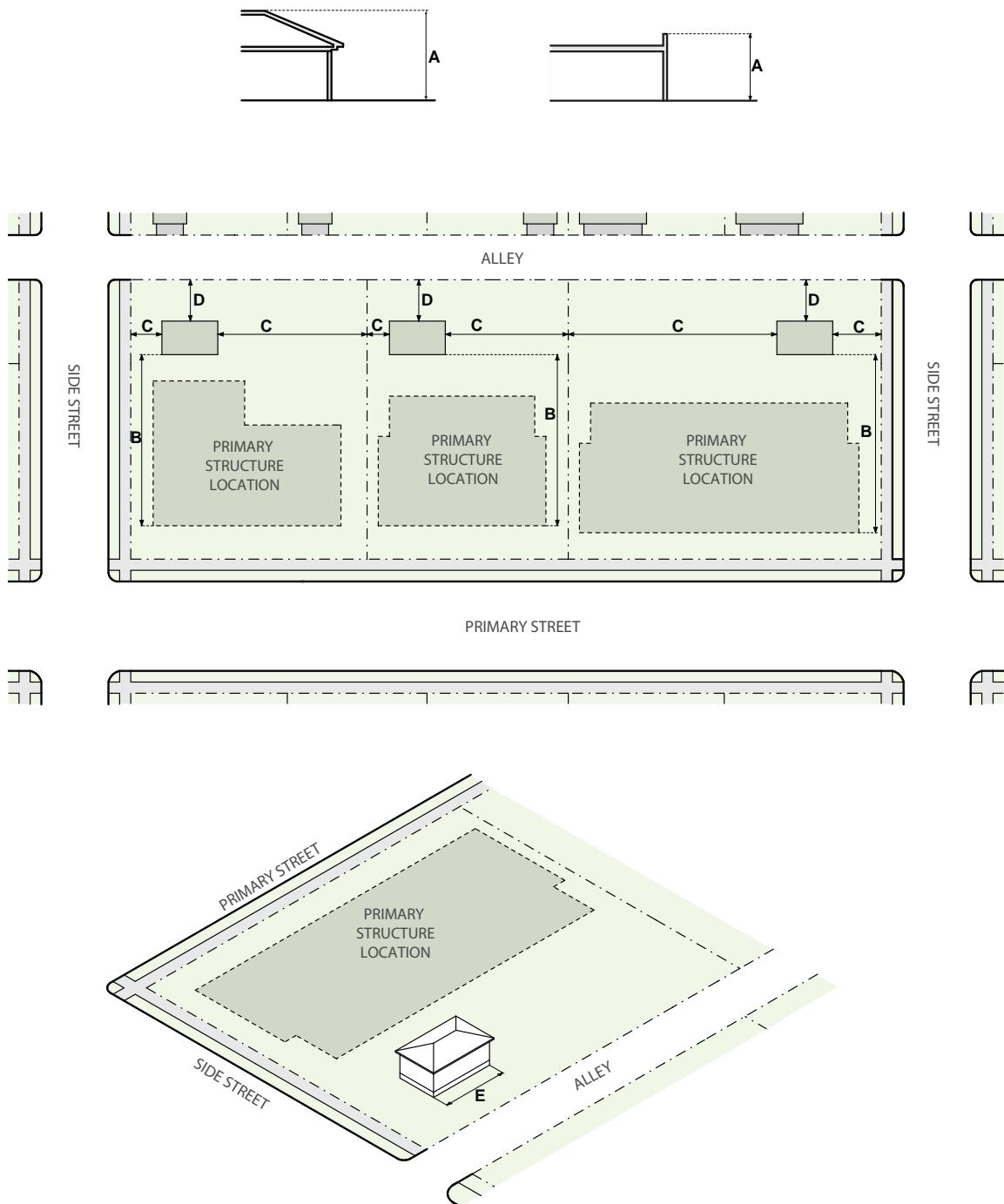
C. E. Detached Utility Building

Not to Scale. Illustrative Only.



D. ~~F.~~ Detached Accessory Structures

Not to Scale. Illustrative Only.



- C. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- D. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 5.3.4.

5.3.4.4 Additional Standards for Detached Accessory Structures in All Zone Districts

A. Gross Floor Area:

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

B. Building Coverage:

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

C. Permitted Number

In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 5.3.4.4.A and B above.

