



---

# 2021 Bundle of DZC Text Amendments

Land Use and Infrastructure Committee of the Denver City Council  
May 4, 2021

# Presentation Overview

- Project Description
- Summary of Bundle Amendments
- Community Outreach / Public Comments
- Review Criteria Analysis
- Staff Recommendation

# Project Description

- Denver Zoning Code is a “living document” – must be regularly updated and maintained
- CPD brings forward a “bundle” of text amendments, on a regular 2-3 year cycle, to correct, clarify, and update the zoning rules
- Most bundle text changes come from first-hand experiences with the code by CPD planning, permitting, and inspections staff (from other agencies, customers too)

# Summary of Bundle Amendments

2021 Bundle of Text Amendments includes nearly 170 proposed changes across 4 main categories:

Correction of **Miscellaneous Publication Errors** (e.g., typos, misspellings, incorrect cross-references, errors in outline numbering, errors in formatting)

Changes related to **Sign Code** standards – primarily corrections and clarifications to existing provisions; some minor policy changes

Changes Identified by CPD **Residential Review** Staff as Needed Immediately for Improved Administration – Clarifications, corrections, and minor policy substantive changes

Other Changes Identified as **High Priority Clarifications and Corrections** and **Minor Policy Substantive Changes**

# Spotlight on Bundle Items

- Accessory Dwelling Units
- Affordable Housing – Parking
- Sign Code
- Other Minor Policy/Substantive Changes

# Accessory Dwelling Units (ADUs)

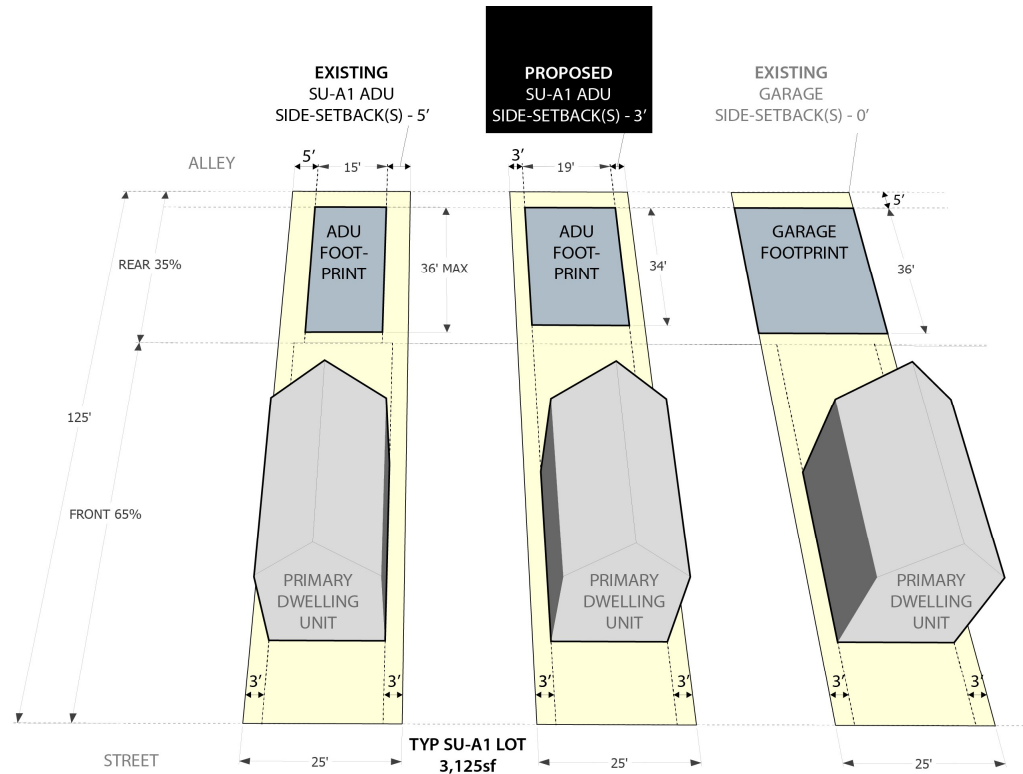
## Changes to Detached Accessory Dwelling Unit (DADU) Building Form

- Match DADU form's side interior setbacks to match primary structure setbacks in all zones
  - ✓ On zone lots 25' or 30' or less → change side setback from 5' to 3'
- Delete requirement for taller DADU forms to be pushed to the southernmost side setback line:
  - ✓ Allows greater flexibility in siting
  - ✓ Bulk plane still controls
- Control of a DADU building scale/size – no changes in current allowance, but address conflicting standards that cause confusion:
  - ✓ Delete max. “Habitable Space” standard from DADU form standards
  - ✓ **Keep** max. Building Footprint standard
  - ✓ **Keep** max. Overall Structure Length standard
  - ✓ **Keep** Article 11 limits on total gross floor area of an ADU use in SU zones

