SUMMARY OF 2024 BUNDLE OF TEXT AMENDMENTS

The 2024 Bundle of Text Amendments is intended to clarify, simplify, and update the Denver Zoning Code. This document provides a summary of the proposed changes to each article of the Denver Zoning Code.

ARTICLE 1 – GENERAL PROVISIONS & ARTICLE 2: USING THE CODE

- **New General Rule Regarding Zone Lots**
  - Added new general rule to Section 1.2.2, Zone Lot Required, to clearly state that development permitted under the zoning code must occur only within the boundaries of the designated zone lot. This clear rule is expected to assist in administration and enforcement.
- **Assignment of Building Form**
  - Allow Zoning Administrator to determine building form for accessory structures to prevent anticipated violations of the Denver Zoning Code.
- **Building Connectors**
  - Revisions to apply the revised building connector building form only to one- and two-unit development where the need had been identified as a priority item for the Bundle; the July Public Draft had proposed allowing the building connector form in all zone districts for commercial development as well.
- **Building Form Assignment for Detached Accessory Structures**
  - Detached accessory structures previously assigned a building form proposed for deletion in these text amendments are automatically assigned a new building form.
- **Article 2**
  - No changes – n/a

ARTICLES 3-8: CHANGES APPLICABLE TO ALL CONTEXTS AND ZONE DISTRICTS

- **Building Coverage for Suburban House, Urban House, Duplex, and Tandem House Forms:** Revised building coverage allowances to be consistent across the same building forms in all zone districts, and to vary the allowance by lot size. Narrower (smaller) lots have the highest coverage, followed by mid-size lots, and the largest lots have the smallest amount; a reduction of up to 10 percent by removing the coverage exception for structures with vehicle parking.
- **Building Form Standards for Detached Accessory Structures:**
  - Create a new building form called **Minor Detached Structures** for structures generally less than 14 feet in height and 200 square foot (sf) footprint, depending on their location on the zone lot. Structures meeting these standards do not require a zoning permit.
    - Simplifies siting of minor structures, including utility equipment, on all properties in Denver. Will also simply enforcement because violations can be remedied without the need to apply for a permit (e.g., moving a minor structure out of a minimum required side setback).
  - Clean-up revisions to Detached Accessory Dwelling Unit building form, including updating District Specific Standards summary table.

    - Revise detached accessory structure building form tables to merge Detached Garage, Other Detached Accessory Structure, and Detached Accessory Structure forms into a new "General Detached Structure" building form. Increase allowed maximum building footprint to 1,000 square feet for all residential zones and remove prohibition on use of detached structure for vehicle parking to get the larger 1,000 square feet footprint (currently 864 square feet in some instances).
- **All Building Form Tables:** Update the description of rear setbacks in all building form tables to clarify the standard when there is or is not an alley abutting a rear zone lot line.
- **Tandem House Building Form:** Deleted the requirement for a minimum visible offset distance.
- **Primary Street Upper Story Setback – Alternative:** Revised to clarify that only portions of buildings located within 1 foot of the minimum primary street setback line must comply with the 15-feet alternative upper story setback requirement (rather than all portions).
- **Design Standard Alternatives - Transparency**
    - Remove allowance for display cases, ATMs, and wall design elements as alternatives to meeting a minimum transparency requirement, based on a history of undesirable building design outcomes contrary to the transparency standard stated intent.
- **Build-to Exceptions**
    - Consolidate Build-To exceptions and move them to the Rule of Measurement in Article 13 to reduce repetition:
        - Exception for Civic, Public, and Institutional uses
        - Exception for Primary Street Offset
        - Exception for Parkways
- **Height Exceptions**
    - Substantial revisions to the height exceptions in the original public review draft have been removed after comments from the public and staff highlighted that the existing height exception table generally works well. Only minor clarification edits made.
- **Setback Exceptions**
    - Remove duplicative setback exceptions and update other setback exceptions to clarify language. Revised definitions of the terms "flatwork," "deck (deleted)," "barrier free access structures," "patios," "porches," and "stoop (deleted)" to clarify permitted setback exceptions.
    - Remove projecting window setback exception.
    - Broadened solar panel setback exception to include all building- and roof-mounted panels and not just flush-mounted panels on roofs.
    - Expanded setback exception for minor detached accessory structures serving purely utilitarian purposes, such as cluster mailboxes.
    - Remove ground-mounted mechanical equipment setback exception because it is covered under new Minor Detached Structure form standards; removal also based on concerns raised by the Denver Department of Public Health and Environment around noise.

