



**DENVER ZONING CODE**  
**SUMMARY OF PROPOSED TEXT AMENDMENT 5**  
**Updated 10.26.10**

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. These proposed amendments will be finalized and presented to the Denver Planning Board for its review and recommendation on November 3, 2010.

- Group 1: Article 1 and Articles 3-8 Introductions or Generally Applicable Standards
- Group 2: Articles 3-7: Building Form and Design Standards
- Group 3: Article 9 Special Contexts and Districts
- Group 4: Article 10 General Design Standards
- Group 5: Uses in Article 3 through 8 and Article 11 Use Limitations and Definitions
- Group 6: Article 12 Zoning Procedures and Enforcement

<b>GROUP 1: Article 1 and Generally Applicable Standards in 3-8</b>		
<b>Article(s)</b>	<b>Section(s)</b>	<b>Description</b>
1	1.2.3.4 1.2.3.5	(1) Insert effective date (2) Re-organize and add section headings (3) Move into Article 1 from the individual neighborhood context articles the number of detached accessory structures per zone lot including restriction on accessory with vehicle access doors.
3-7	PRIMARY BUILDING FORMS: 3.3.3.1 & .2 4.3.3.1 & .2 5.3.3.1 & .2 6.3.3.1 & .2 7.3.3.1 & .2	(1) Update Generally Applicable Standards for consistency in sub-section headings and references to other code provisions. (2) Update Summary Table to include number of structures allowed and re-organize table so similar zone districts with the same allowance for building forms share the same row
3-7	ACCESSORY BUILDING FORMS: 3.3.4.1 – 3.3.4.4 4.3.4.1 – 4.3.4.4 5.3.4.1 – 5.3.4.4 6.3.4.1 – 6.3.4.4 7.3.4.1 – 7.3.4.4	(1) Update Generally Applicable Standards for consistency in sub-section headings and references to other code provision. (2) Move the building form types from list of accessory structures allowed and the permitted number from additional standards and organize into a Summary Table of Number of Structures and Building Forms with references to applicable sections in code (3) Re-organize the list of accessory structures specifically allowed (4) Delete solar panel setback encroachment as it is already in the Setback Permitted Encroachments section of each article (5) Delete solar panel height exception as it is covered in the Height Exceptions section of each article
3-8	USES & PARKING: 3.4.1 & 3.4.3 4.4.1 & 4.4.3 5.4.1 & 5.4.3 6.4.1 & 6.4.3 7.4.1 & 7.4.3 8.9.1 & 8.9.3	(1) Update “Generally Applicable Standards” for consistency in sub-section headings and references to other code provisions. (2) Add number of uses allowed per zone lot, carrying forward Former Chapter 59 (3) Re-organize order, hierarchy and add appropriate section headings (4) Add placeholder for explanation text of how cell entry with more than one procedure type works (e.g. L-ZP/ZPIN)

