



# Denver Zoning Code Text Amendment

## Gas Station Text Amendment

### PLANNING BOARD REVIEW DRAFT - 12/11/2024

The Gas Station Text Amendment is a City Council member-sponsored text amendment that proposes new zoning regulations to implement Denver’s adopted plans and policies for walkable, mixed-use development on and near transit corridors by significantly limiting where new gas stations can be established.

The draft text amendment to the Denver Zoning Code would prohibit new gas stations:

- within 1/4-mile of an existing gas station
- within 1/4-mile of a light rail transit station
- within 300 feet of a protected district

Additional proposed language would allow the Zoning Administrator to waive some restrictions above for a gas station associated with a new full-service grocery store, and would clarify limitations on the expansion of Compliant Uses to ensure that existing gas stations made Compliant by this text amendment could install electric vehicle charging equipment if operators chose to.

The sponsoring Councilmembers propose that these changes would apply to projects that were not already submitted in Concept by May 13, 2024.

This Planning Board Draft contains one change from the Public Review Draft – a clarification that the exception to some use limitations for gas stations associated with a large-format retail store applies only to new development.

Mark-Up Document Conventions:

- Text in red underline is proposed new language.
- Text in ~~red strikethrough~~ is proposed deleted language.
- Text in blue is moved from another location.
- Text in ~~blue strikethrough~~ was deleted from its original location.
- Only pages with changes relevant to this text amendment are included in the review file. You may wish to look at other sections for additional context.
- While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.
- Additionally, please note that coordination will continue throughout the process to ensure constancy of approach and administration with other ongoing text amendments.

#### How to Review this Document

Instructions for providing comments can be found at <https://helpx.adobe.com/document-cloud/help/add-comments.html>

1. One trailer is permitted on the zone lot for each 4,000 square feet of land area in the zone lot, not, however, exceeding 5 trailers at any one time; and
  2. Each trailer shall not exceed 8 feet in height, length and width.
- I. A single bay car wash containing either manual or automatic equipment is permitted as an accessory use subject to compliance with the accessory use standards in Division 11.7, Accessory Use Limitations, and in Division 11.10, Uses Accessory to Nonresidential Uses - Limitations.
- J. An automobile services use may include the sale of compressed natural gas, liquefied petroleum, or other types of fuel for vehicles as regulated by the Denver Fire Code. Any above-ground fuel tanks shall be located a minimum of 1,000 feet from a protected use, as “protected use” is defined by the Denver Fire Code.

#### 11.4.18.5 CMP-NWC-F Zone District

In the CMP-NWC-F zone district, where permitted with limitations, all Automobile Services uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

### SECTION 11.4.19 AUTOMOBILE SERVICES, LIGHT

#### 11.4.19.1 All Zone Districts

In all zone districts, where permitted with limitations:

**A. Limitation on Automobile Fueling Stations**

**1. Intent**

The limitations on Automobile Services, Light are intended to promote pedestrian activity and neighborhood-serving commercial by avoiding clustering of automobile fueling stations unless they are combined with commercial space that provides opportunities for the sale of groceries, home goods or other products that could serve nearby residents.

**2. Applicability and Exceptions**

In all Zone Districts, an Automobile Services, Light, use containing an Automobile Fueling Station must comply with the following limitations:

- a. The use shall not be located within 300 feet of a Protected District, unless the proposed use is included in the same approved Site Development Plan with at least one Food Sales or Market or Retail Sales, Service and Repair, All Others use with a gross floor area of 20,000 square feet or greater.
- b. The use shall not be located within 1/4 mile of any other Automobile Fueling Station, unless the proposed use is included in the same approved Site Development Plan with at least one Food Sales or Market or Retail Sales, Service and Repair, All Others use with a gross floor area of 20,000 square feet or greater.
- c. The use shall not be located within 1/4 mile of a Rail Transit Station Platform.

**B. Automobile wash, laundry, detail or polishing shops are permitted as a type of Automobile Service, Light, use, subject to compliance with the following standards:**

1. An automobile wash, laundry, detail or polishing shop shall be sited on a zone lot and constructed, operated, and maintained in compliance with the building form standards stated in the applicable zone district.
2. The structure housing the primary use shall be setback a minimum 8 feet from any abutting Residential Zone District.
3. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a Residential Zone District.

- g. **Skateboard Centers or Parks**
- h. **Swimming Pools, Outdoor**
- i. **Tennis Clubs, Outdoor**
- j. **Outdoor Theaters, Amphitheaters, or Other Permanent Outdoor Performance Spaces**

**3. Event Space with Alternate Parking and Loading**

Commercial establishments engaged in providing outdoor amusement, recreation or entertainment services by and for participants, often for the payment of a fee or admission charge, excluding Community Center and adult business uses. The outdoor event space may be used alternately as an Off-Street Parking Area or for Loading.