- **Use and Parking Tables**
    - Remove informational public notice requirement for zoning permits to establish a nonresidential use in a pre-existing business structure when located in a residential zone district.
    - Broaden allowance for home-based large childcare businesses (up to 12 children), including removal of informational public notice, to comply with recent state law.
    - Broaden allowance for occasional/seasonal sales accessory to all nonprofit organizations, and not just to religious assemblies.
    - Broaden allowance for food trucks on private property by allowing them to operate on a permanent basis (including rotating vendors) as accessory to specific primary uses, including sports arenas, outdoor entertainment/recreation facilities, educational or hospital campus uses, and breweries/wineries/distilleries.
    - Broaden allowance for food trucks to operate on private property on a temporary basis only by removing limitations, allowing them in combination with other temporary uses such as special events/festivals/bazaars/circuses, and on vacant private property.

ARTICLE 8: DOWNTOWN (D-) NEIGHBORHOOD CONTEXT

- **Clean-up revisions** to sections affected by recent Expanding Housing Affordability text amendment and linkage fees.
- **Section 8.4.1.4, Off-Street Parking Requirements:** Remove minimum parking requirements from the Downtown-Lower Downtown (D-LD) zone district to put this downtown zone on par with the Downtown-Core zone district, which also does not require minimum parking.

ARTICLE 9: SPECIAL CONTEXTS AND DISTRICTS

- **Section 9.4.3.11, Bungalow Conservation Overlay (CO-6):** Clean-up revisions to the bungalow conservation overlay.
- **Section 9.4.5.11, River North Overlay District (DO-7):** Remove integrated façade design alternative to meeting the limits on visible parking above street level in the DO-7 (River North Design Overlay District). This design alternative was intended to make structured above-ground parking less visible or obvious to the public but was very difficult to execute successfully and administer consistently.

ARTICLE 10: GENERAL DESIGN STANDARDS

- **Section 10.4.2.1, Vehicle and Bicycle Parking Required:**
    - Create an incentive to improve existing off-street parking areas by allowing staff to reduce the number of existing spaces required to be maintained if the improvements will improve pedestrian or vehicle safety or access.
    - Revises threshold to when additional parking is required after an expansion or change of use when the subject uses' parking ratios are based on gross floor area: only an expansion/change of use that increases GFA more than 25% triggers additional parking, and then only for the increase in GFA over 25%.

    - Clarifies that when additional parking for an expansion or change of use is based on comparing the minimum required parking amounts between the previous and expanded/new use, the calculation must use the current ratios contained in the DZC.
    - Clarifies that when additional parking is required after an expansion or change of use, the entire off-street parking area, including existing spaces, must meet the code's minimum parking area layout/dimensional design standards in Section 10.4.6. Staff is granted authority to reduce the number of required parking spaces if the design improvements with a reduced amount of parking improves pedestrian or vehicle access or safety.
- **Section 10.4.4.3.3 – Bicycle Parking Exceptions:** Provides relief from providing more than 20 outdoor bike parking spaces per street frontage of a development, with any required additional spaces able to be moved inside the building.
- **Section 10.4.4.2 – Vehicle Parking Calculations:** Implements recent state law requiring certain EV-ready parking spaces that are van-accessible to be counted as 2 spaces in calculating required parking spaces.
- **Section 10.4.5 – Vehicle Parking Exemptions and Reductions:** Removes extraneous provisions for retaining accessible parking spaces when applying permitted zoning exemptions or reductions.
- **Section 10.4.6 – Vehicle Parking Design – Revises standards for one- and two-unit development:** Restate and require a minimum "vehicle maneuvering area," which requires a minimum of 21 linear feet of maneuvering area when garage doors/carports do not open directly to a street or alley, and a minimum maneuvering area of 5 feet distance from garage doors/carports that directly open to a street or alley. Staff may reduce the minimum required 21-foot maneuvering area to no less than 18 linear feet through the administrative adjustment process stated in Article 12 of the DZC.
- **Section 10.4.6.7 – Packed Parking:** Allows staff to reduce the 150 square foot minimum parking space area when packed parking is achieved through a mechanized parking system.
- **Section 10.4.8 – Loading:**
    - Clarifies applicability of required loading when there is an expansion or change of use – limited only when the gross floor area or number of units increases by more than 25%.
    - Establishes minimum dimensions for a loading space for multi-unit dwelling uses = 26' long by 10' wide by 14 feet in vertical clear height.
    - Authorizes shared loading spaces between different primary uses located on the same zone lot or on adjacent zone lots.
- **Section 10.5.3 – Tree Preservation** standards removed from the zoning code because the same exact preservation standards are now codified in DRMC, Chapter 57, under the authority and enforcement powers of the Department of Parks and Recreation (where the Forestry Division resides).
- **Section 10.5.5 – Fences and Walls:**
    - Clarify requirement for sight triangles when a fence/wall may affect visibility at intersections with a street or alley.
    - Staff approval of over-height fences and walls limited to an increase by no more than 2 feet above the minimum required – any height greater than 2 feet over the minimum required can only be achieved by a zoning variance at the Board of Adjustment.