5.3.4.5 Additional Standards for Detached Structures Accessory to Single Unit Dwellings

A. Required Building Materials

All detached structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

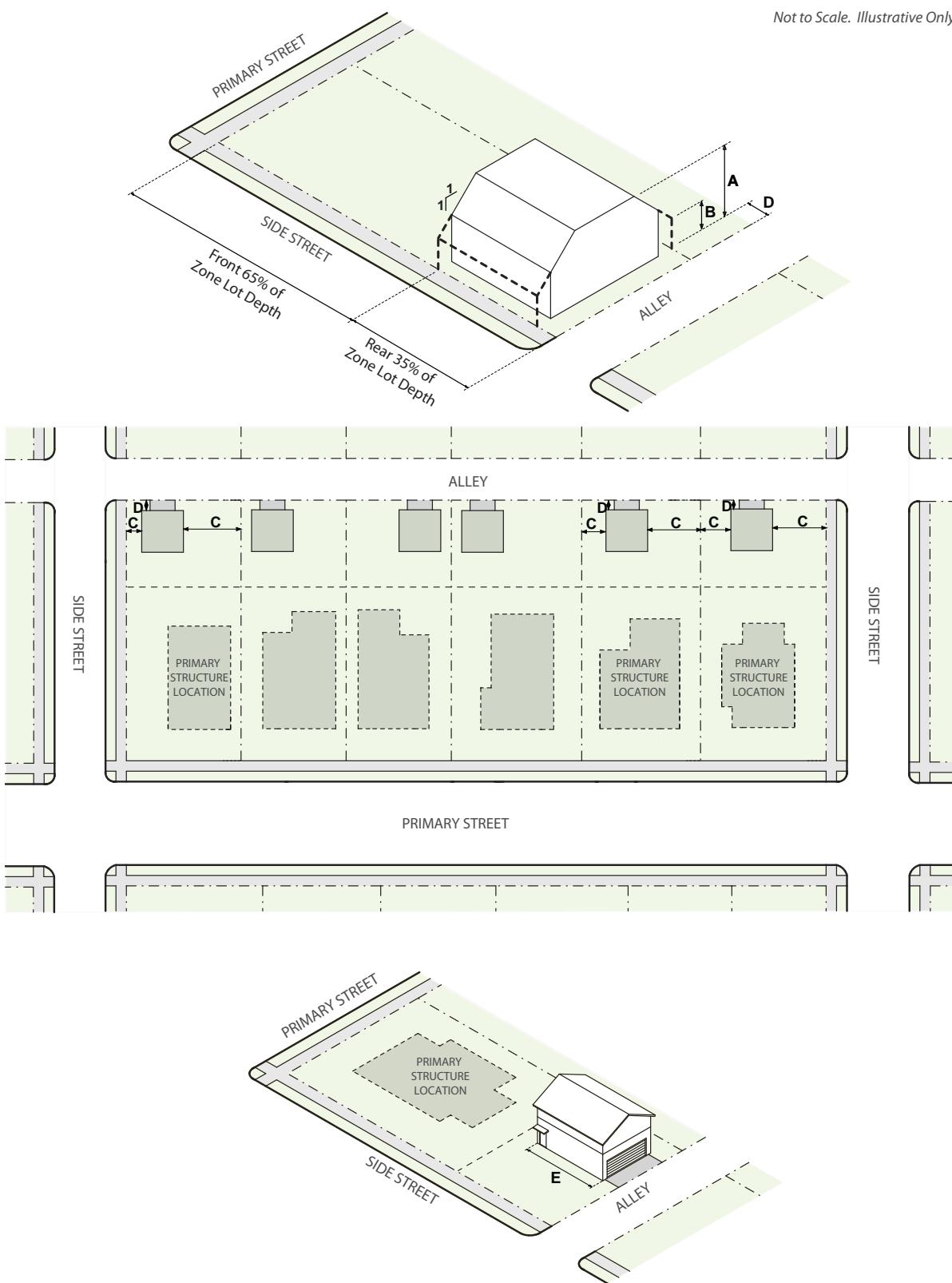
B. Access and Contiguity

Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure.

5.3.4.6 District Specific Standards

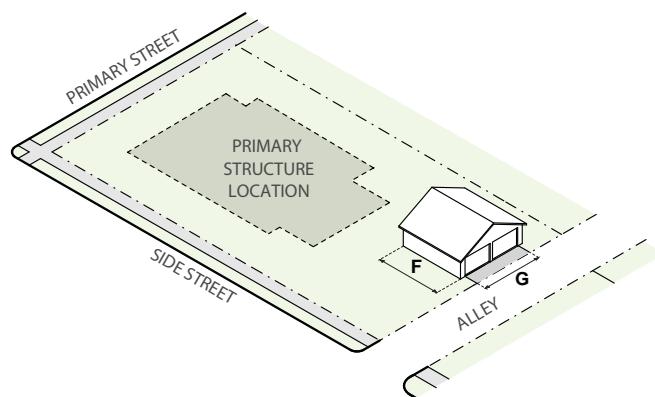
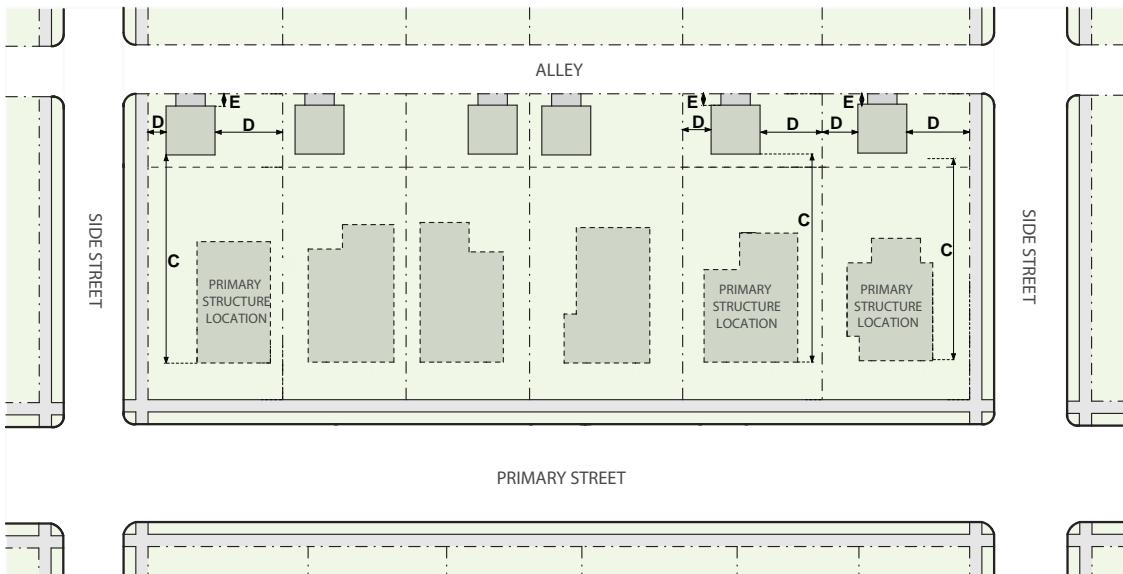
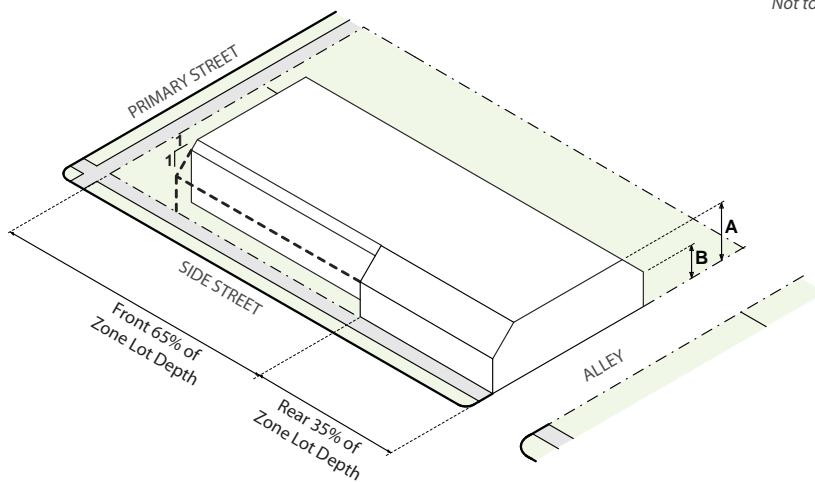
A. ~~C.~~ Detached Accessory Dwelling Unit