# DADU Changes Illustrated

## Matching Minimum Side Setbacks with Primary Structure on Narrow Lots

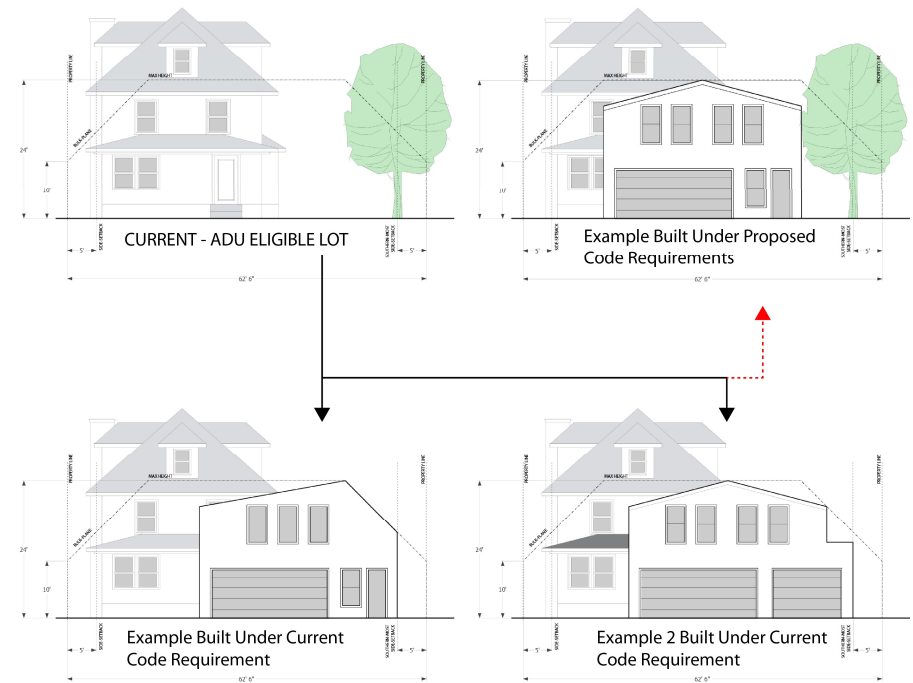
- **Example:** 25-foot wide lot in SU-A1 zone
- **Left:** *current requirement* = DADU building has greater side setback than primary structure
- **Middle:** *Bundle revision* = allow primary and accessory structure to have the same side setback; note that detached garage is currently allowed with no side setback (**right**)



# DADU Changes Illustrated

## Remove requirement for taller DADU building forms to be pushed to southern-most setback line

- **Lower Left/Right:** *current requirements* = DADU building > 17' tall must be pushed to southernmost side interior setback line. Difficult to administer in practice, promotes odd roof shapes, may require removal of trees/ other desirable site features (lower left and lower right)
- **Upper Right:** *Bundle revision* = flexibility in siting DADU building gained from removal of requirement; will allow centered location (further away from neighbors/preserve existing desirable site features (upper right)); bulk plane still pushes mass away from shared property line.





# Accessory Dwelling Units (ADUs)

## Changes to Limitations on ADU Use

- **Size limits on ADU use inside primary structure**
  - ✓ *Current limit* = greater of 20% of primary use or 300 sf. Impractical outcome and overly restrictive
  - ✓ *Bundle limit* = greater of 75% of the gross floor area of the primary use, or 864 square feet. Comparable to allowance for “detached” ADU uses
- **Clarify existing use limitations/prohibitions**
  - ✓ ADU use not allowed when more than 1 primary structure on the zone lot, and each primary structure contains a single-unit dwelling use (e.g., an ADU would not be allowed on a zone lot containing Tandem Houses)
  - ✓ Only 1 ADU use allowed as accessory to the same primary single-unit dwelling use
  - ✓ Size limits for ADU uses in a SU zone now based on total “Gross Floor Area” (defined in Art. 13)

# Parking for Affordable Housing

## Update Alternative Parking Ratio & Reduction for Affordable Housing

	Applicable Zone Districts	Applicability	Alternative Ratio/Reduction
Current	MS Only	40% AMI and below	0.25
Proposed	All Zone Districts	60% AMI and below	0.10
Current	All except MS	Meets linkage fee build-alternative	20%
Proposed	All Zone Districts	Meets linkage fee build-alternative	20%