        - Clarification of the criteria for staff approval of an over-height fence, allows staff to approve an over-height fence/wall adjacent to a designated parkway if Department of Parks and Recreation approves the exception.
    - Only in CMP and Industrial I-A and I-B zones, new allowance for the installation of barbed wire or a non-lethal electric fence system, if approved by Denver Fire, without limit and no zoning permit required.
    - Consolidation of maximum fence/wall height standards for all zone districts in one section of code rather than repeating in multiple sections.
- **Division 10.6 – Grading:**
    - Significant simplification of grading standards applicable to all development subject to a minimum primary street setback.
    - Limits on grading in the side interior setbacks change to "no more than 1 foot" difference allowed.
    - Review criteria allowing staff to approve exceptions to the grading limits are clarified; staff retains authority to request a written report and supporting drawings from a qualified profession to assist in evaluating exception requests.
    - Broaden exception for parking access to allow changes of grade more than 1 foot in side interior setbacks to allow for vehicle access.
    - Exceptions for retaining walls updated to limit changes only within 10 feet of the primary street zone lot line; new exception allowed for the removal of a retaining wall; and new exception to allow additional grading in the side interior setback within rear 35% of zone lot depth.
- **Division 10.7 – Outdoor Lighting:** Added new, limited exemption for landmark structures and properties from the requirement for full cut-off lighting fixtures.
- **Division 10.10 – Signs:**
    - Move procedures embedded in Section 10.10.3.3. Comprehensive Sign Plans, to a new Section 12.4.15 in Article 12.
    - Clarify when a comprehensive sign plan is an allowed option.
    - Clarify parameters for what is allowed under a comprehensive sign plan in terms of permitted sign types and extent of flexibility granted to vary from minimum standards; clarify additional flexibility or applicable design standards for CSPs in the Downtown zone districts.
    - Add missing I-MX-12 zone district to the sign allowances for industrial zones.
    - Add new by-right allowance for projecting signs in all the Downtown Zone Districts (Section 10.10.14.2), subject to the supplemental design standards in Sections 10.10.16 and 10.10.17 – and a comprehensive sign plan is not required to permit projecting signs in the downtown.
    - Clarify that Sections 10.10.16 and 10.10.17 contain supplemental design and compatibility standards for high-quality projecting signs in the downtown, and that allowance of such projecting signs is no longer tied to an approved comprehensive sign plan.

- Clarify Section 10.10.20, special provisions for signs in the Civic Center area: The Downtown Design Advisory Board must review all sign permits and make a recommendation to the zoning administrator before a permit may be approved.

- **Section 10.8.1.6, Design Standards for Open Space in Large Developments:** There is a requirement that open space be visible from a public named or numbered street. Amendment allows this requirement to be met by visibility from a private street when the public is freely allowed to use the private street.