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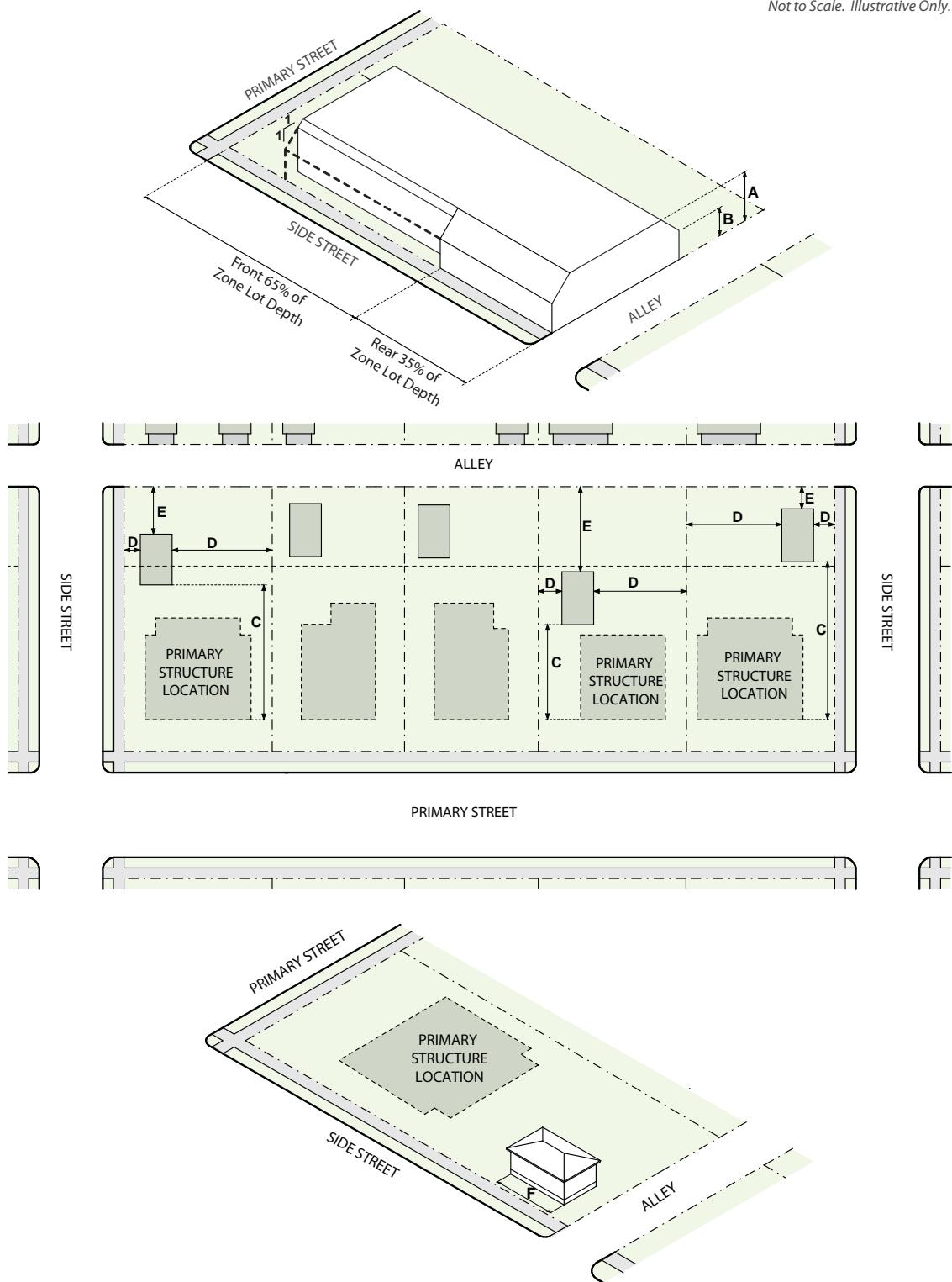
B. D-Detached Garage*

Not to Scale. Illustrative Only.