**GROUP 2: Building Form and Design Standards in Articles 3-7**

Article	Section(s)	Description
4-6	<p>PRIMARY BUILDING FORMS:                      4.3.3.2, 5.3.3.2, 6.3.3.2:                      Urban House (4-6)                      Duplex (4-6)                      Townhouse (4)                      Garden Court (4-6)                      Rowhouse (5, 6)                      Apartment (4, 5)</p>	<p>(1) Add provision for maximum 1-story in rear 35% or 20% of zone lot for certain building forms in all E-SU, E-TU, E-TH, E-MU-2.5, U-SU, U-TU, U-RH and G-RH-3 zone districts to carry forward Former Chapter 59</p> <p>(2) collapse table rows for Stories and Feet (blue text indicates the text was moved from a formally separate row)</p>
3-6	<p>PRIMARY BUILDING FORMS:                      3.3.3.2, 4.3.3.2, 5.3.3.2, 6.3.3.2:                       All building forms with Attached Garage standards</p>	<p>(1) Replace “front” with “primary street” and clarify the restriction for Attached Garage projections</p> <p>(2) Clarify how an attached garage is allowed to follow Side Street, Side Interior and Rear setbacks of Detached Garage, carrying forward Former Chapter 59</p> <p>(3) Replace “front” with “primary street” and “dwelling” with “primary structure”</p>
3-7	<p>PRIMARY BUILDING FORMS:                      Multiple</p>	<p>(1) 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.</p> <p>(2) Add additional cross-references in form tables to improve user-friendliness</p> <p>(3) Consistent terminology for “zone lot depth”</p>
3-7	<p>ACCESSORY BUILDING FORMS:                      3.3.4.6, 4.3.4.6, 5.3.4.6, 6.3.4.6, 7.3.4.6                      Detached Garage,                      Detached Utility Building,                      Detached Accessory Structures</p>	<p>(1) Rename Detached Utility Building to “Other Detached Accessory Structures”</p> <p>(2) Replace “front” with “primary street” for setback</p> <p>(3) Allow Side Interior of 0’ when located entirely in rear 35%, carrying forward Former Chapter 59</p> <p>(4) Clarify rear setbacks for no alley and alley situations:                      Rear, no alley: 5’                      Rear, alley, with doors facing alley: 5’                      Rear, alley, with no doors facing alley: 0’</p>
3-5	<p>SUPPLEMENTAL DESIGN STANDARDS:                      3.3.5.1, 4.3.5.1, 5.3.5.1</p>	<p>Add prohibition on rooftop and/or second story decks in all SU, TU, TH U-RH and E-MU-2.5 zone districts to carry forward Former Chapter 59</p>
3-7	<p>DESIGN STANDARD ALTERNATIVES:                      3.3.6.1, 4.3.6.1, 5.3.6.1, 6.3.6.1, 7.3.6.1</p>	<p>(1) Clarify the maximum a combination of build-to alternatives may count toward meeting the minimum build-to.</p> <p>(2) Clarify the garden wall is an alternative to build-to minimum percentage standard.</p>

### GROUP 3: Article 9 Special Contexts and Districts

Division	Description
9.1 Industrial	<ul style="list-style-type: none"> <li>(1) Update Generally Applicable Standards for consistency in sub-section headings and references to other code provisions.</li> <li>(2) Update Summary Table to include number of structures allowed and re-organize table so similar zone districts with the same allowance for building forms share the same row</li> <li>(3) Clarify the maximum a combination of build-to alternatives may count toward meeting the minimum build-to.</li> <li>(4) Clarify the garden wall is an alternative to build-to minimum percentage standard.</li> <li>(5) Allow 10' primary street setback encroachment for surface parking to carry forward Former Chapter 59</li> <li>(6) Clarify applicability of landscaping and screening requirements</li> <li>(7) Update "Generally Applicable Standards" for consistency in sub-section headings and references to other code provisions.</li> <li>(8) Add number of uses allowed per zone lot, carrying forward Former Chapter 59</li> <li>(9) Re-organize order, hierarchy and add appropriate section headings</li> <li>(10) Add placeholder for explanation text of how cell entry with more than one procedure type works (e.g. L-ZP/ZPIN)</li> <li>(11) Update Use Table – See Use List Below</li> <li>(12) Revise the parking ratio for office use in I-MX</li> </ul>
9.2 Campus	<ul style="list-style-type: none"> <li>(1) Update Generally Applicable Standards for consistency in sub-section headings and references to other code provisions.</li> <li>(2) Update Summary Table to include number of structures allowed and re-organize table so similar zone districts with the same allowance for building forms share the same row</li> <li>(3) Update "Generally Applicable Standards" for consistency in sub-section headings and references to other code provisions.</li> <li>(4) Add number of uses allowed per zone lot, carrying forward Former Chapter 59</li> <li>(5) Re-organize order, hierarchy and add appropriate section headings</li> <li>(6) Add placeholder for explanation text of how cell entry with more than one procedure type works (e.g. L-ZP/ZPIN)</li> <li>(7) Update Use Table – See Use List Below</li> </ul>
9.3 Open Space	<ul style="list-style-type: none"> <li>(1) Update "Generally Applicable Standards" for consistency in sub-section headings and references to other code provisions.</li> <li>(2) Add number of uses allowed per zone lot, carrying forward Former Chapter 59</li> <li>(3) Re-organize order, hierarchy and add appropriate section headings</li> <li>(4) Add placeholder for explanation text of how cell entry with more than one procedure type works (e.g. L-ZP/ZPIN)</li> <li>(5) Update Use Table – See Use List Below</li> </ul>
9.4 Overlay	<ul style="list-style-type: none"> <li>(1) Clarify applicability to properties not rezoned under new cod</li> </ul>
9.5 DIA, O-1	<ul style="list-style-type: none"> <li>(1) Update "Generally Applicable Standards" for consistency in sub-section headings and references to other code provisions.</li> <li>(2) Add number of uses allowed per zone lot, carrying forward Former Chapter 59</li> <li>(3) Re-organize order, hierarchy and add appropriate section headings</li> <li>(4) Add placeholder for explanation text of how cell entry with more than one procedure type works (e.g. L-ZP/ZPIN)</li> <li>(5) Update Use Table – See Use List Below</li> </ul>
9.7 Master Planned District	<ul style="list-style-type: none"> <li>(1) Update Generally Applicable Standards for consistency in sub-section headings and references to other code provisions.</li> <li>(2) Update Summary Table to include number of structures allowed and re-organize table so similar zone districts with the same allowance for building forms share the same row</li> <li>(3) Update "Generally Applicable Standards" for consistency in sub-section headings and references to other code provisions.</li> <li>(4) Add number of uses allowed per zone lot, carrying forward Former Chapter 59</li> </ul>