ARTICLE 11 USE LIMITATIONS & DEFINITIONS

- **Remove all use limitations that require a permit for a primary, accessory, or temporary use be "personal to" the originating permittee or limited to a specified class of persons.** Zoning focuses on the appropriateness of a proposed land use, including the potential for external effects, without regard to who owns or operates the use. Zoning uses with this change to remove the "personal to" standard include:
  - Primary nonresidential uses allowed in an existing business structure in a residential zone district.
  - Second full kitchens accessory to a single unit dwelling use.
  - Large childcare home allowed as a home business (per state law).
  - Zoning permits issued for development on a carriage lot (in Article 12).
  - Allowed expansions of a compliant or nonconforming use (in Article 12).
- **Reorganize and clarify emergency suspension of zoning code standards/procedures for residential care uses**, making clear what standards may be suspended for already permitted shelters/emergency housing and for proposals to establish new shelters/emergency housing during an emergency.
- **Remove duplicative standard** in standards for accessory dwelling units (Section 11.8.2).
- **Clarify short term rental use standards –** regarding the primary residence of any employees of the short-term rental and simultaneous rentals. (Section 11.8.10)
- **Broaden allowance for home-based large childcare** businesses (up to 12 children), including removal of informational public notice, to comply with recent state law. (Section 11.9.3)
- **Clarify and reorganize the Outdoor Gathering Areas standards** – remove requirement for an administrative adjustment for staff to review and approve requests for design flexibility in exchanged for enhanced design or when the outdoor area is not visible from the public realm. Clarify 5-foot minimum clear path for pedestrians on a sidewalk or on a pedestrian path adjacent to an outdoor gathering area. (Section 11.10.14)
- **Creation of new standards to allow food trucks as an accessory use and simplify standards for temporary food trucks:**
  - New allowance for food trucks to be permitted as a permanent accessory use incidental and secondary to the operations of a primary educational, arts/recreation/entertainment, stadium/arena, outdoor retail, brewery/winery/distillery uses and on Denver's educational, hospital, and National Western Center campuses. Allowed with limitations to mitigate for possible external effects. (Section 11.10.19)

    - Remove some limitations on temporary food truck operations and allow food trucks in combination with other temporary uses, such as special events/festivals, farmers' markets, and outdoor amusement/entertainment uses. (Section 11.11.14)
- **Remove requirement for a zoning permit** for temporary Special Events (Sec. 11.11.4) and temporary Food Trucks (Sec. 11.11.14)) when the duration of the use is 12 days or less.
- **For temporary managed community uses** (Sec. 11.11.17), clarify authority of zoning administrator to suspend zoning requirements when there is a qualifying emergency.
- **Revised definitions of "household" and "congregate living"** consistent with recently adopted state law outlawing limitations on dwelling unit occupancy based on the familial relationship between residents.

ARTICLE 12: ZONING PROCEDURES & ENFORCEMENT

- **Section 12.1.1. – General:** Clarify that a zoning permit issued in error does not validate a violation of the zoning code.
- **Section 12.2.7 – Planning Board Authority:**
    - Remove planning board authority to make final decisions to approve/deny site development plans for development in hospital campus zone districts. Remove this special exception and apply the same process to all site development plans.
    - Return the required vote to approve a variance to 3 out of 5 BOA member votes instead of 4 out of 5 votes (the latter proposal was in the original public review draft of these amendment).
- **Section 12.2.6 – Board of Adjustment:** Clarify that BOA has final decision-making authority to approve requests for delays of zoning enforcement activities. Remove procedures for delay of enforcement requests from this section into a new procedural section in 12.4.16.
- **Section 12.2.9 – Summary Table of Authority and Notice:** Update to add repeals of comprehensive sign plans and delays of enforcement procedures.
- **Section 12.3.2 – Pre-Application/Concept Plan Review:** Remove requirement for a mandatory pre-application meeting for zoning permits with informational review (ZPINs).
- **Section 12.3.3.12 - Inactive Applications:** Clarify standards for the expiration and closure of zoning application due to inactivity by the applicant. Align the zoning code's thresholds with the Denver Building Code thresholds for closing out inactive applications, to the maximum extent possible.
    - State deadlines for when inaction may trigger CPD's right to close a record:
        - No action after 45 days on an initial submittal not meeting the minimum requirements for a "complete application" at the application intake step.
        - No payment of a review fee 45 days after notification that a fee is ready to be paid.
        - After receipt of a complete application, no action or request for reasonable extension after 180 days from staff notifying the applicant that corrections or more information is required.
        - After a reasonable timeframe decided by staff, if the applicant has not scheduled a required meeting or hearing before Planning Board, BOA, or City Council.