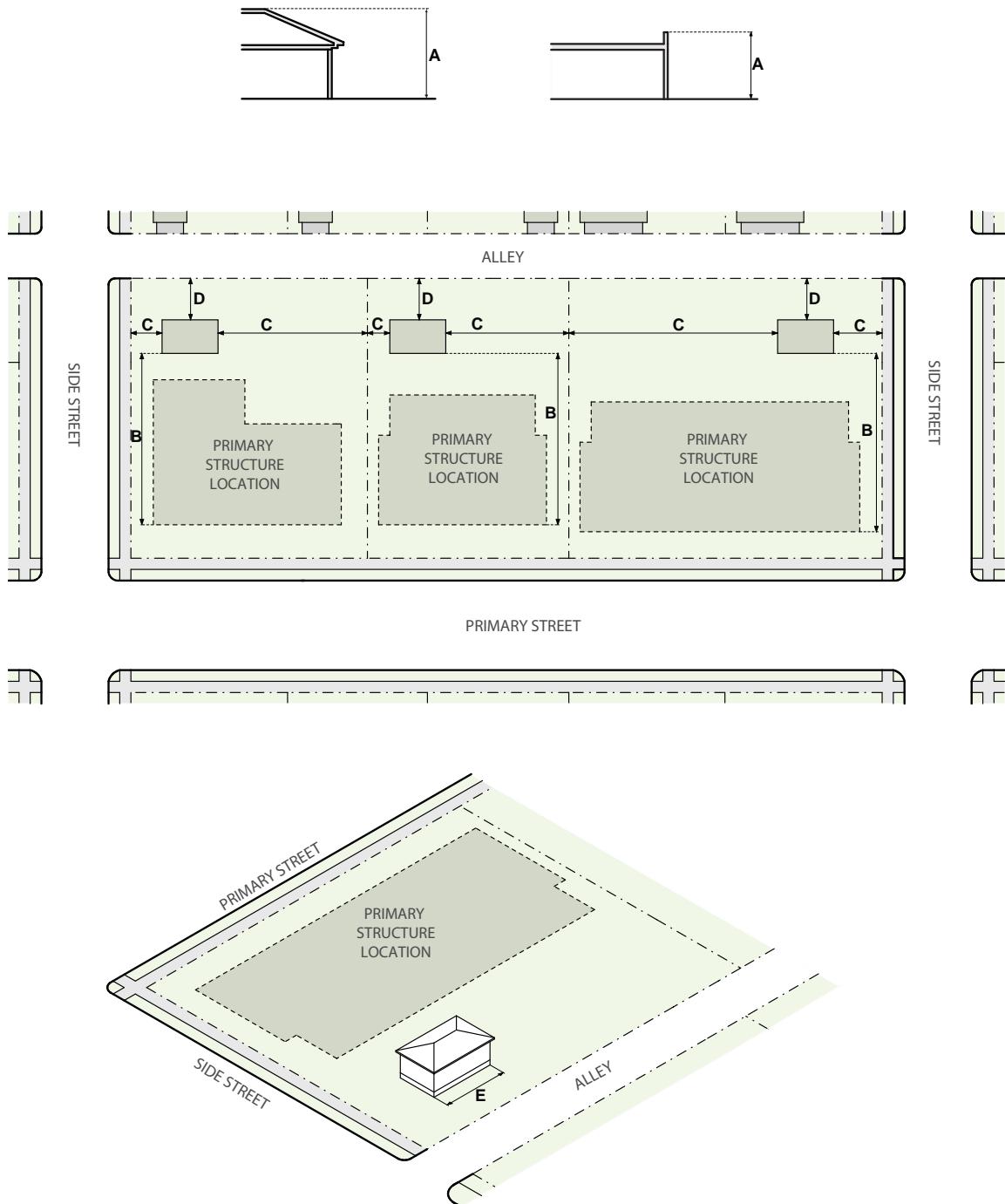
C. E. Detached Utility Building

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D. ~~F.~~ Detached Accessory Structures

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- C. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- D. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 6.3.4.

6.3.4.4 Additional Standards for Detached Accessory Structures in All Zone Districts

A. Gross Floor Area:

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

B. Building Coverage:

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

C. Permitted Number

In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 6.3.4.4.A and B above.

6.3.4.5 Additional Standards for Detached Structures Accessory to Single Unit Dwellings

A. Required Building Materials

All detached structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

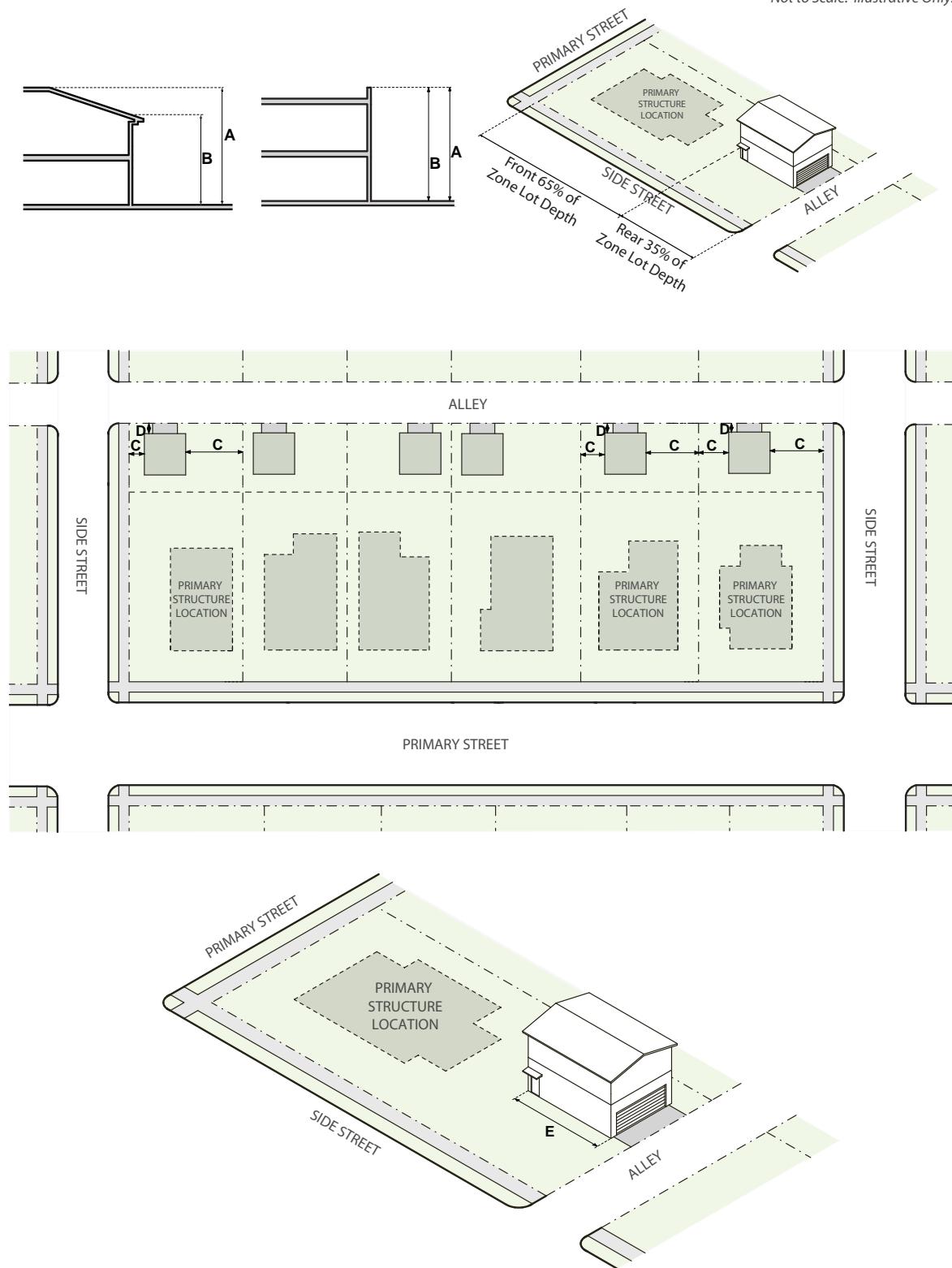
B. Access and Contiguity

Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure.

