



TO: Members of the Denver City Council
FROM: Tina Axelrad, CPD Zoning Administrator
DATE: June 23, 2021
RE: Denver Zoning Code – 2021 Bundle of Text Amendments

Staff Report and Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), Community Planning and Development (CPD) recommends the Denver City Council approve and adopt the 2021 Text Amendment Bundle.

A marked-up version of the complete Denver Zoning Code with the proposed text amendment is available on the CPD Denver Zoning Code Text Amendment web page (please see link below). A summary of the proposed amendment is also included as an attachment to this staff report. The proposed text amendment to the Denver Zoning Code is initiated and sponsored by the Executive Director of Community Planning & Development.

Summary and Purpose

Just like infrastructure needs maintenance to stay in top condition, the Denver Zoning Code also needs regular maintenance to continue to respond to the needs of the city, while remaining modern and flexible. Periodically, CPD proposes amendments to keep the code modern, clear and user-friendly.

The 2021 Bundle of Text Amendments includes more than 170 proposed code changes that correct and clarify existing zoning rules or make small adjustments for consistency with adopted policy. The proposed changes include making off-street parking requirements more flexible for affordable housing, removing some regulatory barriers to creating accessory dwelling units, and updates to where detached accessory structures can stand on a lot, rules of measurement, and more. Please see the attached summary for additional detail of the proposed changes and see a marked-up version of the complete Denver Zoning Code (note that adoption of this proposed amendment would result in republication of the complete code) showing the proposed zoning text amendment changes posted on the CPD text amendments web site at www.denvergov.org/textamendments (click on [Code Maintenance Bundles](#)).

Public Process

Below is a summary of the public process for the proposed 2021 Text Amendment Bundle:

DATE	PUBLIC PROCESS STEP
October 7, 2020	Presentation of pending 2021 text amendment bundle as Information Item – Denver Planning Board
February 26, 2021	CPD updates website with a summary of proposed text amendment and posts Public Review Draft, providing direction on where to submit comments/questions during the public review period (ending March 26, 2021).
February 27, 2021	CPD attends Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing.
March 3, 2021	Presentation of 2021 text amendment bundle as Information Item – Denver Planning Board
March 18, 19, 24, 25, 2021	CPD hosts 4 different “office hours” sessions to allow public to comment, ask staff questions
April 7, 2021	CPD sends written notice of the Planning Board public hearing to all members of City Council and registered neighborhood organizations.
April 14, 2021	Summary of text amendment and marked-up “Planning Board” draft of text amendment posted to CPD website including revisions from public comments; available for additional public review.
April 21, 2021	Planning Board Public Hearing on Planning Board Draft of the 2021 Bundle of Text Amendments – PB Recommends Approval.
May 13, 2021	Release of final Adoption Draft of 2021 Bundle of Text Amendments.
June 28, 2021	City Council Public Hearing
July 1, 2021	Effective Date of 2021 text amendment bundle

As of the date of this staff report, CPD has received 33 public comment emails, summarized below:

- Letter signed by 72 Colorado non-profits and businesses supporting the text amendments updating and fixing inconsistencies in parking requirements for affordable housing development. Several additional letters from Colorado Dept. of Local Affairs Division of Housing, individual businesses, and housing advocates in support of same changes to parking requirements for affordable housing.
- Several letters and written comments from housing advocates, architects, and individuals in support of the text amendment changes and clarifications to remove some regulatory barriers to development of ADUs in Denver.
- Request from WDRC, Mile High Connects, National ADU Association, ADU4U, Habitat for Humanity of Metro Denver, Enterprise, and other individuals to consider additional changes and clarifications to the zoning code’s ADU standards – clarification provided by staff where requested; additional changes will be considered as part of a future text amendment focused on accessory dwelling unit regulations (phase 1 of residential infill zoning update project).
- Significant comments from International Sign Association requesting multiple, specific sign code changes that were not identified as part of the Bundle scope of changes. Requested changes were added to CPD’s master list of possible text amendments to consider in a future bundle of text changes, or when the city undertakes a more comprehensive update of the sign code.
- Comments from City Council member Amanda Sandoval, requesting clarification/revision of (a) changes to Article 1 table of maximum number of structures/uses per zone lot (accepted by staff