**4. Sports and/or Entertainment Arena or Stadium**

Commercial establishments designed, intended, or used primarily for indoor or outdoor large-scale spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, or motor vehicle racing. Typical uses include coliseums, arenas and sports stadiums.

**11.12.4.3 Parking of Vehicles**

**A. Definition of Parking of Vehicles Use Category**

Parking of Vehicles is a use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

**B. Specific Parking of Vehicles Use Types and Definitions**

**1. Parking, Garage**

- a. Any structure, other than a private garage, for the assembling, or standing of vehicles in a structure for relatively temporary periods of time, either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.
- b. The term “Garage Parking” includes underground parking, which means a parking surface that is located a minimum of 8 feet below the Street Level and is covered by a structure which provides a surface for another use.
- c. A parking garage may include accessory off-street parking spaces required or permitted under this Code.

**2. Parking, Surface**

The assembling or standing of vehicles on a surface parking lot for relatively temporary periods of time either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.

**11.12.4.4 Eating & Drinking Establishments**

**A. Definition of Eating & Drinking Establishments Use Category**

Commercial establishments engaged primarily in the sale of food or drink to consumers for on-premises or off-premises consumption. Any Automobile Fueling Station located on the same Zone Lot shall be assigned a Primary Use of “Automobile Services, Light.”

**B. Specific Eating & Drinking Establishments Use Types and Definitions**

**1. Eating and Drinking Establishment**

A retail establishment primarily engaged in the sale of prepared, ready-to-consume food and/or drinks within a Completely Enclosed Structure. Typical uses include restaurants, fast-food outlets, snack bars, taverns, bars and brewpubs.

sions, not otherwise specifically defined in this Code or separately listed in the Use and Parking Tables.

The Office Use Category also include business operations typically less service-oriented than the more traditional office uses listed above, including but not limited to: (1) software and internet content development and publishing; (2) computer systems design and programming; (3) graphic and industrial design; (4) data processing or call centers; (5) facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; (6) scientific and technical services; and (7) medical and/or dental laboratories.

Contractors and others who perform services off-site but who store major equipment and materials on the site are not included in this use category.

#### **B. Specific Office Use Types and Definitions**

##### **1. Dental / Medical Office or Clinic**

An office use where the primary service is the treatment of patients or clients for physical or mental ailments and disorders, and which may also include passive (non-intrusive) research involving human subjects. Examples include doctor or dentist offices and clinics, and treatment of persons with eating disorders, sleep clinics, and other similar clinic uses. This use excludes hospital and animal hospital uses.

#### **11.12.4.7 Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)**

##### **A. Definition of Retail Sales, Service & Repair Use Category -- Not Including Vehicle or Equipment Sales, Services & Repair**

1. The Retail Sales, Service and Repair use category includes commercial establishments involved in the retail sale of new or used products, and the retail provision of consumer, repair, or rental services to individuals, households, and businesses. Any Automobile Fueling Station located on the same Zone Lot shall be assigned a Primary Use of "Automobile Services, Light."
2. This category includes but is not limited to:
  - a. Banking and financial services,
  - b. Food sales,
  - c. Animal sales and services,
  - d. General merchandise sales,
  - e. Personal and personal care services (e.g., dry cleaning and laundry services, hair/nail salons, tanning salons, day spas, and funeral homes, and mortuaries including accessory crematory services), and
  - f. Consumer repair services.
3. This land use category excludes motor vehicle and equipment sales, leasing, rental, or repair, except for the sale of motorized vehicles that do not require a license from the Colorado Department of Motor Vehicles.

##### **B. Specific Retail Sales, Service & Repair Use Types and Definitions -- Not Including Vehicle or Equipment Sales, Services & Repair**

##### **1. Animal Sales and Services, Household Pets Only**

An establishment engaged in any of the following:

**3. Learning Center**

A commercial business that regularly provides on-site, specialized or intensive educational services or tutoring to persons under eighteen (18) years of age.

**4. Liquor Store**

Retail establishments licensed by the state and/or city to engage in the sale of alcoholic beverages for off-premises consumption.

**5. Manufacturer Sales Room**

An establishment licensed by the state through the Manufacturers License to engage in the sale of Colorado manufactured alcoholic beverages of their own manufacture and other Colorado manufacturers as enabled by the State license.