6.3.4.6 District Specific Standards

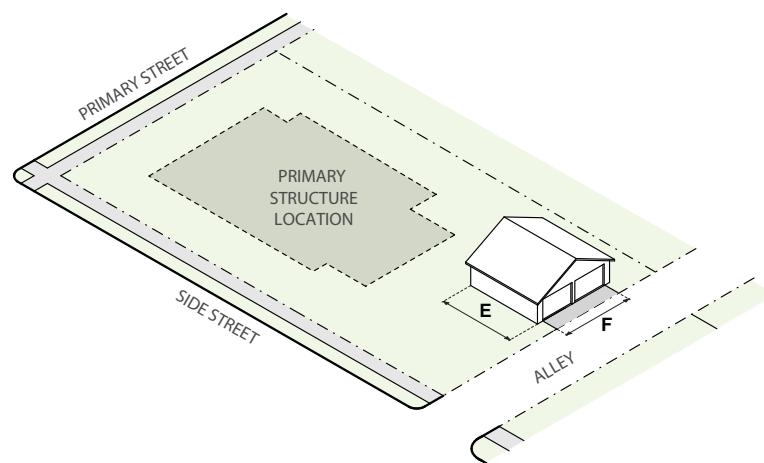
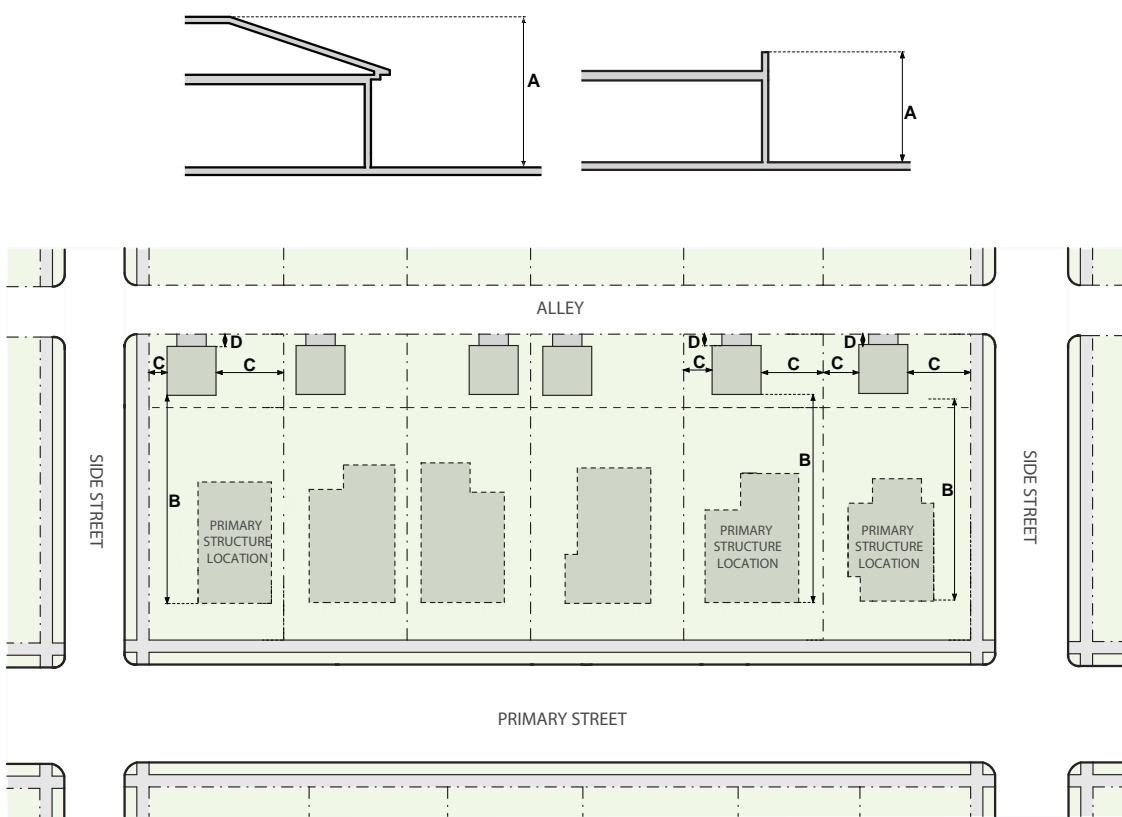
A. ~~C.~~ Detached Accessory Dwelling Unit