- Give discretion to CPD to notify an applicant of inactivity before closing a record/application.
- Clarifies how/when a request for an extension of time to respond is made – up to one 180-day extension is allowed.

- **Section 12.3.7.1 - Modifications to Pending or Approved Applications, Plans or Permits:** Add a new provision that treats construction of one or more detached ADU structures/uses as a permitted modification to a previously approved SDP, rather than an amendment. Clarifies that if an ADU is added inside the originally approved footprint of a structure allowed by a site development plan, that ADU may be added without requiring a modification or amendment to the governing site development plan.
  - Provision makes clear that the term "site development plan" includes site and development plans approved under Former Chapter 59 but currently applied to lands zoned under the Denver Zoning Code.
- **Section 12.3.7.2 - Amendments to Approved Applications, Plans, and Permits:**
  - Create new process to allow amendments to a previously approved site development plan without requiring participation of 100% of the property owners subject to the site development plan. This is a discretionary, pre-application review by the Development Review Committee (DRC) against a set of criteria to ensure no adverse impacts on the non-participating owners and surrounding community.
    - Provision makes clear that the term "site development plan" includes site and development plans approved under Former Chapter 59 but currently applied to lands zoned under the Denver Zoning Code.
  - Substantially revise and reduce the number and type of specific changes to a site development that automatically qualify as "amendments", allowing more changes to be processed as simple modifications.
- **Section 12.4.1 – Zoning Permit Review:**
  - **Revise and clarify when a zoning permit is NOT required for minor development** and for development that does not trigger zoning code application, including no zoning permit required for:
    - (1) structures and equipment that meet the new Minor Detached Structure building form standards, (2) children's play structures (including treehouses), (3) most interior-finish-only projects, (4) regular maintenance and normal repairs, (5) minor structures like flagpoles, basketball hoops, and similar low-profile structures, (6) building-mounted solar panels, (7) electric vehicle supply equipment, (8) minor wall-mounted fixtures, wiring, conduits, vents associated with conventional mechanical, electrical, plumbing and fire-protection systems, (9) certain driveway/parking area improvements for one-unit or two-unit dwellings, (10) "like for like" replacement of an existing, permitted fence or wall, and (11) in some zones, security materials added to a permitted fence/wall with permission of the fire department – barbed wire and non-lethal electrified fence system.
    - Exceptions to some of the above permit exemptions apply for Landmark properties and buildings (i.e., a zoning permit may still be required to enable landmark design review and approval).

        - Delete the exemption for works of art (most should meet the new Minor Detached Structure form standards and be exempt).
        - Add a rule for conflicting provisions when a structure meeting the Minor Detached Structure form is otherwise required to get a zoning permit (e.g., in-ground swimming pools will need a zoning permit).
- **Section 12.4.2 – Zoning Permit Review with Informational Notice:** Remove applicability of a ZPIN process to deviations from an approved comprehensive sign plan, and for construction on a small lot where a parking exemption is requested.
- **Section 12.4.3 – Site Development Plan Review:** Expand allowances for limited site preparation/development prior to final site development plan approval.
- **Section 12.4.4 – Zone Lot Amendments:**
    - Allow CPD to amend the boundaries of a zone lot without an owner-initiated application when there is a vacation of public right-of-way.
    - Revise review criteria to allow staff to approve certain zone lot amendments when the existing zone lot is divided/split (not combined), and an existing structure falls out of full compliance with applicable zoning standards.
    - Clarify that an applicant may seek relief from the zone lot amendment review criteria in the form of an administrative adjustment or variance.
- **Section 12.4.5 – Administrative Adjustments:**
    - Clarify and expand the scope of administrative adjustments for landmark properties. Make clear that landmark properties may apply for any flavor of administrative adjustment allowed, in addition to those where the justification for relief is directly connected to the fact of landmarking. Expand applicability of historic structure/property administrative adjustment to include not only locally designated properties, but also properties listed on the state or national registers of historic properties.
    - Expand the ability of staff to approve administrative adjustments when a zoning code provision conflicts with another standard in the zoning code or in Denver's building and fire code.
    - Remove administrative adjustment process to allow alternative designs of an outdoor gathering area (these will still be staff approved only if the alternative meets the city's adopted urban design standards and guidelines for outdoor gathering areas).
    - Clarifies the extent or type of administrative adjustment staff may approve for setback relief.
    - Reformat and revise for clarity the tables stating the variety of administrative adjustments to the city's building form standards that staff may review and approve.
    - Add new types of administrative adjustments allowed, such as adjustments to: (1) minimum vehicle maneuvering area required for garages and carports accessory to one-unit or two-unit dwellings, (2) building configuration design standards when the project is a qualified affordable housing development, (3) required parking amount when the project is a qualified affordable housing development or when relief allows improvement to an existing off-street parking area.
    - Clarify that the expiration for administrative adjustments also applies to zone lot amendments approved through administrative adjustments.
    - Clarify CPD authority to refer to the BOA a zoning relief request that might otherwise qualify to be decided by staff as an administrative adjustment but is closely related with active variance requests for the same project.