	<p>(5) Re-organize order, hierarchy and add appropriate section headings</p> <p>(6) Add placeholder for explanation text of how cell entry with more than one procedure type works (e.g. L-ZP/ZPIN)</p> <p>(7) Building Form and Design Standards – See list from Group 2</p>
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<b>GROUP 4: Article 10 General Design Standards</b>	
<b>Division or Section</b>	<b>Description</b>
Division 10.4 Parking and Loading	(1) Correct various errata in cross references and terminology
Section 10.5.4 General Site and Surface Parking Lot Landscaping	<p>(1) Add “M” zone districts to perimeter parking lot landscaping requirements</p> <p>(2) Correct minimum parking island width to 8 feet.</p>
Section 10.5.5 Fences and Walls	<p>(1) Clarify applicability throughout division.</p> <p>(2) Revise text to make more clear maximum height limits.</p> <p>(3) Reorganize division for greater ease of use.</p> <p>(4) Add fence and wall design standards applicable in mixed-use commercial zones to carry forward from Former Chapter 59.</p> <p>(5) Clarify that development in I-MX zone is subject to standards for fences and walls in industrial zones to carry forward Former Chapter 59.</p> <p>(6) Revise chain link/wire mesh material standards to allow without landscaping.</p>
Division 10.9 Parking and Storage of Vehicles; Section 10.9.3.7	(1) Revise to carry forward Former Chapter 59 and allow parking of RVs, trailers, camper units less than 22 feet in length in the front half of a residential zone lot when there is no alley abutting the rear half of the lot.
Division 10.10 Signs; Sections 10.10.5-10.10.20	<p>(1) Reorganize sections for greater ease of use</p> <p>(2) Move G-RO-3, G-RO-5, CMP-H2, CMP-EI2, CMP-ENT, S-CC-3x, S-CC5x, and E-CC-5x zones into appropriate standards table to carry forward Former Chapter 59 allowances.</p> <p>(3) Add missing Downtown zone districts (D-LD, D-AS, D-CV) to appropriate standards table to carry forward Former Chapter 59 allowances</p> <p>(4) Add New Master planned Context Zone Districts: M-RX-5A, M-GMX and M-CC-5 to appropriate standards table.</p> <p>(5) Move applicability provision up in billboard standards to make it clearer that billboards are allowed only in the Billboard Overlay Use Zone District.</p>