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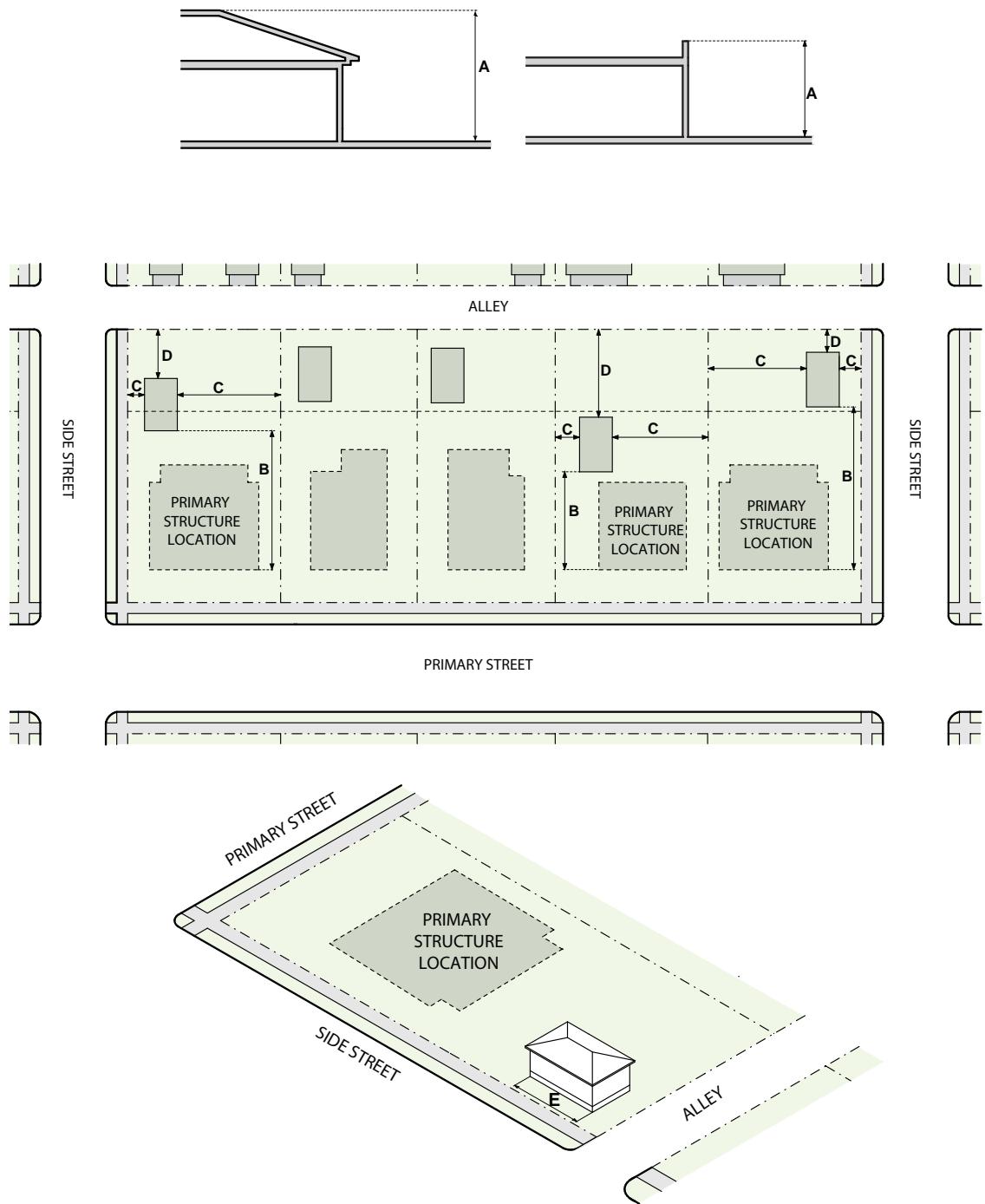
B. ~~D~~-Detached Garage*

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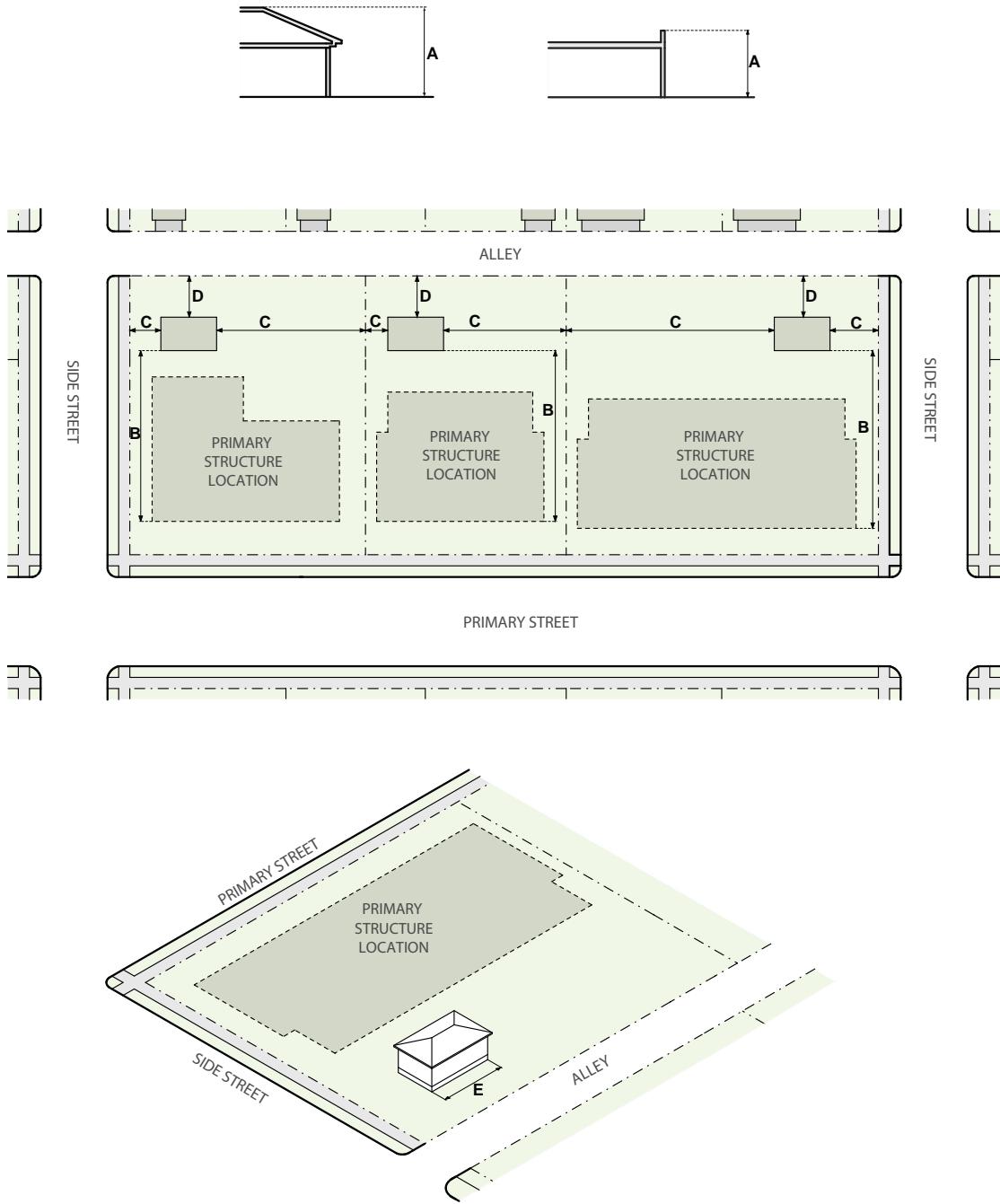
C. **E.** Detached Utility Building

Not to Scale. Illustrative Only.



D. ~~F.~~ Detached Accessory Structures

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- C. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- D. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 7.3.4.

7.3.4.4 Additional Standards for Detached Accessory Structures in All Zone Districts

A. Gross Floor Area:

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

B. Permitted Number

In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 7.3.4.4.A above.