- Expand and clarify the intent and application of the "neighborhood compatibility" review criteria.
- Specify that an "unusual physical condition or circumstance" may include conditions arising from a conforming structure located on the subject property (in addition to when an existing nonconforming or compliant structure creates the unusual conditions).
- Allow an adjustment request to reduce the amount of required parking based on unusual physical conditions, to not have to show that the circumstance or condition is unique to the subject property.
- Add the standard "Appeal" provision to the administrative adjustment process, clarifying that an applicant may appeal staff's final decision to the BOA according to Section 12.4.8, Appeals from Administrative Decisions.

- **Section 12.4.7 – Variances**
  - Grant express authority for Board of Adjustment (BOA) to grant variances from zone lot amendment criteria in Section 12.4.4 and the carriage lot development standards stated in Section 12.10.4.
  - Clarification that if a zoning relief request falls within the authority of CPD staff to review it as an administrative adjustment, the applicant must take the request through the administrative adjustment process (except when staff specifically refers the adjustment request to the BOA).
  - Allow a variance request to reduce the amount of required parking, based on unusual physical conditions, to not have to show that the circumstance or condition is unique to the subject property.
  - Expand and clarify the intent and application of the "neighborhood compatibility" review criteria.
  - Clarify that when the BOA denies a variance, an applicant must wait 3 years to submit the same exact request to the board again. The BOA is given authority to waive the 3-year waiting period for good cause and if there have been changes to the code supporting rehearing the variance case.
  - Addition of an expiration for variances unrelated to construction.
- **Section 12.4.8 – Appeal of Administrative Decision**
  - Change the administrative appeal period from 15 days to 30 days.
  - Require CPD to provide the administrative record on appeal to the BOA within 21 days after an appeal is property submitted.
  - Revised to retain provision that an appeal to the BOA shall "stay" all actions and proceedings in furtherance of the action being appealed.
- **Section 12.4.11 – Text Amendments:** Removed "A decision by the City Council on a text amendment may be appealed to District Court." Text amendments are legislative decisions and may not be appealed to District Court.
- **Section 12.4.15 – Comprehensive Sign Plans (CSP):** New procedure section – moved procedures embedded in Article 10 to here.
  - Reformat and clarify all steps in the review process; clarify who may initiate an application for a CSP; remove CSP submittal requirements from the code; clarify roles of the Landmark approving authority, Downtown Design Advisory Board, Denver Planning Board, and the Zoning Administrator in the review of a CSP.
  - Update review criteria for approval of a CSP.
  - Add new procedures for minor adjustments to a CSP and for repeal of an approved CSP.

- **Section 12.4.16 – Delay of Enforcement:**
    - New procedure section - clarify all steps in the review process and clarify that a request for a delay of enforcement is distinct from a request for a variance or an appeal of an enforcement order (although all such requests may be processed concurrently).
    - BOA makes a final decision only after a noticed public hearing.
    - Clarifies the review criteria and the extent of delays allowed, depending on the type of land use at issue.
    - Clarifies expiration of delays and requests for extending a delay.
- **Section 12.10.4 - Development on Carriage Lots:** Revisions to:
    - Remove the requirement that development may only occur on a carriage lot if the carriage lot owner also has their primary residence on the surrounding block.
    - Given change above, allow establishment of a single-unit dwelling unit primary use, provided the structure for the single unit dwelling complies with the Detached Accessory Dwelling Unit building form standards.
    - Allow establishment of an Urban Garden primary use, provided the use is unenclosed.
    - Add new use limits and development standards related to allowance of a new single-unit dwelling as a primary use.
    - Remove the "personal to applicant" zoning permit limit.
    - Remove requirement for recording an agreement prior to zoning permit issuance.