## **GROUP 5: Uses in Article 3 through 8 and Article 11 Uses Limitations and Definitions**

1. Animal Husbandry
  - a. Revise limits to carry forward Former Chapter 59 allowances/limits in I-B and OS-B zones.
  - b. Prohibit use in the O-1 zone to carry forward Former Chapter 59 prohibition.
2. Animal Keeping Accessory to Primary Residential Uses
  - a. Change from “L-ZP” to “L-ZPIN” to carry forward Former Chapter 59 and make all animal exceptions (keeping of animals not specifically listed in Sec. 11.8.6) subject to informational notice requirements.
3. Arts, Entertainment, Recreations, Indoors
  - a. Prohibit use in G-MU to carry forward Former Chapter 59 restriction.
  - b. Add new limits on use in the G-RO zone district to align with “professional studio” allowance in Former Chapter 59.
4. Body Art Establishments
  - a. Correct limit on no more than 2 body art establishments locating within 1,000 feet of each other to carry forward Chapter 59 allowance.
5. Day Care Center
  - a. Allow as “L-ZP” in SU and TU residential zone districts (vs. L-ZPIN) to carry forward Former Chapter 59.
6. Eating and Drinking Establishments
  - a. Correct use table entries in MX/MS-2x zone districts to state “L-ZPIN” to carry forward same type of review as in Former Chapter 59 for “business use exception.”
7. Garden as Accessory Use
  - a. Revise definition to remove embedded standards that were contrary to use limitations applicable to this use in residential zones.
8. Greenhouse as Accessory Use
  - a. Revise definition to remove embedded standards that were contrary to use limitations applicable to this use in residential zones.
9. Home Occupations
  - a. Add new limitation making all permits personal to applicant to carry forward Former Chapter 59.
  - b. Revise limits for large day care homes to carry forward Former Chapter 59 allowance.
  - c. Carry forward Former Chapter 59 allowance for large day care homes in all residential zone districts by allowing (as L-ZPIN) in S-SU-Fx and S-SU-lx zones.
  - d. Add new 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 to carry forward same process as in Former Chapter 59.
  - e. Reorganize Division 11.9 for greater ease of use.
  - f. Revise definition to delete incorrect references to “commercial use” and “retail sales”; replace words “commercial use” with “business use.”
10. Junkyard, Recycling Center, and Recycling Plant/Scrap Processor

- a. Clarify applicability of screening requirement in Industrial Zone Districts and correct relevant section references to carry forward Former Chapter 59 allowances.
11. Manufacturing, General
  - a. Change use allowance in I-MX zone from “P-ZP” to “L-ZP” to make clear limits apply as found in forward Former Chapter 59.
12. Nonresidential Uses in Existing Structures in Residential Zone Districts
  - a. Revise to make clear that customary and incidental accessory uses are allowed with this primary use to carry forward Former Chapter 59 allowance.
13. Outdoor Eating/Serving Areas Accessory to Eating/Drinking Establishments
  - 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).
  - 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
  - c. Revise use table entries for this use to correct level of use review to carry forward Chapter 59 allowances; the exact zone districts in which ZPIN and/or ZPSE review will be required will be finalized in time for Planning Board review.
14. Railroad Facilities
  - a. Correct limitation to remove redundant exclusion of RR tracks (definition already excludes these).
15. Railway ROW
  - a. Revise definition to make clear this use includes rail tracks, guideways, and overhead power lines.
16. Residence for Older Adults
  - a. Add new limit on number of dwelling units per zone lot occupied by this use.
17. Residential Care Uses
  - a. Add new limit making all permits personal to applicant/operator to carry forward Former Chapter 59 limitation.
18. Temporary Outdoor Seasonal Sales (Including Farmers Markets and Flea Markets)
  - a. Revise limitations to make clear that ZPIN review process only applies in the least intensive mixed-use zones (CC/MX/MS-2, - 2x, -2A zones).
  - b. Revise use table entries for this use to correct level of use review to carry forward Chapter 59 allowances; the exact zone districts in which ZPIN and/or ZPSE review will be required will be finalized in time for Planning Board review.
19. Wholesale Trade or Storage, Light
  - a. Prohibit use in the RX district to align with forward Former Chapter 59 prohibition.
  - b. Apply ZPSE review only in D-AS, and D-GT zone districts and not in all CC/MX/MX zones to carry forward Former Chapter 59 levels of review.
  - 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” to carry forward Former Chapter 59 review levels.

- 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.

## **GROUP 6: Article 12 Zoning Procedures and Enforcement**

1. Revisions to “Compliant Structure” Definition and Standards:
  - a. Revise definition to add “Pedestrian Access, Primary Street” to list of building form standards triggering compliant structure status.
2. Revise Standards Applicable to Compliant Structures:
  - a. Add new 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.
3. Revisions to “Compliant Uses” Standards:
  - a. Add new standards giving Zoning Administrator limited authority to approve expansions of a compliant use (same allowance as for nonconforming use).
  - b. 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.
4. Revisions to “Nonconforming Structure” Standards:
  - a. Correct 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.
5. Revisions to Effect of Approval General Standards:
  - a. Revise to make clear that concurrent approvals or permits are subject, in combination, to the longest expiration period applicable.