7.3.4.5 Additional Standards for Detached Structures Accessory to Single Unit Dwellings

A. Required Building Materials

All detached structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

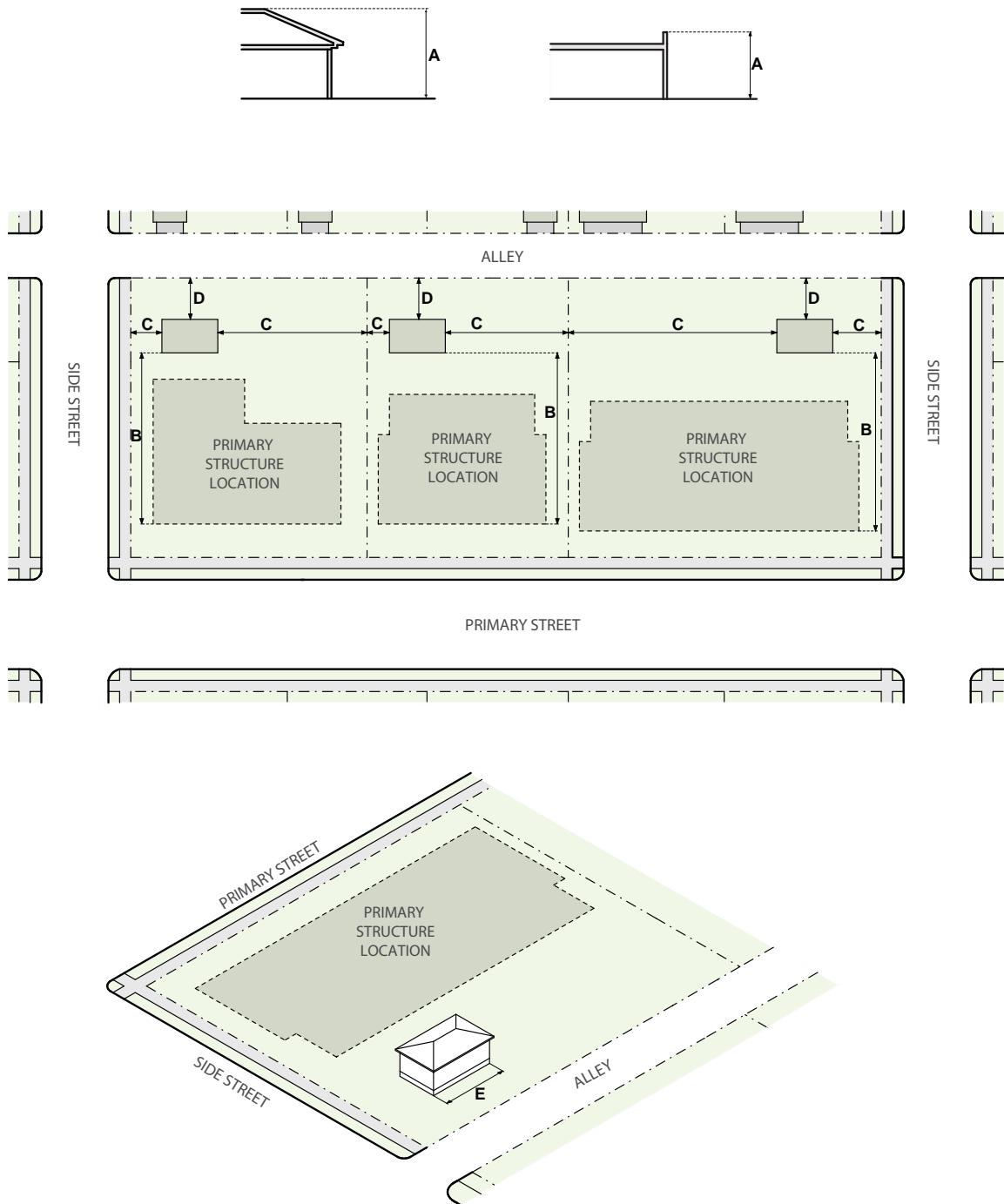
B. Access and Contiguity

Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure.

7.3.4.6 District Specific Standards

A. ~~C.~~ Detached Accessory Structures

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- C. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- D. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 9.7.4.

9.7.4.4 Additional Standards for Detached Accessory Structures in All Zone Districts

A. Gross Floor Area

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

B. Building Coverage

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

C. Permitted Number

In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in this section.

9.7.4.5 Additional Standards for Detached Structures Accessory to Single Unit Dwellings

A. Required Building Materials

All detached structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials used on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