ARTICLE 13 RULES OF MEASUREMENT & DEFINITIONS

- **Section 13.1.2 – Height for All SU, TU, TH, RH, E-MU-2.5, MU-3 and RO-3 Zone Districts:** Revise to clarify that the average elevation of original grade of the side interior zone lot lines (to establish the front base plane) will be measured 20 feet from the primary street zone lot line along the side interior zone lot lines.
- **Section 13.1.4.8 – Rule of Measurement for Height of Minor Detached Structures:** New rule of measurement for structures complying with the new Minor Detached Structure building form – height is measured from finished grade immediately adjacent to the structure.
- **Section 13.1.5 – Siting Form Standards – ROMs - Measuring Zone Lot Width**:
    - Simplify the rule for measuring zone lot width by requiring the width to be measured 20 feet from the point where the side zone lot lines intersect with the primary street zone lot line (vs. measured at the minimum primary street setback).
    - Simplify the required use of a record document to determine zone lot area and zone lot width. Clarify what qualifies as a "record document" for this rule: a recorded subdivision, plat, or deed; an approved zone lot amendment or recorded dedication. Resurveys are not "record documents." Revise and simplify the rule for the "margins" for determining a single measurement for the zone lot per the applicable standard.
- **Section 13.1.5.12 – Location of Detached Structures per Building Form Standards Rule of Measurement:** clarify the existing rule.
- **Section 13.1.6 – Design Element Form Standards**
    - Clarify rule of measurement for front or side wall length/overall structure length or width.

- Clarify that interior balconies are included when measuring "gross area without building coverage" to the exterior faces of the subject structure (re. mass reduction rule of measurement).
- Clarify that interior and exterior balconies do not count toward required "gross area of mass reduction."
- Add "publicly accessible open space" to the types of frontages with which the "gross area of mass reduction" must have uninterrupted perpendicular connection.
- Delete "gate" as a type of permitted "entry feature" for buildings.
- Section 13.1.6.3 – Street Level Activation: Remove allowance for display cases, ATMs, and wall design elements to be used as alternatives to meeting a minimum transparency requirement, based on a history of undesirable building design outcomes contrary to the transparency standard stated intent.

- **Section 13.1.7 – Fence and Wall Height – ROMs:** Allow height of a fence or wall placed on top of a retaining wall to measured starting from a point 6 inches above where the retaining wall no longer retains earth.
- **Remove/revise rules of measurement for building form standards** that are no longer necessary, such as minimum unobstructed distance between primary and accessory structures (Section 13.1.5.15).
- **[NEW] Section 13.1.13 – Rule of Measurement for % Open Standards:** Creation of new rules of measurement for calculating "% Open" standards in the code. Added related definitions of "open" and "unobstructed" in Article 13, Division 13.3.
- **Division 13.3 – Definitions of Words, Terms and Phrases**
  - Revise existing and add new definitions where necessary:
    - Barrier-free Access Structures
    - Building Connector
    - Change of Use
    - Deck and Raised Deck
    - Electrical Equipment
    - Established Tree
    - Existing Neighborhood
    - Flatwork
    - Flush-Mounted Solar Panels
    - Gross Floor Area
    - Mechanical Equipment
    - Open
    - Patio
    - Porch
    - Porch, Unenclosed
    - Projecting Window
    - Record Document
    - Roof, Low-Slope (changed to <u>less</u> than 3:12 slope)
    - Rooftop or Second Story Deck
    - Solar Panel
    - Stoop
    - Structure
    - Structure – Conforming
    - Structure – Compliant
    - Structure – Nonconforming
    - Structure, Detached
    - Structure, Primarily Nonresidential
    - Unobstructed
    - Use – Compliant
    - Use – Nonconforming
    - Utility Equipment
    - Zone Lot – Conforming
    - Zone Lot Size/Area