- revisions made), (b) setback encroachment for barrier-free access added to existing structures (will be retained for recently-adopted CO-6 Bungalow Conservation Overlay, but not extended citywide), (c) suggestions to further revise the unenclosed porch setback encroachment and add a new text amendment to revise limits on indoor entertainment facilities (theaters) located in neighborhood commercial zones (no revisions made as staff considers this to be outside the scope of work for this 2021 Bundle, but placed/retained on list of future text amendments to consider).
- Comments from several Denver residential builders and residents to reduce the minimum zone lot size for the Tandem House building form to match the zone lot size allowed for the Urban House building form (no revisions made as staff considers this to be outside the scope of work for a code maintenance bundle amendment, but placed on list of future text amendments to consider).
 - Comments from several Denver residential builders and residents to reduce the minimum zone lot size for the Duplex building form to match the zone lot size allowed for the Urban House building form (no revisions made as staff consider this to be outside the scope of work for a code maintenance bundle amendment, but placed on a list of future text amendments to consider).
 - Comments from West Denver Renaissance Collaborative (WDRC) and other ADU/housing advocates to reduce the minimum lot size for the Detached Accessory Dwelling Unit building form and to remove the use limitation in SU zones that requires the owner of a property with an ADU to live on the property and prohibits a short-term rental license issued to the primary resident of an ADU (a STR license may be issued only to a person making the main/primary house their primary residence) - no revisions made as staff considers this to be outside the scope of work for a code maintenance bundle amendment, but additional changes will be considered as part of a future text amendment focused on ADUs and residential infill development.
 - Comments from one Denver builder/resident to reconsider the definition of “low slope roof” and include a 3:12 pitched roof as a “pitched roof” vs. “low slop roof” (no revisions made as staff considers this to be outside the scope of work for this 2021 Bundle, but placed on list of future text amendments to reconsider the pitched/low slope roof definitions, which were amended after stakeholder input in the 2018 text amendment bundle).
 - Comment from one Denver builder/resident to reconsider the rule of measurement for maximum side wall height (no revisions made as staff this to be outside the scope of work for this 2021 Bundle, but placed on list of future text amendments to consider, including evaluation of whether a bulk plane standard would be more predictable and effective).
 - Comment from one Denver builder/resident to reconsider the rule of measurement and standards for 6-foot tall privacy fences located in front of the primary structure (home) (no revisions made as staff this to be outside the scope of work for this 2021 Bundle, but placed on list of future text amendments to consider).
 - Several requests to revise the draft setback encroachment changes for certain shading devices, citing concerns that Bundle draft was too restrictive. These requests were accepted by staff and text changes were made to make the shading device encroachment more flexible for various types of horizontal and vertical shading devices.
 - One request to include gutters and downspouts in revisions to the setback encroachment allowed for roof overhangs (accepted by staff and text revised).

- Two requests for clarification of Bundle text amendments to setback and height encroachments allowed for chimneys, fireplaces, and fireplace vents (staff responded to requests with clarification – no text revisions necessary).
- Comments regarding changes in the Bundle made to codify current practice for when a development project is subject to concept plan (pre-application) review and possible full site development plan (SDP) review and approval. (No substantive changes were made to these provisions; codified current practice of requiring a pre-application concept review of zone lot amendments creating more than 2 new zone lots and new 3-unit + residential projects.)
- Several requests for clarification of various, specific bundle text amendments (staff responded to all requests with clarification – no text revisions necessary).
- Several comments from Denver residents pointing out minor errors in the redline draft (accepted and fixed by staff in the Planning Board draft).

Review Criteria and CPD Staff Evaluation

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed text amendment satisfies each of the review criteria:

1. The Text Amendment is Consistent with the City's Adopted Plans

The following adopted plans apply to consideration of this text amendment:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed text amendment is consistent with the following Comprehensive Plan 2040 policies:

- Implementation Strategy 1: *“Coordinate implementation actions across departments for effective and collective impact. Improve the integration of regulations—such as design standards for streets and the public realm—across multiple disciplines and departments.”* (p. 22).
- Equitable, Affordable and Inclusive Goal 3, Strategy B to *“Use land use regulations to incentivize the private development of affordable, missing middle, and mixed income housing”* (p. 28).
- Strong and Authentic Neighborhoods, Goal 2, to *“Enhance Denver’s neighborhoods through high-quality urban design.”* (p. 34)
- Economically Diverse and Vibrant, Goal 3, to: *“Sustain and grow Denver’s local neighborhood businesses.”* (p. 46)

The 2021 Bundle of Text Amendments presents a comprehensive, coordinated set of text amendments that responds to recommendations from plan review and planning staff across multiple city agencies, and from a wide range of design professionals and zoning permit applicants. The text amendment strives to make the DZC rules and regulations clearer and more consistently applied so that staff can review and process zoning permit applications as efficiently and accurately as possible. Clear and consistent zoning rules contribute to a more friendly environment for small businesses and Denver homeowners wanting to reinvest in their properties. Other 2021 Text Amendment Bundle changes advance clear housing policy goals in the Denver Comprehensive Plan 2040 by removing regulatory barriers to providing feasible affordable housing projects (revisions to required parking) and greater choice of housing options for Denver residents (revisions to accessory dwelling unit standards).

Blueprint Denver (2019)

The proposed text amendment is consistent with numerous policies in Blueprint Denver (2019) in three overarching categories.