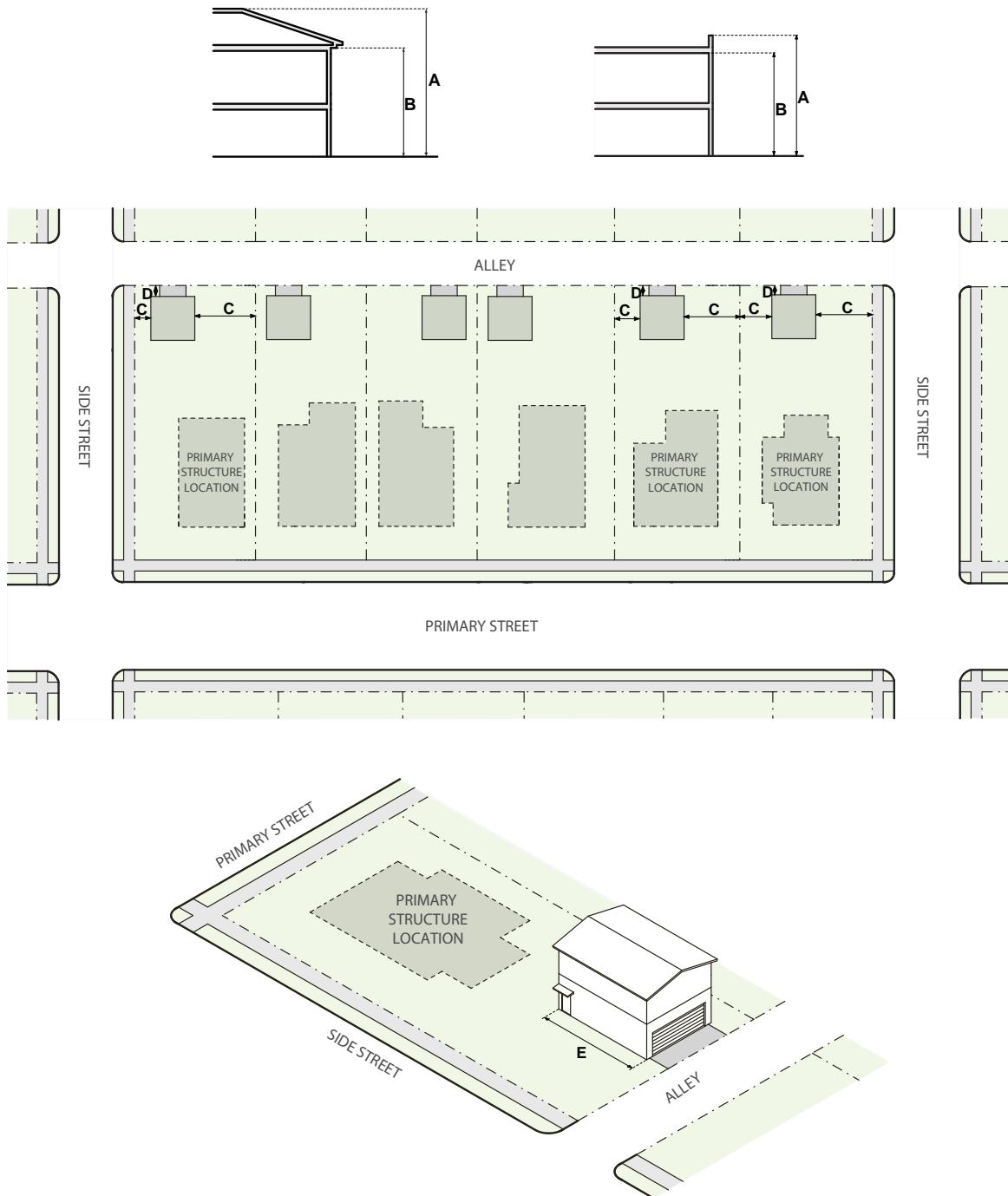
B. Access and Contiguity

Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure.

9.7.4.6 District Specific Standards

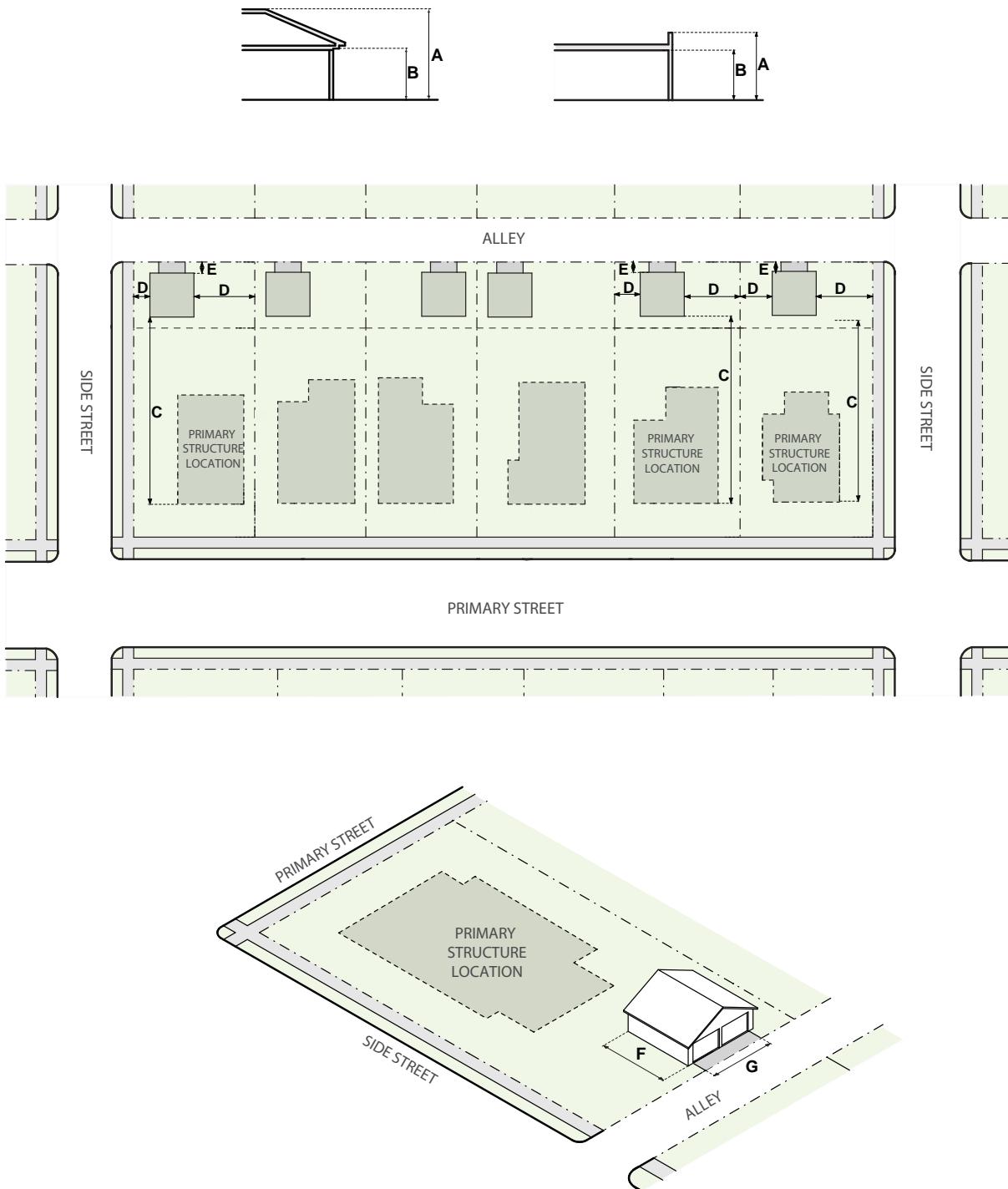
A. ~~E.~~ Detached Accessory Dwelling Unit

Not to Scale. Illustrative Only.



B. ~~D.~~ Detached Garage*

Not to Scale. Illustrative Only.



C. ~~E~~-Detached Accessory Structures

Not to Scale. Illustrative Only.