**11.12.4.8 Vehicle / Equipment Sales, Rentals, Service & Repair**

**A. Definition of Vehicle / Equipment Sales, Rentals, Service & Repair Use Category**

Vehicle/Equipment Sales, Rental, Service and Repair includes establishments engaged in the sales, rental or service of motor vehicles and equipment for homeowner use and minor residential construction and landscaping projects. Accessory uses may include offices, parking, minor repair services, and storage of equipment and vehicles.

**B. Specific Vehicle / Equipment Sales, Rentals, Service & Repair Use Types and Definitions**

**1. Automobile Emissions Inspection Facility**

A facility that is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and any necessary adjustments and repairs to be performed, and which facility owner or operator is licensed by the State of Colorado to operate as an inspection and/or readjustment station. The use “automobile emissions inspection” does not include a retail establishment engaged in the sale of automotive fuel or motor oil for automobiles.

**2. Automobile Services, Light**

A retail establishment ~~providing engaged in the provision of one or more of the following types of vehicle~~ services, but not including heavy automobile service uses or any servicing of large-scale motor vehicles and trailers or Recreational Vehicles, Large-. This definition includes:

a. Automobile Fueling Station

~~The sale of automotive fuel, motor oil, and/or services, and/or or other automotive fluids, including any associated pumps. This also includes the service of electrical charging for motor vehicles (EV charging stations), when not accessory to another primary use within the same Zone Lot. Associated equipment may include fuel pumps, fuel storage tanks, propane tank filling or exchange, or air compressors. Routine maintenance and minor repair serving of automobiles, which may include washing, polishing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing; and/or~~

b. Motor Vehicle Wash

~~Washing, cleaning, and/or waxing of automobiles by hand or with manually operated equipment or automatic machinery, including any standalone vacuum stations.~~

c. Automotive Services, Minor

~~Routine maintenance and minor repair or serving of automobiles, which may include lubrication, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.~~

d. This definition includes the uses in the following SIC groups:

## DIVISION 12.5 COMPLIANT USES

### SECTION 12.5.1 INTENT

The creation in this Division of the legal status of "compliant use" is intended to provide greater flexibility than the category of "nonconforming uses" in the continuation, expansion or enlargement of existing land uses still permitted in the subject zone district, but which no longer comply with this Code's use limitations.

### SECTION 12.5.2 DEFINITION

See Article 13 for definition of "Use, Compliant," and "Use, Conforming."

### SECTION 12.5.3 EFFECT

#### 12.5.3.1 Right to Continue

Compliant uses are legal uses for all purposes under this Code, and may continue to operate indefinitely.

#### 12.5.3.2 General Allowance and Limitation on Expansion

- A. Provided it continues to comply with all provisions of this Division, any compliant use may continue in operation on the same zone lot and on the same floor area in a structure that was occupied by the compliant use on the date the use first became a compliant use.
- B. Except as authorized in this Division 12.5, the zone lot or the floor area in a structure devoted to the operation and maintenance of a compliant use shall not be increased if the extent or degree of noncompliance with this Code is increased.
- C. Continuance authorized in this Division shall not be construed to permit an increase in the number of dwelling units, a reduction of the ratio of land area to the number of dwelling units, or a change in any aspect of or the character of the compliant use that increases the amount, extent, or degree of noncompliance. This subsection shall not be construed to prohibit changes in the compliant use that result in a decrease in the amount, extent or degree of noncompliance (e.g., a reduction in the floor area of the compliant use that results in a decrease in the amount of parking required).
- D. A compliant Automobile Services, Light, use containing an Automobile Fueling Station may be modified or relocated on the same Zone Lot or within the floor area of a structure occupied by the compliant use to allow reasonable siting of Electric Vehicle Supply Equipment, provided the change to the compliant use does not result in an increase in the amount, extent or degree of noncompliance and continues to comply with all provisions of this Division. This subsection shall not be construed to permit an increase in the number of automotive fuel pumps.

#### 12.5.3.3 Zoning Administrator Authority to Allow Limited Expansions

##### A. Zoning Administrator Authority in Special Cases Only

1. The Zoning Administrator may authorize, upon application in specific cases, an exception permitting an increase in either or both the zone lot area or the floor area in a structure or structures occupied by a compliant use as are necessary and essential to enable the owner of the use to comply with lawful requirements of the federal, state, or municipal governments; or
2. As a result of an act of government through vacation of right-of-way that creates private land area abutting an existing zone lot, for that newly created private land, the Zoning Administrator may authorize, upon application in specific cases, an exception permitting the existing compliant use on the existing zone lot to expand in zone lot area, but not floor area in a structure or structures, onto the newly created private land.