# Sign Code Updates

## Changes to Types of Signs Allowed – Reflect Current Sign Trends and Practices:

- New “canopy” signs allowed in all zone districts
- New “wind signs” as allowed temporary sign type
- New “menu board” and “gas pump” signs allowed in all zone districts with a permit, but not counted toward total zone district sign budget

## Changes to Sign Definitions – Clarification needed:

- “Canopy sign” and “Awning sign” defined
- Revise “wall sign” to include signs placed on a cantilevered building element, entrance, or fascia, provided the sign projects less than 24 inches away from the wall
- Revise “roof sign” to clarify its characteristics distinct from wall sign

## Other Sign Code Updates:

- New general provision prohibiting obscene content
- New severability provision



Wall Sign Examples - Allowed



Canopy Sign Examples - Allowed



Drive-thru Menu Board Example - Allowed

# Other Minor Policy/Substantive Changes

- **Article 1:** New rules for initial assignment of a building form to new & existing structures
- **Articles 3-9:** Revise location standard for detached accessory buildings; clarify setback exception for light shading devices; add missing accessory building forms in industrial zones
- **Article 11:** Clarify short-term rental uses must be operated in a “dwelling unit” and STR operator must make the primary dwelling unit their “primary residence”
- **Article 12:** Remove ZPIN process for over-height fences (based on study); clarify rules for development on nonconforming zone lots, including Carriage Lots

# Project Schedule & Public Outreach

Outreach or Process Step	Date Completed or Target Future Date
Internal (Staff) Review Drafts Released	August 2020, October 2020, January 2021
Information Item – Denver Planning Board	October 7, 2020
Public Review Draft & Summary released	February 26, 2021
INC ZAP Committee Overview	February 27, 2021
CPD office hours	March 18, 19, 24, 25, 2021
Information Item – Denver Planning Board	March 3, 2021
Comments due on Public Review draft	March 26, 2021
Planning Board Draft released	April 13, 2021
Planning Board Public Hearing	April 21, 2021
Final Adoption Draft released	May 13, 2021
City Council LUTI Committee Presentation	May 4, 2021
City Council Public Hearing	June 14, 2021
Effective Date	June 17, 2021

# Public Comments - Summary

- **ADUs:** Unanimous support for bundle changes; several commenters want further revisions to building form and use standards – staff response: additional changes not in scope of a bundle
- **Affordable Housing Parking:** Overwhelming support (group letter signed by 69 Denver-area affordable housing advocates; DOLA; HOST; DURA)
- **Lot Sizes/Nonconforming Zone Lots:** Opposition to bundle clarifications; comments seek reduction in minimum lot size/width standards for tandem, duplex, and DADU building forms to allow these forms on any size/width zone lot where allowed in the zone district (vs. having to meet minimum lot size/width standards in code that may restrict your choice to only an urban/suburban house form) – staff response: changes not in scope of a bundle

# Public Comments - Summary

- **Changes to setback exceptions (chimneys, shading devices, utility elements, unenclosed porches):** Bundle changes to these setback exceptions were mostly non-substantive (did not change current entitlement); chimney exception deleted for new builds (because new wood-burning devices are prohibited in Denver); shading device exception revised in response to public comments to broaden exception.

# 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



- Bundle represents a coordinated effort across multiple CPD teams, other city agencies, and external stakeholders to ensure clear, accurate, efficient, and up-to-date zoning rules and regulations
- Substantive revisions to affordable housing parking requirements and standards governing ADUs help incentivize the private development of affordable and missing middle housing
- Clarity and predictability of zoning standards, plus updated sign regulations, help sustain and grow Denver's neighborhood businesses

# Blueprint Denver

The 2021 Text Amendment Bundle advances the following Blueprint Denver policies and strategies:

**“Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.”**

- ✓ “Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.”
- ✓ “Implement additional parking reductions for projects that provide income-restricted affordable units.”
- ✓ Ensures land use regulations “support modern and equitable approaches to housing options...”



# Blueprint Denver Equity Concepts



- 2021 Bundle provides greater clarity and fixes errors in the city's existing zoning rules → Mostly neutral impact on furthering city's equity goals
- 2021 Bundle changes addressing affordable housing and ADUs:
  - ✓ Expand opportunities for flexible, affordable housing citywide
  - ✓ Enable providers to increase the range of affordable housing offered
  - ✓ Allow more opportunity for ADUs as an alternative housing type

# Review Criteria (DZC Sec. 12.4.11)

## 1. Consistency with Adopted Plans

- Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)

## 2. Furthers Public Health, Safety and Welfare

- Furthers public health safety and welfare by providing clarity and predictability in the zoning regulations and by removing regulatory barriers to planned and desired private enterprise and redevelopment

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

- Will result in processes and regulations that are 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.