Process

The following Blueprint Denver policy provides guidance for the text amendment process:

- Land Use and Built Form: General, Policy 11: *“Implement plan recommendations through city-led legislative rezonings and text amendments.”* Strategy C: *“Use a robust and inclusive community input process to inform city-led rezonings and zoning code text amendments.”* (p. 79)

The 2021 Bundle of Text Amendments is part of CPD’s regulatory work program to ensure the city’s zoning code is regularly maintained and updated or revised as needed. This comprehensive code maintenance effort means CPD proposes a wide-ranging “bundle” of text amendments for adoption about every 2-3 years. This ensures the Denver Zoning Code is a “living document” that keeps up with growth, change, and evolving business trends and development practices in the Denver community. While often highly technical in content and detail, CPD still ensures that all text amendment bundles go through a public review process, with multiple opportunities for public and other stakeholder (both internal and external) input and comment.

Content

The following Blueprint Denver policies provide guidance specific to the content of the 2021 Text Amendment Bundle:

- Land Use and Built Form: General, Policy 3: *Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.* (p. 72)
- Land Use and Built Form: Housing, Policy 1: *Revise city regulations to respond to the demands of Denver’s unique and modern housing needs.* (p. 82)
- Land Use and Built Form: Housing, Policy 5: *Remove barriers to constructing accessory dwelling units and create context-sensitive form standards.* (p. 84)
- Land Use and Built Form: Housing, Policy 6: *Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities. Related Strategy 6-B: Implement additional parking reductions for projects that provide income-restricted affordable units.* (p. 85)

The 2021 Bundle of Text Amendments includes over 170 changes and corrections that address challenges identified by city staff and our development customers in administering and applying the zoning code to projects at all scales and in all parts of the city. These types of comprehensive changes, clarifications, and corrections are necessary to ensure the Denver Zoning Code remains relevant, responsive, and effective in implementing the city’s adopted plans. To a lesser degree, the 2021 Bundle of Text Amendments also includes changes to specific standards identified as out of synch or out of date with clear policy directive from the city’s adopted plans, such as removing barriers to affordable housing (revise required parking standards) or encouraging the development of accessory dwelling units to diversity housing options (revise siting standards for detached units and clarify size limits on ADUs located inside the primary structure). Finally, the 2021 Bundle of Text Amendments is also responsive to new and emerging businesses, industries and technologies, and to evolving trends in residential and commercial development and design (e.g., revisions to add more contemporary and common sign types).

Blueprint Equity Concepts

Blueprint Denver recommends that text amendments to the zoning code should be guided by the three equity concepts and maps in Chapter 2. The following analyzes the proposed text amendments considering those equity concepts:

- **Improving Access to Opportunity**: This concept is based on the vision for every Denver resident—regardless of income, race, ethnicity, age or ability—to live in a complete neighborhood of their choice with basic services and amenities.
- **Reducing Vulnerability to Displacement**: This concept seeks to stabilize residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.
- **Expanding Housing and Jobs Diversity**: This concept seeks to provide a better and more inclusive range of housing and employment options in all neighborhoods.

This 2021 Bundle of Text Amendments, with its primary focus on providing greater clarity and fixing errors in the city’s existing zoning rules, does not substantially improve or deny access to opportunity to services or amenities, nor does it substantially reduce or worsen vulnerability to displacement. While more neutral in its impacts on the first two Blueprint Denver equity concepts, the few substantive changes in the 2021 Bundle that remove barriers to affordable housing and ADUs may expand housing diversity and encourage more complete neighborhoods where families and households of all types and incomes can choose to live.

2. Text Amendment Furthers the Public Health, Safety and General Welfare

This text amendment furthers the general public health, safety, and welfare of Denver residents, land owners, and businesses by providing clarity and predictability in the zoning regulations, by removing regulatory barriers to planned and desired private enterprise and redevelopment, and by continuing to implement the city’s adopted comprehensive, land use, and transportation plans through regulatory changes.

3. Text Amendment Results in Regulations that are Uniform with Each Zone District

The 2021 Bundle of Text Amendments results in zoning regulations that are uniform in their application to buildings and land uses within each zone district. Moreover, the 2021 Bundle of Text Amendments includes improvements to ensure consistency in zoning regulations, and removes conflicting provisions with other City, state, and federal regulations, all of which will improve the City’s ability to administer and enforce the Code uniformly.

Recommendation

Community Planning and Development recommends that Denver City Council **approve** the 2021 Bundle of Text Amendments.

Attachments

1. Summary of 2021 Bundle of Text Amendments
2. Public Comments Received To-Date

Attachment 1: Summary of 2021 Bundle of Text Amendments

**Attachment 2: Comments Received on Public Review Draft of
2021 Bundle of Text Amendments (as of 6/18/21)**